

**ORDINANCE NO. 2019-29**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE BASTROP CITY CODE OF ORDINANCES, CHAPTER 14, EXHIBIT A – “ZONING ORDINANCE,” ARTICLE II – “ADMINISTRATION,” SECTION 8 – “PLANNING & ZONING COMMISSION,” SUBSECTION 8.4, “MEETINGS,” TO CHANGE THE NOVEMBER AND DECEMBER PLANNING & ZONING COMMISSION MEETING DATES TO COMPLY WITH TEXAS LOCAL GOVERNMENT CODE CHAPTER 212; 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**, Texas Local Government Code Chapter 212, Subchapter A. Regulation of Subdivisions, Section 212.002 (Rules), grants authority to a governing body of a municipality, after conducting a public hearing on the matter, to adopt rules governing plats and subdivisions of land within the municipality’s jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and

**WHEREAS**, Texas Local Government Code Chapter 212, Subchapter A. Regulation of Subdivisions, Section 212.006, states that the municipal authority responsible for approving plats under this subchapter is the municipal planning commission unless the municipality has no planning commission, then it is the governing body of the municipality; and

**WHEREAS**, the City Council shall annually adopt Schedule Uniform Submittal Dates in September in order to comply with Texas Local Government Code Chapter 212, which lists the Planning & Zoning Commission meeting dates and recognizes their tradition of meeting the last Thursday of the month except for November and December. To address Thanksgiving and Christmas holidays, Planning and Zoning Commission meetings will be on the last Thursday prior to either holiday.

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

**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 Chapter 14 of the Code of Ordinances, Exhibit A – Zoning Ordinance, II – Administration, Section 8 – Planning & Zoning Commission, 8.4 “Meetings,” shall be amended in its entirety to read as follows:

**Section 8.4 Meetings:** The Planning and Zoning Commission shall convene for regular meetings on the last Thursday of January through October, and on the last Thursday prior to Thanksgiving and Christmas holidays in November and December. The meetings shall be in the City Hall or other specified locations as may be designated by the Chairman or Vice Chairman, in the absence of the chairman. Special meetings shall be held at such intervals as may be necessary to orderly and properly transact the business of the Commission as called by the Chairman or the Director of Planning and Development.

## **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.

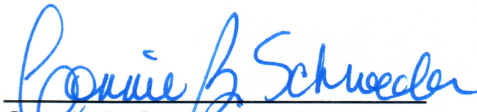
## **SECTION 7. OPEN MEETINGS**

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 and APPROVED** on First Reading on the 14<sup>th</sup> day of August 2019.

**READ and ADOPTED** on Second Reading on the 27<sup>th</sup> day of August 2019.


**APPROVED:**

  
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Connie B. Schroeder, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

  
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Alan Bojorquez, City Attorney