

**ORDINANCE NO. 2019-27**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING ORDINANCE NO. 2019-16, ENHANCED PERMIT REVIEW - SECTION 5 – DEFINITIONS; AND PROVIDING FOR FINDINGS OF FACT, ENACTMENT, ENFORCEMENT, A REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, House Bill 3167 of the 86th Session of the Texas Legislature requires that a subdivision development plan, subdivision construction plan, site plan, land development application, site development plan, preliminary plat, general plan, final plat, and replat be approved, approved with conditions, or disapproved by staff and/or Planning & Zoning Commission within 30 days of submission or it is deemed approved by inaction; and

**WHEREAS**, House Bill 3167 further requires any comment or denial include a direct citation to a municipal ordinance that is the basis for the conditional approval or disapproval; and

**WHEREAS**, In order to ensure compliance with House Bill 3167, portions of Chapter 14, Section 42 - Site Development Plan Review will need to be amended; and

**WHEREAS**, House Bill 3167 removes the ability for any discretionary approval or denial of Site Development Plans and requires any comment or denial include a direct citation to a municipal ordinance that is the basis for the conditional approval or disapproval.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AS FOLLOWS:**

**SECTION 1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2. ENACTMENT**

That Ordinance 2019-16 shall be amended as follows:

***Permit:*** means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

The term includes (but is not limited to) permits covered by the following sections of the Code of Ordinances:

- §3.16.001: Permits for moving of structures, demolition and site work
- §3.18.002: Permit for construction, alteration or extension; construction or occupancy of permanent structures
- §3.20.051: Permit to erect or install a sign
- §10.03: Platting, excluding Preliminary and Final Plats

~~§14.02 Zoning~~

~~§42.1: Site Plan & Development Plan Review~~

The term does not include Trade Permits, which are excluded from complying with this Ordinance.

### **SECTION 3. REPEALER**

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

### **SECTION 4. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

### **SECTION 5. ENFORCEMENT**

The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

### **SECTION 6. EFFECTIVE DATE**

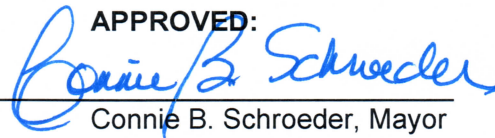
This Ordinance shall be effective immediately upon passage and publication.

### **SECTION 7. OPEN MEETINGS**

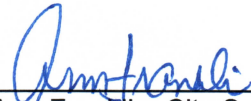
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**READ & ACKNOWLEDGED** on First Reading on the 14th day of August 2019.


**READ & APPROVED** on the Second Reading on the 27th day of August 2019.

by **APPROVED:**   
Connie B. Schroeder, Mayor

**ATTEST:**

  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

  
Alan Bojorquez, City Attorney