



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION AGENDA

Wednesday, July 01, 2026

Notice is hereby given that the Planning and Zoning Commission of the City of Rollingwood, Texas will hold a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on July 01, 2026 at 6:00 PM. Members of the public and the Planning and Zoning Commission may participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer are physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. The public may watch this meeting live and have the opportunity to comment via audio devices at the link below. The public may also participate in this meeting by dialing one of the toll-free numbers below and entering the meeting ID and Passcode.

Link: <https://us02web.zoom.us/j/5307372193?pwd=QmNUbmZBQ1lwUINjNmK5RnJreIRFUT09>

Toll-Free Numbers: (833) 548-0276 or (833) 548-0282

Meeting ID: 530 737 2193

Password: 9fryms

The public will be permitted to offer public comments via their audio devices when logged in to the meeting or telephonically by calling in as provided by the agenda and as permitted by the presiding officer during the meeting. If a member of the public is having difficulties accessing the public meeting, they can contact the city at citysecretary@rollingwoodtx.gov. Written questions or comments may be submitted up to two hours before the meeting. A video recording of the meeting will be made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. Roll Call

PUBLIC COMMENTS

Citizens wishing to address the Planning and Zoning Commission for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, the Planning and Zoning Commission is restricted from discussing or taking action on items not listed on the agenda.

Citizens who wish to address the Planning and Zoning Commission with regard to matters on the agenda will be received at the time the item is considered.

CONSENT AGENDA

All Consent Agenda items listed are considered to be routine by the Planning and Zoning Commission and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a Board Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- 2. Discussion and possible action on the minutes from the June 3, 2026 Planning and Zoning Commission meeting

REGULAR AGENDA

- 3. Discussion and possible action on proposed ordinance amending Chapter 107, Section 107-3 of the Rollingwood Code of Ordinances related to Playhouses and Playscapes
- 4. Discussion and possible action on a proposed ordinance amending Chapter 107- Zoning, Article V.- Administration and enforcement, Division 4.- Changes in regulations or zoning district boundaries of the Rollingwood Code of Ordinances
- 5. Update regarding inconsistencies within Chapter 107 of the Rollingwood Code of Ordinances

ADJOURNMENT OF MEETING

CERTIFICATION OF POSTING

I hereby certify that the above Notice of Meeting was posted on the bulletin board at the Rollingwood Municipal Building, in Rollingwood, Texas and to the City website at www.rollingwoodtx.gov on **June 25, 2026 by 5:00 p.m.**

Nikki Stautzenberger, Development Services Manager

NOTICE -

The City of Rollingwood is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact the City Secretary, at (512) 327-1838 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

The Planning and Zoning Commission will announce that it will go into executive session, if necessary, to deliberate any matter listed on this agenda for which an exception to open meetings requirements permits such closed deliberation, including but not limited to consultation with the city's attorney(s) pursuant to Texas Government Code section 551.071, as announced at the time of the closed session.

Consultation with legal counsel pursuant to section 551.071 of the Texas Government Code;
discussion of personnel matters pursuant to section 551.074 of the Texas Government Code;
real estate acquisition pursuant to section 551.072 of the Texas Government Code;
prospective gifts pursuant to section 551.073 of the Texas Government Code;
security personnel and device pursuant to section 551.076 of the Texas Government Code;
and/or economic development pursuant to section 551.087 of the Texas Government Code.
Action, if any, will be taken in open session.



**CITY OF ROLLINGWOOD
PLANNING AND ZONING COMMISSION MEETING
MINUTES**

Wednesday, June 03, 2026

The Planning and Zoning Commission of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on June 3, 2026, at 6:00 PM. Members of the public and the Planning and Zoning Commission were able to participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer are physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and is posted to the City’s website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER

- 1. Roll Call

Chair Dave Bench called the meeting to order at 6:00 p.m.

Present Members: Patricia Barnes, Michael Hall, Jerry Fleming, and Dave Bench

Also Present: Assistant to the City Administrator Lindsay Saenz, Development Services Manager Nikki Stautzenberger, and City Planner Amada Padilla

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

- 2. Discussion and possible action on the minutes from the May 20, 2026 Planning and Zoning Commission meeting

Micheal Hall moved to approve the Consent Agenda. Patricia Barnes seconded the motion. The motion carried with 4 in favor and 0 against.

REGULAR AGENDA

- 2. Discussion and possible action to establish a definition for "temporary" as it applies to buildings and structures located within the residential zoning district
Dave Bench introduced the item, noting it arose from prior discussions regarding playhouses and the absence of a formal definition of "temporary" in the existing code, despite the term appearing in Sec. 107-78. Reference materials were presented, including an International

Building Code-based definition and a drafted alternative defining a temporary structure as any building not permanently affixed to the ground, to be dismantled after its declared use has concluded.

Commissioners discussed the practical challenges of applying a time limit to temporary structures, particularly playhouses, which may remain on a property for many years. While the city attorney recommended including an enforceable time limit, commissioners were divided on whether one was appropriate or necessary for playhouses. The distinction between temporary and accessory structures was also debated. No consensus was reached.

Dave Bench moved to drop the item from active consideration, with the understanding that it will be placed back on the agenda if directed by City Council. Jerry Fleming seconded the motion. The motion carried with 4 in favor and 0 opposed.

- 3. Discussion and possible action on proposed amendments regarding tree protection standards and requirements during construction activities

Dave Bench moved to approve the proposed amendments to the tree protection standards and requirements during construction activities, as presented in the packet. Jerry Fleming seconded the motion.

Michael Hall initiated a discussion regarding the tree protection requirement as it applies to all trees on a lot. He offered the example of a severely sloped lot where a project does not disturb the upper or lower portions of the slope, and questioned whether it is reasonable to require and impose the added cost of protective measures for trees that are entirely outside the area of disturbance.

The motion carried with 3 in favor and 1 against (Hall).

- 4. Discussion and possible action on updates regarding an amendment to Chapter 107, Article V, Division 4, relating to changes in regulations or zoning district boundaries in response to changes enacted by the 89th Texas Legislative Session

Dave Bench noted this item was placed on the agenda for informational purposes only. He advised that changes to the 2025 state statutes have altered the relationship between the Planning & Zoning Commission and the City Council, and that the City's ordinances are currently being reviewed by staff to bring them into compliance with state requirements. Notably, City Council will no longer be required to achieve a supermajority to override a Commission recommendation; only a simple majority will suffice. Additional changes are anticipated.

No action was taken. This item will be brought back for further discussion at a future meeting.

ADJOURNMENT OF MEETING

The meeting was adjourned at 6:59 p.m.

Minutes were adopted on the 1st day of July, 2026.

Dave Bench, Chair

ATTEST:

Nikki Stautzenberger, Development Services Manager

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: July 1, 2026

Submitted By:

Staff

Agenda Item:

Staff

Agenda Item:

Discussion and possible action on proposed ordinance amending, Chapter 107, Section 107-3 of the Rollingwood Code of Ordinances related to Playhouses and Playscapes

Description:

The draft presented is the drafted ordinance with the May 20, 2026, Planning and Zoning Commission amendments, for the Planning and Zoning Commission’s consideration.

At the **May 20, 2026, Planning and Zoning Commission meeting**, Commissioners discussed the updated revisions regarding Playhouses and Playscapes. The new proposal amends the current definition of *Accessory building or structure* and adds a definition for *Exempt children’s playhouse and Playscape*.

Commissioner Jay van Bavel moved to approve the amended Section 107-3 definition of accessory building or structure as presented, with the following modifications to the exempt children's playhouse definition: maximum area of 100 square feet, maximum height of 10 feet, and a minimum setback of 8 feet from the lot line. The motion was seconded by Patricia Barnes.

The motion carried with 4 in favor and 1 opposed (Fleming).

Action Requested:

Discuss, review, and make a recommendation regarding a draft Ordinance amending Chapter 107, Section 107-3 of the City of Rollingwood’s Code of Ordinances related to playhouses and playscapes

Fiscal Impacts:

No significant fiscal impacts are anticipated at this time.

Attachments:

- Draft Ordinance amending Chapter 107, section 107-3 of the City of Rollingwood’s Code of Ordinances related to playhouses and playscapes

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ORDINANCE NO. 2026-XX-XX

AN ORDINANCE AMENDING CHAPTER 107, SECTION 107-3 OF THE CITY OF ROLLINGWOOD’S CODE OF ORDINANCES RELATED TO PLAYHOUSES AND PLAYSCAPES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Rollingwood is a General Law Type A City under the statutes of the State of Texas; and

WHEREAS, the Texas Local Government Code Chapter 211 provides authority to regulate the height, number of stories, and size of buildings and other structures such as playhouses and playscapes; and

WHEREAS, the City Council of the City of Rollingwood (“City Council”) finds that scale and placement of playhouses and playscapes can impact the character of residential neighborhoods by affecting the spacing between structures, visibility from adjacent properties, and overall aesthetic harmony; and

WHEREAS, the City Council finds and determines that playhouses and playscapes, particularly those of significant height or located near property lines, can impact the privacy and quiet enjoyment of adjacent properties by creating sightlines into private spaces and generating noise; and

WHEREAS, the City Council finds and determines that unregulated placement or oversized playhouses and playscapes may create safety concerns, obstruct views, or lead to neighborhood disputes regarding setbacks, visual impact, and compatibility with surrounding structures; and

WHEREAS, the City Council finds and declares that establishing reasonable regulations for the size and location of playhouses and playscapes is essential to maintaining the character of residential areas, minimizing conflicts between neighbors, and ensuring that such structures are safely and appropriately integrated within properties.

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

SECTION 1. All the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Code Amendment. The following sections of the Rollingwood Code of Ordinances are hereby amended as follows with ~~strikethroughs~~ being deletions from the Code and underlines being additions to the Code:

Sec. 107-3. – Definitions.

39 *Accessory building or structure* means a building or structure which does not share a
40 common roof or common wall, including, but not limited to, a toolhouse, home workshop,
41 greenhouse, garage, carport, children's playhouse (excluding an “exempt children’s
42 playhouse” or “playscape” as defined herein), or swimming pool house, which:

- 43 (1) Is located on the same lot as a dwelling;
- 44 (2) Is subordinate in area to the dwelling and is used for a purpose customarily
45 incidental to the dwelling;
- 46 (3) Is detached from the dwelling except that a connected foundation or walkway
47 may exist with the dwelling;
- 48 (4) Does not provide complete independent living facilities for one or more persons
49 which include permanent provisions for living, sleeping, and sanitation facilities;
50 and
- 51 (5) Is not used for lease or rental, or for a commercial purpose other than a home
52 occupation by a resident of the main dwelling.

53 *Exempt children’s playhouse* means a temporary, freestanding structure not permanently
54 affixed to the ground, with a roof supported by walls, designed for children’s activities,
55 with no utility facilities, not exceeding 100 square feet in area or 10 feet in height, located
56 in a side or rear yard no closer than 8 feet from the lot line and outside of any drainage
57 easement, public utility easement or public right of way, and, on a corner lot where the
58 lot’s rear yard abuts the neighboring property’s front yard, an exempt children’s playhouse
59 must be located behind a fence, or, if there is no fence, no closer than 20 feet from the
60 property line along the front yard of the abutting lot and no closer than 15 feet from the
61 adjacent street.

62 *Playscape* means a freestanding temporary structure, not permanently affixed to the
63 ground, mostly unenclosed, having no solid floor at grade level or within 48 inches of
64 grade, and designed for children’s activities. A playscape typically consists of a
65 combination of swings, slides, climbing walls, and/or ladders.

66 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with
67 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all
68 other provisions of the City of Rollingwood ordinances which are not in conflict with the
69 provisions of this ordinance shall remain in full force and effect.

70 **SECTION 4.** Should any sentence, paragraph, sub-article, clause, phrase or section of this
71 ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
72 affect the validity of this ordinance as a whole, or any part or provision thereof other than
73 the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity
74 of the Code of Ordinances as a whole.

75 **SECTION 5.** This ordinance shall take effect immediately from and after its passage.

76 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of
77 Rollingwood, Texas, on the _____ day of _____, 2026.

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Gavin Massingill, Mayor

83 ATTEST:

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85 _____

86 _____, City Secretary

DRAFT

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: July 1, 2026

Submitted By:

Staff

Agenda Item:

Discussion and possible action on a proposed ordinance amending Chapter 107- Zoning, Article V.- Administration and enforcement, Division 4.- Changes in regulations or zoning district boundaries of the Rollingwood Code of Ordinances

Description:

Sections 211.006 and 211.0061 of the Texas Local Government Code, as amended by House Bill 24 of the 89th Legislative Session, establish procedures for protests to proposed changes in zoning regulations or district boundaries, including thresholds for property owners' written protests, rules for calculating affected land area, and voting requirements for city councils, including a higher threshold for certain residential development changes.

Sections 211.007 and 211.020 of the Texas Local Government Code, as amended by House Bill 4506 of the 89th Legislative Session, authorize municipalities to provide required notices of zoning hearings electronically to property owners who have opted in, in addition to traditional mailed notices, to improve accessibility and efficiency of public notice.

Portions of the City's existing zoning procedures are also inconsistent with current state law as amended by House Bill 929 of the 88th Legislative Session, which are addressed in the proposed ordinance language.

Action Requested:

Discuss, review, and make a motion regarding the attached 'Exhibit A' of a draft ordinance amending Chapter 107- Zoning, Article V.- Administration and enforcement, Division 4.- Changes in regulations or zoning district boundaries of the Rollingwood Code of Ordinances.

Fiscal Impacts:

No significant fiscal impacts are anticipated at this time.

Attachments:

- Exhibit A to the draft ordinance amending Chapter 107- Zoning, Article V.- Administration and enforcement, Division 4.- Changes in regulations or zoning district boundaries of the Rollingwood Code of Ordinances

DIVISION 4. CHANGES IN REGULATIONS OR ZONING DISTRICT BOUNDARIES

Section 107-515. Applicability.

(a) Applicability.

This Chapter shall apply to: (1) text amendments to this Article; (2) zoning map amendments, including rezoning, and the adoption, amendment, or repeal of overlay districts; and (3) related legislative actions expressly referenced in this Article. This Article does not apply to variances, administrative appeals, or other quasi-judicial matters assigned to the Board of Adjustment or other bodies.

(b) Zoning amendments shall be processed in accordance with this Article and Chapter 211, Texas Local Government Code, as amended.

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Sec. 107-516. Changes initiated by city council or commission.

The city council or commission may, from time to time, on its own motion, initiate (without payment of application or petition fee) amendments, supplements, changes, or modifications to the city's zoning regulations, boundaries or classifications. Any such proposed change will be subject to the hearings and procedures prescribed by this division.

Sec. 107-517. Definitions.

For purposes of this Division, the following terms shall have the meanings set forth below:

(a) "Comprehensive Zoning Change" means a proposal to:

(1) Amend existing zoning regulations in a manner that:

a) Has the effect of permitting a greater amount or intensity of residential development than was allowed under the prior regulation; and

b) Applies to each parcel within one or more zoning districts; or

(2) Adopt a new zoning code or zoning map that will apply to the entire municipality; or

(3) establish a zoning overlay district that:

a) Has the effect of permitting a greater amount or intensity of residential development than is allowed without the overlay district; and

b) Includes property located along a major roadway, highway, or transit corridor.

(b) "Non-Comprehensive Zoning Change" means any proposed amendment to the zoning regulations or zoning map of the City that does not meet the criteria for a Comprehensive Zoning Change as defined in Sec. 107-519.

Commented [CZ1]: Definitions Added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 1, eff. September 1, 2025, codified at Texas Local Government Code Section 211.0011

Sec. 107-518. Applications and petitions.

(a) Any property owner (or such property owner's authorized agent) applying to or petitioning the city for a change in zoning boundaries, regulations or classifications applicable to such applicant's property shall do so upon forms provided by the city. All petitions or applications for changes in zoning regulations, boundaries or classifications shall be filed with the city together with all applicable fees.

(b) Each such petition or application shall:

Commented [CZ2]: Council Member Brown suggests revising this section to include the term "regulations" giving property owners the authority to petition for a change in a zoning regulations, in addition to a change in zoning boundaries or classification. This is a substantive change which should be confirmed by City Council.

- (1) Contain the petitioner's/applicant's name, address and interest in the petition/application; and
- (2) Include a survey prepared by a registered surveyor in the state and a properly recorded subdivision plat which accurately shows the location and boundaries of the property for which the change is requested, the current zoning classification of the property, and the names and addresses of all owners of property lying within 200 feet of the subject property (as reflected on the current city tax roll).
- (c) The commission may make nonmandatory requests for supplemental information from the applicant or petitioner with regard to a zoning change request including, but not limited to, a preliminary plat plan of the anticipated use and improvement of the property.
- (d) A zoning change application includes a properly recorded subdivision plat of the applicable property which is the subject of such application. In lieu thereof, a property owner may simultaneously process a subdivision application to properly subdivide the property provided that the zoning change will not be approved until a subdivision plat of the property has been approved. A city council or commission initiated change does not require that the property be subject to a properly recorded subdivision plat nor does it require a survey of such property.

Sec. 107-519. Public hearings.

(a) Planning and Zoning Commission.

The Planning and Zoning Commission shall conduct at least one public hearing on each proposed zoning and regulatory changes, except where state law permits otherwise.

(b) City Council.

The City Council shall conduct at least one public hearing on each proposed zoning or regulatory change before adopting any change.

(c) Joint public hearing.

The city council may, at its discretion at a properly noticed public meeting, determine that a public hearing shall be held before both the planning and zoning commission and the city council. If such a determination is made, the planning and zoning commission and the city council may conduct a joint public hearing and take action on the application in the following manner:

- 1. The city council on its own motion shall establish the date of the joint public hearing.
- 2. The city council shall cause notice of the joint public hearing to be provided in the same manner as required by Section 107-520.
- 3. The planning and zoning commission and the city council shall be convened for the hearing and for any action to be taken on the petition or application.
- 4. The planning and zoning commission and the city council may take action on the application at the same meeting; however, the city council shall not take action until the report and recommendation of the planning and zoning commission has been received.

(d) Hearing administration.

The City Administrator or designee shall establish the date, time, and place of all required public hearings and shall ensure compliance with all applicable notice requirements.

Sec. 107-520.18. Hearing and Notice.

(a) Regulatory and zoning changes other than Comprehensive Zoning Changes.

- 1. Notice of hearing shall be provided as stipulated in this section and in accordance with Texas Local Government Code.

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Commented [CZ3]: Added by Council Member Brown

Commented [CZ4]: Added by Council Member Brown. Her amendments originally read "by subsections (b)-(d)" however I have moved those subsections into the newly referenced Section 107.520.

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Commented [CZ5]: NOTE: State law provides different public hearing notice requirements for City Council and the Planning and Zoning Commission. The City's notice requirements are more restrictive and applied the same to both bodies.

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82 2. **Newspaper and Internet Notice.** Notice of each hearing shall be published in an official
83 newspaper of general circulation and posted as required by law not later than 16 (sixteen) days
84 before the hearing date.

85 3. **Mailed Notice.** Not less than 20 (Twenty) days before the hearing, or as otherwise required by law,
86 written notice of the time and place of the Commission and City Council hearings shall be sent by
87 mail to the applicant and to owners of real property within 250 feet of the property for which the
88 change is proposed, as their ownership appears on the last approved tax roll. If the application for a
89 change in zoning classification requests a change to a zoning district other than a residential district,
90 the notice must be mailed, not less than 20 (twenty) days prior to the hearing, to all owners of
91 property (as such ownership is shown on the current city tax roll) within the city. The notice may
92 be served by depositing it in the U.S. mail with the proper address and postage.

93 4. **Electronic Notice.** Not less than 20 (twenty) days before the hearing, or as otherwise required by
94 law, notice may be delivered electronically, by email or text, if the recipient has elected to receive
95 the notice electronically and the City has established an online portal on the City’s website through
96 which a recipient may: (1) elect to receive notice electronically and (2) manage recipient preferences
97 for receiving notice electronically. The City shall request that the recipient of notice delivered
98 electronically acknowledges the receipt of the notice and must provide notice as required in
99 Subsection (c) if the recipient does not acknowledge receipt of the notice delivered electronically.

100 5. **Contents of notice.** All notices shall include the purpose, date, time, and place of the hearing and
101 a general description of the proposed zoning action sufficient to inform the public. The notice shall
102 also describe any variances the applicant has requested and state the location and times at which the
103 zoning classification change application and supporting documents are available for public
104 inspection. The time and place of the public hearing to be held before the city council shall also be
105 included if known at the time the notice is given and, if it is not known at such time, a telephone
106 number shall be provided where information on the hearing before the city council will be available
107 at a later date.

109 **(b) Notice of hearing for comprehensive zoning changes.**

110 (1) For a proposed comprehensive zoning change, the notice requirements are as follows:

111 a. Not later than 16 (sixteen) days before the hearing date before the City Council, notice of the
112 time and place of the hearing must be:

113 (i) published in an official newspaper or a newspaper of general circulation in the
114 municipality; and

115 (ii) if the municipality maintains an Internet website, published on the municipality’s
116 Internet website.

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118 **(c) Notice of hearing for Creation of Non-Conforming Use.**

119 (1) Written notice of each public hearing regarding any proposed adoption of or change to a zoning
120 regulation or boundary under which a current conforming use of a property is a nonconforming use
121 if the regulation or boundary is adopted or changed. The notice must:

122 (i) be mailed by United States mail or delivered electronically to each owner of real or business
123 personal property where the proposed nonconforming use is located as indicated by the
124 most recently approved municipal tax roll and each occupant of the property not later than
125 the 10th day before the hearing date;

126 (ii) contain the time and place of the hearing; and

127 (iii) include the following text in bold 14-point type or larger:
128

Commented [CZ6]: The Texas legislature added the authority to provided that electronic notice by Added by Acts 2025, 89th Leg., R.S., Ch. 460 (H.B. 4506), Sec. 3, eff. June 20, 2025, codified in Texas Local Government Code Section 211.020.

Commented [CZ7]: State law only requires 10 days. However, Rollingwood requires 20 days notice for written notice. As such this has been revised to align with the required written notice timeline. Not doing so creates an unworkable notice scheme based on the requirements of Texas Local government Code Section 211.020

Commented [CZ8]: NOTE: This section complies with the new requirements added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 5, eff. September 1, 2025, codified in Texas Local Government Code Section 211.063. However, as previously noted, Rollingwood imposes stricter notice requirements than state law. **QUESTION:** Does city Council want to impose the same requirements for a Comprehensive Zoning change as it imposes for “non” Comprehensive Zoning changes?

Commented [SF9]: Is this a title or an incomplete sentence?

“THE CITY OF ROLLINGWOOD IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY.”

(d) Notice of hearing to School District

Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail or by electronic delivery.

(e) Recordkeeping.

The City shall maintain a record of all notices and all affidavits of publication provided under this Article, including the manner and date of notice, which shall be made part of the official zoning file.

~~(a) The commission will hold a public hearing on all proposed changes to zoning regulations and classifications.~~

Sec. 107-5219. Commission recommendation.

- (a) After the public hearing, the commission will make its recommendation regarding the change in zoning regulations or boundaries.
- (b) The recommendation made by the commission will be submitted to the city council, in writing, and the applicant/petitioner will be notified of the action of the commission.
- (c) The city will establish and maintain a separate file for each petition/application received, and will record the names and addresses of all persons to whom notices were mailed, including the date of mailing and the persons by whom notices were mailed. All records and files herein provided will be made part of the official files of the city.

Sec. 107-5220. Procedure before the city council.

- (a) After receiving the recommendation of the commission, the city council will, at the earliest practicable time, hold a public hearing on the application/petition, at which parties in interest and citizens will have an opportunity to be heard. Notice of the hearing will be given in the manner required under section 107-520+8(b).
- (b) If the commission recommends approval of the change in zoning regulations or boundaries requested in the application/petition, the city council may, except as otherwise provided by this Division, by majority vote, either accept, reject or take other action on the application/petition.

~~(c) If the commission recommends disapproval of the change in zoning regulations or boundaries requested in the application/petition, or if there is filed with the city a written protest against such change, signed by the owners of 20 percent or more, either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extended 200 feet therefrom, such change will not be approved except by the favorable vote of at least four-fifths of the whole number of members of the city council.~~

~~(c)~~ The city council may approve, at such time as a zoning change requested by a property owner (or the property owner's authorized agent) is granted, a development agreement between the city and the applicant containing such assurances as the city council may determine are reasonably necessary regarding the development of the property, including, but not limited to, development of the property substantially in accordance with a preliminary plat plan, in form reasonably satisfactory to the city council (the "development agreement"). The city council may require that the development agreement be recorded in the real property records of the

Commented [CZ10]: NOTE: This is in compliance with the requirements added by the Texas legislature in Acts 2013, 83rd Leg., R.S., Ch. 640 (H.B. 674), Sec. 1, eff. September 1, 2013, codified in Texas Local Government Code Section 211.007 (c-1) and (c-2). However as noted elsewhere the City of Rollingwood imposes stricture notice requirements. **QUESTION:** Do you want to impose the same notice requirements on the City Council public hearing.

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Commented [CZ11]: Moved to new section 107-519

Commented [CZ14]: Protest procedures were amended by the Texas Legislature by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 1, eff. September 1, 2025, codified in Texas Local Government Code Section 211.0061. The new protest procedures have been added as a new section below, Section 107.523

175 county and constitute covenants running with the land. Thereafter, any requested modifications, amendments
176 or variances to the development agreement must be considered by and receive the prior approval of the city
177 council. All representations, whether written or oral, made by an applicant or his agent in connection with a
178 zoning change request at any of the public hearings held in connection therewith will be binding upon such
179 applicant and the property which is subject to the zoning classification change. It will be unlawful for the
180 applicant to vary or breach any of such representations without first obtaining the prior written approval of
181 the city council.

182 (e) Any change in zoning regulations or boundaries must be enacted in the form of an ordinance amending this
183 article.

184 (f) If a zoning change application filed by or on behalf of a property owner with regard to such property is denied
185 by the city council, then a zoning application for such property requesting a change to the same zoning
186 classification previously requested may not be filed with the city for a period of six months from the date of
187 the prior denial by city council.

188
189

190 **Section 107-523. Protests of non-comprehensive zoning changes.**

191
192 (a) A protest of a non-comprehensive zoning change must be written and signed by the owners of:

- 193 (1) at least 20 percent of the area of the lots or land covered by the proposed change;
- 194 (2) except as provided by Subdivision (3), at least 20 percent of the area of the lots or land immediately
195 adjoining the area covered by the proposed change and extending 200 feet from that area; or
- 196 (3) at least 60 percent of the area of the lots or land immediately adjoining the area covered by the
197 proposed change and extending 200 feet from that area if the proposed change has the effect of
198 allowing more residential development than the existing zoning regulation or district boundary
199 and does not have the effect of allowing additional commercial or industrial uses unless the
200 additional use is limited to the first floor of any residential development and does not exceed 35
201 percent of the overall development.

202 (b) In computing the percentage of land area under Subsection (a):

- 203 (1) the area of streets and alleys shall be included; and
- 204 (2) the land area is not calculated individually for each tract of land subject to a proposed change in a
205 zoning regulation or district boundary but in the aggregate for all tracts of land subject to the
206 change.

207 (c) If a proposed change to a regulation or district boundary is protested in accordance with Subsection (a), the
208 proposed change must receive, to take effect, the affirmative vote of at least:

- 209 (1) three-fourths of all members of the governing body for a protest described by Subsection (a)(1) or
210 (2); or
- 211 (2) a majority of all members of the governing body for a protest described by Subsection (a)(3).

212 **Sec. 107-524. Suspending issuance of permits and approval of site plans pending**
213 **amendments.**

214 No application for site plan approval will be accepted for filing nor processed, and no building, site clearance, or
215 grading permit will be issued for any work, other than in connection with a single-family residential use, for a period
216 of no more than 90 days on land which is being considered for a change in zoning classification or is subject to an
217 amendment to the zoning ordinance being considered by the city council. Such 90-day period will begin on the date
218 the proposed zoning classification change or proposed zoning ordinance amendment is published for public hearing
219 by the commission. Properties with respect to which building permits or final site plans have been approved prior to

Commented [CZ15]: Added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 1, eff. September 1, 2025, codified in Texas Local Government Code Section 211.061.

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220 such date are excepted from this restriction. The time period for such restriction will expire upon the earlier to occur
221 of expiration of such 90-day period or final determination of such zoning change or amendment by the city council.
222 The foregoing notwithstanding, a site plan may be approved by the city council (and a building permit may be issued)
223 simultaneously with the approval of a zoning change classification or an amendment to the zoning ordinance by the
224 city council.

DIVISION 4. CHANGES IN REGULATIONS OR ZONING DISTRICT BOUNDARIES

Section 107-515. Applicability.

(a) Applicability.

This Chapter shall apply to: (1) text amendments to this Article; (2) zoning map amendments, including rezoning, and the adoption, amendment, or repeal of overlay districts; and (3) related legislative actions expressly referenced in this Article. This Article does not apply to variances, administrative appeals, or other quasi-judicial matters assigned to the Board of Adjustment or other bodies.

(b) Zoning amendments shall be processed in accordance with this Article and Chapter 211, Texas Local Government Code, as amended.

Sec. 107-516. Changes initiated by city council or commission.

The city council or commission may, from time to time, on its own motion, initiate (without payment of application or petition fee) amendments, supplements, changes, or modifications to the city's zoning regulations, boundaries or classifications. Any such proposed change will be subject to the hearings and procedures prescribed by this division.

Sec. 107-517. Definitions.

For purposes of this Division, the following terms shall have the meanings set forth below:

(a) "Comprehensive Zoning Change" means a proposal to:

(1) Amend existing zoning regulations in a manner that:

a) Has the effect of permitting a greater amount or intensity of residential development than was allowed under the prior regulation; and

b) Applies to each parcel within one or more zoning districts; or

(2) Adopt a new zoning code or zoning map that will apply to the entire municipality; or

(3) establish a zoning overlay district that:

a) Has the effect of permitting a greater amount or intensity of residential development than is allowed without the overlay district; and

b) Includes property located along a major roadway, highway, or transit corridor.

(b) "Non-Comprehensive Zoning Change" means any proposed amendment to the zoning regulations or zoning map of the City that does not meet the criteria for a Comprehensive Zoning Change as defined in Sec. 107-519.

Sec. 107-518. Applications and petitions.

(a) Any property owner (or such property owner's authorized agent) applying to or petitioning the city for a change in zoning boundaries, regulations or classifications applicable to such applicant's property shall do so upon forms provided by the city. All petitions or applications for changes in zoning regulations, boundaries or classifications shall be filed with the city together with all applicable fees.

(b) Each such petition or application shall:

Commented [A1]: Definitions Added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 1, eff. September 1, 2025, codified at Texas Local Government Code Section 211.0011

Commented [A2]: Council Member Brown suggests revising this section to include the term "regulations" giving property owners the authority to petition for a change in a zoning regulations, in addition to a change in zoning boundaries or classification. This is a substantive change which should be confirmed by City Council.

- 39 (1) Contain the petitioner's/applicant's name, address and interest in the petition/application; and
- 40 (2) Include a survey prepared by a registered surveyor in the state and a properly recorded subdivision
- 41 plat which accurately shows the location and boundaries of the property for which the change is
- 42 requested, the current zoning classification of the property, and the names and addresses of all
- 43 owners of property lying within 200 feet of the subject property (as reflected on the current city tax
- 44 roll).
- 45 (c) The commission may make nonmandatory requests for supplemental information from the applicant or
- 46 petitioner with regard to a zoning change request including, but not limited to, a preliminary plat plan of the
- 47 anticipated use and improvement of the property.
- 48 (d) A zoning change application includes a properly recorded subdivision plat of the applicable property which
- 49 is the subject of such application. In lieu thereof, a property owner may simultaneously process a subdivision
- 50 application to properly subdivide the property provided that the zoning change will not be approved until a
- 51 subdivision plat of the property has been approved. A city council or commission initiated change does not
- 52 require that the property be subject to a properly recorded subdivision plat nor does it require a survey of
- 53 such property.

Sec. 107-519. Public hearings.

(a) Planning and Zoning Commission.

The Planning and Zoning Commission shall conduct at least one public hearing on each proposed zoning and regulatory changes, except where state law permits otherwise.

(b) City Council.

The City Council shall conduct at least one public hearing on each proposed zoning or regulatory change before adopting any change.

(c) Joint public hearing.

The city council may, at its discretion at a properly noticed public meeting, determine that a public hearing shall be held before both the planning and zoning commission and the city council. If such a determination is made, the planning and zoning commission and the city council may conduct a joint public hearing and take action on the application in the following manner:

- 1. The city council on its own motion shall establish the date of the joint public hearing.
- 2. The city council shall cause notice of the joint public hearing to be provided in the same manner as required by Section 107-520.
- 3. The planning and zoning commission and the city council shall be convened for the hearing and for any action to be taken on the petition or application.
- 4. The planning and zoning commission and the city council may take action on the application at the same meeting; however, the city council shall not take action until the report and recommendation of the planning and zoning commission has been received.

(d) Hearing administration.

The City Administrator or designee shall establish the date, time, and place of all required public hearings and shall ensure compliance with all applicable notice requirements.

Sec. 107-52018. Hearing and nNotice.

(a) Regulatory and zoning changes other than Comprehensive Zoning Changes.

- 1. Notice of hearing shall be provided as stipulated in this section and in accordance with Texas Local Government Code.

Commented [A3]: Added by Council Member Brown

Commented [A4]: Added by Council Member Brown. Her amendments originally read "by subsections (b)-(d)" however I have moved those subsections into the newly referenced Section 107.520.

Commented [A5]: NOTE: State law provides different public hearing notice requirements for City Council and the Planning and Zoning Commission. The City's notice requirements are more restrictive and applied the same to both bodies.

82 2. Newspaper and Internet Notice. Notice of each hearing shall be published in an official
83 newspaper of general circulation and posted as required by law not later than 16 (sixteen) days
84 before the hearing date.

85 3. Mailed Notice. Not less than 20 (Twenty) days before the hearing, or as otherwise required by law,
86 written notice of the time and place of the Commission and City Council hearings shall be sent by
87 mail to the applicant and to owners of real property within 250 feet of the property for which the
88 change is proposed, as their ownership appears on the last approved tax roll. If the application for a
89 change in zoning classification requests a change to a zoning district other than a residential district,
90 the notice must be mailed, not less than 20 (twenty) days prior to the hearing, to all owners of
91 property (as such ownership is shown on the current city tax roll) within the city. The notice may
92 be served by depositing it in the U.S. mail with the proper address and postage.

93 4. Electronic Notice. Not less than 20 (twenty) days before the hearing, or as otherwise required by
94 law, notice may be delivered electronically, by email or text, if the recipient has elected to receive
95 the notice electronically and the City has established an online portal on the City's website through
96 which a recipient may: (1) elect to receive notice electronically and (2) manage recipient preferences
97 for receiving notice electronically. The City shall request that the recipient of notice delivered
98 electronically acknowledges the receipt of the notice and must provide notice as required in
99 Subsection (c) if the recipient does not acknowledge receipt of the notice delivered electronically.

100 5. Contents of notice. All notices shall include the purpose, date, time, and place of the hearing and
101 a general description of the proposed zoning action sufficient to inform the public. The notice shall
102 also describe any variances the applicant has requested and state the location and times at which the
103 zoning classification change application and supporting documents are available for public
104 inspection. The time and place of the public hearing to be held before the city council shall also be
105 included if known at the time the notice is given and, if it is not known at such time, a telephone
106 number shall be provided where information on the hearing before the city council will be available
107 at a later date.

108
109 **(b) Notice of hearing for comprehensive zoning changes.**

110 (1) For a proposed comprehensive zoning change, the notice requirements are as follows:

111 a. Not later than 16 (sixteen) days before the hearing date before the City Council, notice of the
112 time and place of the hearing must be:

113 (i) published in an official newspaper or a newspaper of general circulation in the
114 municipality; and

115 (ii) if the municipality maintains an Internet website, published on the municipality's
116 Internet website.

117
118 **(c) Notice of hearing for Creation of Non-Conforming Use.**

119 (1) Written notice of each public hearing regarding any proposed adoption of or change to a zoning
120 regulation or boundary under which a current conforming use of a property is a nonconforming use
121 if the regulation or boundary is adopted or changed. The notice must:

122 (i) be mailed by United States mail or delivered electronically to each owner of real or business
123 personal property where the proposed nonconforming use is located as indicated by the
124 most recently approved municipal tax roll and each occupant of the property not later than
125 the 10th day before the hearing date;

126 (ii) contain the time and place of the hearing; and

127 (iii) include the following text in bold 14-point type or larger:
128

Commented [A6]: The Texas legislature added the authority to provided that electronic notice by Added by Acts 2025, 89th Leg., R.S., Ch. 460 (H.B. 4506), Sec. 3, eff. June 20, 2025, codified in Texas Local Government Code Section 211.020.

Commented [A7]: State law only requires 10 days. However, Rollingwood requires 20 days notice for written notice. As such this has been revised to align with the required written notice timeline. Not doing so creates an unworkable notice scheme based on the requirements of Texas Local government Code Section 211.020

Commented [A8]: NOTE: This section complies with the new requirements added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 5, eff. September 1, 2025, codified in Texas Local Government Code Section 211.063. However, as previously noted, Rollingwood imposes stricter notice requirements than state law. **QUESTION:** Does city Council want to impose the same requirements for a Comprehensive Zoning hange as it imposes for "non" Comprehensive Zoning changes?

Commented [A9]: Is this a title or an incomplete sentence?

“THE CITY OF ROLLINGWOOD IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY.”

(d) Notice of hearing to School District

Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail or by electronic delivery.

(e) Recordkeeping.

The City shall maintain a record of all notices and all affidavits of publication provided under this Article, including the manner and date of notice, which shall be made part of the official zoning file.

~~(a) The commission will hold a public hearing on all proposed changes to zoning regulations and classifications.~~

~~(b) Notice requirements:~~

~~(1) Not less than 16 days prior to the city council public hearing, notice of the date, time and location thereof will be published in the official newspaper of the city or in a newspaper of general circulation in the city.~~

~~(2) In the case of a proposed change in zoning classification, written notice of a public hearing will be mailed, not less than 20 days prior to each required public hearing of the planning and zoning commission and city council, to all owners of property (as such ownership is shown on the current city tax roll) lying within 250 feet of the property that is the subject of the proposed zoning classification change. If the application for a change in zoning classification requests a change to a zoning district other than a residential district, the notice must be mailed, not less than 20 days prior to the hearing, to all owners of property (as such ownership is shown on the current city tax roll) within the city. The notice may be served by depositing it in the U.S. mail with the proper address and postage.~~

~~(3) Such notice shall state the purpose, date, time, and place of the hearing, together with a brief description of the proposed development, including its nature, scope, and location. The notice shall also describe any variances the applicant has requested and state the location and times at which the zoning classification change application and supporting documents are available for public inspection. The time and place of the public hearing to be held before the city council shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing before the city council will be available at a later date.~~

~~(c) Public hearing required. Whenever a public hearing is required, the city administrator or his/her designee shall establish the date, time and place of the public hearing and shall cause any notice required to be prepared and made accordingly.~~

~~(d) Joint public hearing. The city council may, at its discretion at a properly noticed public meeting, determine that a public hearing shall be held before both the planning and zoning commission and the city council. If such a determination is made, the planning and zoning commission and the city council may conduct a joint public hearing and take action on the application in the following manner:~~

~~(1) The city council on its own motion shall establish the date of the joint public hearing.~~

~~(2) The city council shall cause notice of the joint public hearing to be provided as required.~~

Commented [A10]: NOTE: This is in compliance with the requirements added by the Texas legislature in Acts 2013, 83rd Leg., R.S., Ch. 640 (H.B. 674), Sec. 1, eff. September 1, 2013, codified in Texas Local Government Code Section 211.007 (c-1) and (c-2). However as noted elsewhere the City of Rollingwood imposes stricture notice requirements. **QUESTION:** Do you want to impose the same notice requirements on the City Council public hearing.

Commented [A11]: Moved to new section 107-519

Commented [A12]: Moved to section (a) in this newly numbered and named section.

176 ~~(3) The planning and zoning commission and the city council shall be convened for the hearing and for~~
177 ~~any action to be taken on the petition or application.~~

178 ~~(4) The planning and zoning commission and the city council may take action on the application at the~~
179 ~~same meeting; however, the city council shall not take action until the report and recommendation~~
180 ~~of the planning and zoning commission has been received.~~

Commented [A13]: Moved to new section 107-519.

181 **Sec. 107-5219. Commission recommendation.**

- 182 (a) After the public hearing, the commission will make its recommendation regarding the change in zoning
- 183 regulations or boundaries.
- 184 (b) The recommendation made by the commission will be submitted to the city council, in writing, and the
- 185 applicant/petitioner will be notified of the action of the commission.
- 186 (c) The city will establish and maintain a separate file for each petition/application received, and will record the
- 187 names and addresses of all persons to whom notices were mailed, including the date of mailing and the
- 188 persons by whom notices were mailed. All records and files herein provided will be made part of the official
- 189 files of the city.

190 **Sec. 107-5220. Procedure before the city council.**

- 191 (a) After receiving the recommendation of the commission, the city council will, at the earliest practicable time,
- 192 hold a public hearing on the application/petition, at which parties in interest and citizens will have an
- 193 opportunity to be heard. Notice of the hearing will be given in the manner required under section 107-
- 194 ~~52048(b).~~
- 195 (b) If the commission recommends approval of the change in zoning regulations or boundaries requested in the
- 196 application/petition, the city council may, except as otherwise provided by this Division, by majority vote,
- 197 either accept, reject or take other action on the application/petition.

198 ~~(c) If the commission recommends disapproval of the change in zoning regulations or boundaries requested in~~
199 ~~the application/petition, or if there is filed with the city a written protest against such change, signed by the~~
200 ~~owners of 20 percent or more, either of the area of the lots or land included in such proposed change, or of~~
201 ~~the lots or land immediately adjoining the same and extended 200 feet therefrom, such change will not be~~
202 ~~approved except by the favorable vote of at least four-fifths of the whole number of members of the city~~
203 ~~council.~~

Commented [A14]: Protest procedures were amended by the Texas Legislature by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 1, eff. September 1, 2025, codified in Texas Local Government Code Section 211.0061. The new protest procedures have been added as a new section below, Section 107.523

204 (cd) The city council may approve, at such time as a zoning change requested by a property owner (or the property
205 owner's authorized agent) is granted, a development agreement between the city and the applicant containing
206 such assurances as the city council may determine are reasonably necessary regarding the development of
207 the property, including, but not limited to, development of the property substantially in accordance with a
208 preliminary plat plan, in form reasonably satisfactory to the city council (the "development agreement"). The
209 city council may require that the development agreement be recorded in the real property records of the
210 county and constitute covenants running with the land. Thereafter, any requested modifications, amendments
211 or variances to the development agreement must be considered by and receive the prior approval of the city
212 council. All representations, whether written or oral, made by an applicant or his agent in connection with a
213 zoning change request at any of the public hearings held in connection therewith will be binding upon such
214 applicant and the property which is subject to the zoning classification change. It will be unlawful for the
215 applicant to vary or breach any of such representations without first obtaining the prior written approval of
216 the city council.

217 (e) Any change in zoning regulations or boundaries must be enacted in the form of an ordinance amending this
218 article.

219 (f) If a zoning change application filed by or on behalf of a property owner with regard to such property is denied
220 by the city council, then a zoning application for such property requesting a change to the same zoning
221 classification previously requested may not be filed with the city for a period of six months from the date of
222 the prior denial by city council.

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Section 107-523. Protests of non-comprehensive zoning changes.

- (a) A protest of a non-comprehensive zoning change must be written and signed by the owners of:
 - (1) at least 20 percent of the area of the lots or land covered by the proposed change;
 - (2) except as provided by Subdivision (3), at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or
 - (3) at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change has the effect of allowing more residential development than the existing zoning regulation or district boundary and does not have the effect of allowing additional commercial or industrial uses unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development.
- (b) In computing the percentage of land area under Subsection (a):
 - (1) the area of streets and alleys shall be included; and
 - (2) the land area is not calculated individually for each tract of land subject to a proposed change in a zoning regulation or district boundary but in the aggregate for all tracts of land subject to the change.
- (c) If a proposed change to a regulation or district boundary is protested in accordance with Subsection (a), the proposed change must receive, to take effect, the affirmative vote of at least:
 - (1) three-fourths of all members of the governing body for a protest described by Subsection (a)(1) or (2); or
 - (2) a majority of all members of the governing body for a protest described by Subsection (a)(3).

Commented [A15]: Added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 1, eff. September 1, 2025, codified in Texas Local Government Code Section 211.061.

Sec. 107-524. Suspending issuance of permits and approval of site plans pending amendments.

No application for site plan approval will be accepted for filing nor processed, and no building, site clearance, or grading permit will be issued for any work, other than in connection with a single-family residential use, for a period of no more than 90 days on land which is being considered for a change in zoning classification or is subject to an amendment to the zoning ordinance being considered by the city council. Such 90-day period will begin on the date the proposed zoning classification change or proposed zoning ordinance amendment is published for public hearing by the commission. Properties with respect to which building permits or final site plans have been approved prior to such date are excepted from this restriction. The time period for such restriction will expire upon the earlier to occur of expiration of such 90-day period or final determination of such zoning change or amendment by the city council. The foregoing notwithstanding, a site plan may be approved by the city council (and a building permit may be issued) simultaneously with the approval of a zoning change classification or an amendment to the zoning ordinance by the city council.

DIVISION 4. CHANGES IN REGULATIONS OR ZONING DISTRICT BOUNDARIES

Section 107-515. Applicability.

(a) Applicability.

This Division governs the procedures for the adoption of any zoning change as defined in this Division.

(b) Zoning changes shall be processed in accordance with this Article and Chapter 211, Texas Local Government Code, as amended.

Sec. 107-516. Changes initiated by city council or commission.

The city council or commission may, from time to time, on its own motion, initiate (without payment of application or petition fee) amendments, supplements, changes, or modifications to the city's zoning regulations, boundaries or classifications. Any such proposed zoning change will be subject to the hearings and procedures prescribed by this division.

Sec. 107-517. Definitions.

For purposes of this Division, the following terms shall have the meanings set forth below:

(a) "Comprehensive Zoning Change" means a proposal to:

(1) amend existing zoning regulations in a manner that:

a) has the effect of permitting a greater amount or intensity of residential development than was allowed under the prior regulation; and

b) applies uniformly to each parcel within one or more zoning districts; or

(2) adopt a new zoning code or zoning map that will apply to the entire municipality; or

(3) establish a zoning overlay district that:

a) has the effect of permitting a greater amount or intensity of residential development than is allowed without the overlay district; and

b) includes property located along a major roadway, highway, or transit corridor.

(b) "Non-Comprehensive Zoning Change" means any proposed amendment to the zoning regulations or zoning map of the City that does not meet the criteria for a Comprehensive Zoning Change as defined in Sec. 107-519.

(c) "Zoning change" means the adoption of any change to an existing zoning regulation, zoning map or zoning district boundary by amendment, repeal or other change, the adoption of a new zoning classification, zoning code or zoning map, or other change of a zoning regulation or boundary.

Sec. 107-5187. Applications and petitions.

(a) Any property owner (or such property owner's authorized agent) applying to or petitioning the city for a zoning change in zoning boundaries or classifications applicable to such applicant's property shall do so upon forms provided by the city. All petitions or applications for changes in a zoning change boundaries or classifications shall be filed with the city together with all applicable fees.

(b) Each such petition or application shall:

Commented [A1]: Definitions Added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 1, eff. September 1, 2025, codified at Texas Local Government Code Section 211.0011

- 39 (1) Contain the petitioner's/applicant's name, address and interest in the petition/application; and
- 40 (2) Include a survey prepared by a registered surveyor in the state and a properly recorded subdivision
- 41 plat which accurately shows the location and boundaries of the property for which the change is
- 42 requested, the current zoning classification of the property, and the names and addresses of all
- 43 owners of property lying within 200 feet of the subject property (as reflected on the current city tax
- 44 roll).
- 45 (c) The commission may make nonmandatory requests for supplemental information from the applicant or
- 46 petitioner with regard to a zoning change request including, but not limited to, a preliminary plat plan of the
- 47 anticipated use and improvement of the property.
- 48 (d) A zoning change application includes a properly recorded subdivision plat of the applicable property which
- 49 is the subject of such application. In lieu thereof, a property owner may simultaneously process a subdivision
- 50 application to properly subdivide the property provided that the zoning change will not be approved until a
- 51 subdivision plat of the property has been approved. A city council or commission initiated change does not
- 52 require that the property be subject to a properly recorded subdivision plat nor does it require a survey of
- 53 such property.

Sec. 107-519. Public hearings.

(a) Planning and Zoning Commission.

The Planning and Zoning Commission shall conduct at least one public hearing on each proposed zoning change, except where state law permits otherwise.

(b) City Council.

The City Council shall conduct at least one public hearing on each proposed zoning change before adopting any change.

(c) Joint public hearing.

The city council may, at its discretion at a properly noticed public meeting, determine that a public hearing shall be held before both the planning and zoning commission and the city council. If such a determination is made, the planning and zoning commission and the city council may conduct a joint public hearing and take action on the application in the following manner:

- 1. The city council on its own motion shall establish the date of the joint public hearing.
- 2. The city council shall cause notice of the joint public hearing to be provided in the same manner as required by Section 107-520.
- 3. The planning and zoning commission and the city council shall be convened for the hearing and for any action to be taken on the petition or application.
- 4. The planning and zoning commission and the city council may take action on the application at the same meeting; however, the city council shall not take action until the report and recommendation of the planning and zoning commission has been received.

(d) Hearing Administration.

The City Administrator or designee shall establish the date, time, and place of all required public hearings and shall ensure compliance with all applicable notice requirements.

Sec. 107-52018. Hearing and nNotice.

(a) Regulatory and Zoning changes other than Comprehensive Zoning Changes.

- 1. Notice of hearing shall be provided as stipulated in this section and in accordance with Texas Local Government Code.

Commented [A2]: NOTE: State law provides different public hearing notice requirements for City Council and the Planning and Zoning Commission. The City's notice requirements are more restrictive and applied the same to both bodies.

82 2. Newspaper and Internet Notice. Notice of each hearing shall be published in an official
 83 newspaper of general circulation and posted as required by law not later than 16 (sixteen) days
 84 before the hearing date.

85 3. Mailed Notice. Not less than 20 (Twenty) days before the hearing, or as otherwise required by law,
 86 written notice of the time and place of the Commission and City Council hearings shall be sent by
 87 mail to the applicant and to owners of real property within 250 feet of the property for which the
 88 change is proposed, as their ownership appears on the last approved tax roll. If the application for a
 89 change in zoning classification requests a change to a zoning district other than a residential district,
 90 the notice must be mailed, not less than 20 (twenty) days prior to the hearing, to all owners of
 91 property (as such ownership is shown on the current city tax roll) within the city. The notice may
 92 be served by depositing it in the U.S. mail with the proper address and postage.

93 4. Electronic Notice. Not less than 20 (twenty) days before the hearing, or as otherwise required by
 94 law, notice may be delivered electronically, by email or text, if the recipient has elected to receive
 95 the notice electronically and the City has established an online portal on the City's website through
 96 which a recipient may: (1) elect to receive notice electronically and (2) manage recipient preferences
 97 for receiving notice electronically. The City shall request that the recipient of notice delivered
 98 electronically acknowledges the receipt of the notice and must provide notice as required in
 99 Subsection (c) if the recipient does not acknowledge receipt of the notice delivered electronically.

100 5. Contents of notice. All notices shall include the purpose, date, time, and place of the hearing and
 101 a general description of the proposed zoning change sufficient to inform the public. The notice shall
 102 also describe any variances the applicant has requested and state the location and times at which the
 103 zoning change application and supporting documents are available for public inspection. The time
 104 and place of the public hearing to be held before the city council shall also be included if known at
 105 the time the notice is given and, if it is not known at such time, a telephone number shall be provided
 106 where information on the hearing before the city council will be available at a later date.

(b) Notice of hearing for comprehensive zoning changes.

- (1) For a proposed comprehensive zoning change, the notice requirements are as follows:
- a. Not later than 16 (sixteen) days before the hearing date before the City Council, notice of the time and place of the hearing must be:
 - (i) published in an official newspaper or a newspaper of general circulation in the municipality; and
 - (ii) if the municipality maintains an Internet website, published on the municipality's Internet website.

(2) In addition to the notice required by Subdivision (1), if a proposed comprehensive zoning change would cause a current conforming use of property to become a nonconforming use, the notice described in Subsection (c) must also be provided in the manner and within the time required by that subsection.

(c) Notice of hearing for Creation of Non-Conforming Use.

This subsection applies to any proposed zoning change, whether a Comprehensive Zoning Change or a Non-Comprehensive Zoning Change, under which a current conforming use of property would become a nonconforming use.

- (1) Written notice of each public hearing regarding any proposed zoning change under which a current conforming use of a property would become a nonconforming use if the regulation or boundary is adopted or changed. The notice must:
- (i) be mailed by United States mail or delivered electronically to each owner of real or business personal property where the proposed nonconforming use is located as indicated by the

Commented [A3]: The Texas legislature added the authority to provided that electronic notice by Added by Acts 2025, 89th Leg., R.S., Ch. 460 (H.B. 4506), Sec. 3, eff. June 20, 2025, codified in Texas Local Government Code Section 211.020.

Commented [A4]: State law only requires 10 days. However, Rollingwood requires 20 days notice for written notice. As such this has been revised to align with the required written notice timeline. Not doing so creates an unworkable notice scheme based on the requirements of Texas Local government Code Section 211.020

Commented [A5]: NOTE: This section complies with the new requirements added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 5, eff. September 1, 2025, codified in Texas Local Government Code Section 211.063. However, as previously noted, Rollingwood imposes stricter notice requirements than state law. **QUESTION:** Does city Council want to impose the same requirements for a Comprehensive Zoning hange as it imposes for "non" Comprehensive Zoning changes?

Commented [A6]: Is this a title or an incomplete sentence?

130 most recently approved municipal tax roll and each occupant of the property not later than
131 the 10th day before the hearing date;

132 (ii) contain the time and place of the hearing; and

133 (iii) include the following text in bold 14-point type or larger:

134
135 **“THE [MUNICIPALITY NAME] IS HOLDING A HEARING THAT WILL**
136 **DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE**
137 **USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS**
138 **NOTICE CAREFULLY.”**

140
141 **(d) Notice of hearing to School District**

142 Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission
143 on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each
144 school district in which the property for which the change in classification is proposed is located. The notice may be
145 served by its deposit in the municipality, properly addressed with postage paid, in the United States mail or by
146 electronic delivery.

147
148 **(e) Recordkeeping.**

149 The City shall maintain a record of all notices and all affidavits of publication provided under this Article,
150 including the manner and date of notice, which shall be made part of the official zoning file.

151
152 ~~(a) The commission will hold a public hearing on all proposed changes to zoning regulations and classifications.~~

153 ~~(b) Notice requirements.~~

154 ~~(1) Not less than 16 days prior to the city council public hearing, notice of the date, time and location~~
155 ~~thereof will be published in the official newspaper of the city or in a newspaper of general circulation~~
156 ~~in the city.~~

157 ~~(2) In the case of a proposed change in zoning classification, written notice of a public hearing will be~~
158 ~~mailed, not less than 20 days prior to each required public hearing of the planning and zoning~~
159 ~~commission and city council, to all owners of property (as such ownership is shown on the current~~
160 ~~city tax roll) lying within 250 feet of the property that is the subject of the proposed zoning~~
161 ~~classification change. If the application for a change in zoning classification requests a change to a~~
162 ~~zoning district other than a residential district, the notice must be mailed, not less than 20 days prior~~
163 ~~to the hearing, to all owners of property (as such ownership is shown on the current city tax roll)~~
164 ~~within the city. The notice may be served by depositing it in the U.S. mail with the proper address~~
165 ~~and postage.~~

166 ~~(3) Such notice shall state the purpose, date, time, and place of the hearing, together with a brief~~
167 ~~description of the proposed development, including its nature, scope, and location. The notice shall~~
168 ~~also describe any variances the applicant has requested and state the location and times at which the~~
169 ~~zoning classification change application and supporting documents are available for public~~
170 ~~inspection. The time and place of the public hearing to be held before the city council shall also be~~
171 ~~included if known at the time the notice is given and, if it is not known at such time, a telephone~~
172 ~~number shall be provided where information on the hearing before the city council will be available~~
173 ~~at a later date.~~

Commented [A7]: NOTE: This is in compliance with the requirements added by the Texas legislature in Acts 2013, 83rd Leg., R.S., Ch. 640 (H.B. 674), Sec. 1, eff. September 1, 2013, codified in Texas Local Government Code Section 211.007 (c-1) and (c-2). However as noted elsewhere the City of Rollingwood imposes stricter notice requirements. **QUESTION:** Do you want to impose the same notice requirements on the City Council public hearing.

Commented [A8]: Moved to new section 107-519

Commented [A9]: Moved to section (a) in this newly numbered and named section.

174 ~~(e) Public hearing required. Whenever a public hearing is required, the city administrator or his/her designee~~
175 ~~shall establish the date, time and place of the public hearing and shall cause any notice required to be prepared~~
176 ~~and made accordingly.~~

177 ~~(d) Joint public hearing. The city council may, at its discretion at a properly noticed public meeting, determine~~
178 ~~that a public hearing shall be held before both the planning and zoning commission and the city council. If~~
179 ~~such a determination is made, the planning and zoning commission and the city council may conduct a joint~~
180 ~~public hearing and take action on the application in the following manner:~~

- 181 ~~(1) The city council on its own motion shall establish the date of the joint public hearing.~~
- 182 ~~(2) The city council shall cause notice of the joint public hearing to be provided as required.~~
- 183 ~~(3) The planning and zoning commission and the city council shall be convened for the hearing and for~~
184 ~~any action to be taken on the petition or application.~~
- 185 ~~(4) The planning and zoning commission and the city council may take action on the application at the~~
186 ~~same meeting; however, the city council shall not take action until the report and recommendation~~
187 ~~of the planning and zoning commission has been received.~~

Commented [A10]: Moved to new section 107-519.

188 **Sec. 107-5219. Commission recommendation.**

- 189 (a) After the public hearing, the commission will make its recommendation regarding a proposed zoning change.
190 ~~the change in zoning regulations or boundaries.~~
- 191 (b) The recommendation made by the commission will be submitted to the city council, in writing, and the
192 applicant/petitioner will be notified of the action of the commission.
- 193 (c) The city will establish and maintain a separate file for each petition/application received, and will record the
194 names and addresses of all persons to whom notices were mailed, including the date of mailing and the
195 persons by whom notices were mailed. All records and files herein provided will be made part of the official
196 files of the city.

197 **Sec. 107-5220. Procedure before the city council.**

- 198 (a) After receiving the recommendation of the commission, the city council will, at the earliest practicable time,
199 hold a public hearing on the application/petition, at which parties in interest and citizens will have an
200 opportunity to be heard. Notice of the hearing will be given in the manner required under section 107-
201 ~~52048(b).~~
- 202 (b) If the commission recommends approval of the zoning change ~~in zoning regulations or boundaries~~ requested
203 in the application/petition, the city council may, except as otherwise provided by this Division, by majority
204 vote, either accept, reject or take other action on the application/petition.

205 ~~(c) If the commission recommends disapproval of the change in zoning regulations or boundaries requested in~~
206 ~~the application/petition, or if there is filed with the city a written protest against such change, signed by the~~
207 ~~owners of 20 percent or more, either of the area of the lots or land included in such proposed change, or of~~
208 ~~the lots or land immediately adjoining the same and extended 200 feet therefrom, such change will not be~~
209 ~~approved except by the favorable vote of at least four-fifths of the whole number of members of the city~~
210 ~~council.~~

211 ~~(c)~~ The city council may approve, at such time as a zoning change requested by a property owner (or the property
212 owner's authorized agent) is granted, a development agreement between the city and the applicant containing
213 such assurances as the city council may determine are reasonably necessary regarding the development of
214 the property, including, but not limited to, development of the property substantially in accordance with a
215 preliminary plat plan, in form reasonably satisfactory to the city council (the "development agreement"). The
216 city council may require that the development agreement be recorded in the real property records of the
217 county and constitute covenants running with the land. Thereafter, any requested modifications, amendments
218 or variances to the development agreement must be considered by and receive the prior approval of the city
219 council. All representations, whether written or oral, made by an applicant or his agent in connection with a
220 zoning change request at any of the public hearings held in connection therewith will be binding upon such

Commented [A11]: Protest procedures were amended by the Texas Legislature by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 1, eff. September 1, 2025, codified in Texas Local Government Code Section 211.0061. The new protest procedures have been added as a new section below, Section 107.523

221 applicant and the property which is subject to the zoning classification change. It will be unlawful for the
222 applicant to vary or breach any of such representations without first obtaining the prior written approval of
223 the city council.

224 (e) Any zoning change ~~in zoning regulations or boundaries~~ must be enacted in the form of an ordinance amending
225 this article.

226 (f) If a zoning change application filed by or on behalf of a property owner with regard to such property is denied
227 by the city council, then a zoning application for such property requesting a zoning change to the same zoning
228 ~~change classification~~ previously requested may not be filed with the city for a period of six months from the
229 date of the prior denial by city council.

230

231 **Section 107-523. Protests of non-comprehensive zoning changes.**

232

233 (a) A protest of a non-comprehensive zoning change must be written and signed by the owners of:

- 234 (1) at least 20 percent of the area of the lots or land covered by the proposed change;
- 235 (2) except as provided by Subdivision (3), at least 20 percent of the area of the lots or land immediately
236 adjoining the area covered by the proposed change and extending 200 feet from that area; or
- 237 (3) at least 60 percent of the area of the lots or land immediately adjoining the area covered by the
238 proposed change and extending 200 feet from that area if the proposed change has the effect of
239 allowing more residential development than the existing zoning regulation or district boundary
240 and does not have the effect of allowing additional commercial or industrial uses unless the
241 additional use is limited to the first floor of any residential development and does not exceed 35
242 percent of the overall development.

243 (b) In computing the percentage of land area under Subsection (a):

- 244 (1) the area of streets and alleys shall be included; and
- 245 (2) the land area is not calculated individually for each tract of land subject to a proposed change in a
246 zoning regulation or district boundary but in the aggregate for all tracts of land subject to the
247 change.

248 (c) If a proposed zoning change is protested in accordance with Subsection (a), the proposed change must
249 receive, to take effect, the affirmative vote of at least:

- 250 (1) three-fourths of all members of the governing body for a protest described by Subsection (a)(1) or
251 (2); or
- 252 (2) a majority of all members of the governing body for a protest described by Subsection (a)(3).

253 **Sec. 107-524. Suspending issuance of permits and approval of site plans pending**
254 **amendments.**

255 No application for site plan approval will be accepted for filing nor processed, and no building, site clearance, or
256 grading permit will be issued for any work, other than in connection with a single-family residential use, for a period
257 of no more than 90 days on land which is being considered for a change in zoning classification or is subject to an
258 amendment to the zoning ordinance being considered by the city council. Such 90-day period will begin on the date
259 the proposed zoning classification change or proposed zoning ordinance amendment is published for public hearing
260 by the commission. Properties with respect to which building permits or final site plans have been approved prior to
261 such date are excepted from this restriction. The time period for such restriction will expire upon the earlier to occur
262 of expiration of such 90-day period or final determination of such zoning change or amendment by the city council.
263 The foregoing notwithstanding, a site plan may be approved by the city council (and a building permit may be issued)
264 simultaneously with the approval of a zoning change classification or an amendment to the zoning ordinance by the
265 city council.

Commented [A12]: Added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 1, eff. September 1, 2025, codified in Texas Local Government Code Section 211.061.

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: July 1, 2026

Submitted By:

Staff

Agenda Item:

Discussion and direction regarding inconsistencies within Chapter 107 of the Rollingwood Code of Ordinances

Description:

At the **March 4, 2026, Planning and Zoning Commission meeting**, a subcommittee was created consisting of Commissioners Jerry Fleming, Genie Nyer, and Dave Bench, to review Chapter 107 of the Code of Ordinances and identify any inconsistencies or provisions requiring clarification.

At the **April 1, 2026, Planning and Zoning commission meeting**, commissioners discussed the subcommittee's findings. With assistance from Council Member Brown, the subcommittee prepared redlines for Chapter 107. Chair Bench noted that no substantive changes were made, and that all revisions were limited to rephrasing and improved application of existing definitions within the text.

The proposed non-substantive amendments have been forwarded to the City Attorney for review and ordinance drafting.

Action Requested:

No action requested at this time.

Fiscal Impacts:

No fiscal impacts

Attachments:

No attachments