



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, January 05, 2022

Notice is hereby given that the Planning and Zoning Commission of the City of Rollingwood, Texas will hold a regular meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on Wednesday, January 5, 2022 at 6:00 p.m. Members of the public and the P&Z may participate in the meeting virtually, as long as a quorum of the P&Z 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 awayman@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 Utility 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 August 31, 2021 Planning and Zoning Commission meeting
- [3.](#) Discussion and possible action on the minutes from the October 6, 2021 Planning and Zoning Commission meeting

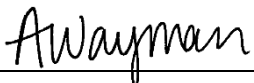
REGULAR AGENDA

4. Welcome new Planning and Zoning Commission member: Dave Bench
5. Discussion and possible action to elect a Chair of the Planning and Zoning Commission
- [6.](#) Public hearing, discussion and possible action on an ordinance to update Chapter 107, Article 5, Division 3, Board of Adjustment of the City of Rollingwood Code of Ordinances to meet State requirements
- [7.](#) Public hearing, discussion and possible action on the City of Rollingwood Comprehensive Plan
- [8.](#) Update and discussion regarding the City's Hybrid Meeting Policy

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 Thursday, December 30, 2021 at 5:00 p.m.



Ashley Wayman, City Secretary

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 Local 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 Local Government Code;
discussion of personnel matters pursuant to section 551.074 of the Texas Local Government Code;
real estate acquisition pursuant to section 551.072 of the Texas Local Government Code;
prospective gifts pursuant to section 551.073 of the Texas Local Government Code;

security personnel and device pursuant to section 551.076 of the Texas Local Government Code;
and/or economic development pursuant to section 551.087 of the Texas Local Government Code.
Action, if any, will be taken in open session.



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING MINUTES

Tuesday, August 31, 2021

On Tuesday, August 31, 2021 at 6:00 p.m., the Planning and Zoning Commission of the City of Rollingwood, Texas held a special meeting, open to the public, via video conference and telephone in accordance with an order of the Office of the Governor issued March 16, 2020. The public was able to watch this meeting live and had the opportunity to comment via audio devices with the following meeting login information:

Link: <https://us02web.zoom.us/j/89432143153?pwd=MDZ3aGJ5czJOM1NhdmxMYkFsU2JqZz09>

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

Meeting ID: 894 3214 3153

Passcode: 2021

The public was 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. A video recording of the meeting was made and posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request. The following items were discussed:

CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. Roll Call

Acting Chair Amie Rodnick called the meeting to order at 6:07 p.m.

Present Members: Amie Rodnick, Tony Stein, Jordan Scott, Michael Rhodes, and Brian Nash.

Also Present: City Administrator Amber Lewis, Development Services Director Carrie Caylor, and Assistant City Administrator Ashley Wayman.

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 Utility 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.

2. Public Comments

There were no public comments.

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.

3. Discussion and possible action on the minutes from the August 11, 2021 Planning and Zoning Commission meeting.

Brian Nash motioned to approve the consent agenda. Jordan Scott seconded the motion.

- **Amie Rodnick – Yes**
- **Jordan Scott – Yes**
- **Brian Nash – Yes**
- **Tony Stein – Yes**
- **Michael Rhodes – Yes**

The motion passed 5-0.

PUBLIC HEARING

4. Public hearing, discussion, and possible action regarding an amended plat at 403 Farley Trail

Acting Chair Amie Rodnick opened the public hearing at 6:10 p.m.

The following individuals spoke during the public hearing:

- Development Services Director Carrie Caylor stated that this item is to consider an amended plat and explained that the applicant waived their 30-day right to a hearing to work on this plat further.
- City Attorney Charles Zech stated that this item could be pulled from the agenda.
- Acting Chair Amie Rodnick stated that this item was pulled from the agenda.

Acting Chair Amie Rodnick closed the public hearing at 6:12 p.m.

REGULAR AGENDA

5. Update, discussion and possible action on the residential landscaping ordinance

Development Services Director Carrie Caylor discussed proposed language for a future ordinance regarding silt fencing and retaining walls.

The Planning and Zoning Commission discussed the proposed language and whether certain sections are defensible.

City Administrator Amber Lewis discussed that the language discussed today would reflect the general concept of the ordinance and then it would go to the City Attorney to be put into ordinance form and brought back for review by the Commission.

The Commission and Development Services Director Carrie Caylor discussed front yard fences and whether there were enough concerns to warrant this ordinance.

The Commission further discussed the concerns addressed in this language and the enforcement of a future ordinance.

Development Services Director Carrie Caylor and the Commission discussed silt control versus the requirement for silt fencing and the flexibility of this ordinance.

The Commission discussed where this would fit in the City's Code of Ordinances and the current landscaping provisions in the code.

Michael Rhodes motioned to approve both the silt fencing and retaining wall proposed language.

City Administrator Amber Lewis clarified that this motion would mean that city staff would work with the City Attorney to draft an ordinance and bring it back to the Commission.

Tony Stein seconded the motion. The motion passed 5-0.

6. Discussion and possible action on amendments to the city's code of ordinances, Section 28-70 - Driveways with more than one curb cut, to limit the number of curb cuts, and Section 107-36 - Driveways, to expand the types of materials permitted for driveways

Jordan Scott discussed that the Commission had gone in depth on this item in past meetings and that he was comfortable with this proposed solution.

Jordan Scott motioned to direct staff bring ordinance language to the Planning and Zoning Commission for this item. Amie Rodnick seconded the motion.

The Commission and Development Services Director Carrie Caylor further discussed this language regarding curb cuts and different lot circumstances.

The motion passed 4-0 with one abstention.

7. Discussion on scheduling and planning for future meeting dates and agenda items

Assistant City Administrator Ashley Wayman discussed the regular meeting date of the Planning and Zoning Commission, which is the first Wednesday of the month, and asked the members if they would be interested in holding the meetings at 6:00 p.m.

The Commission discussed the meeting date and time and settled on keeping the meetings on the first Wednesday of the month and set the time at 6:00 p.m.

The Commission discussed the Governor's orders and returning to in-person meetings.

ADJOURNMENT OF MEETING

The meeting was adjourned at 7:02 p.m.

Minutes Adopted on the _____ day of _____, 2021.

Amie Rodnick, Acting Chair

ATTEST:

Ashley Wayman, City Secretary



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, October 06, 2021

Notice is hereby given that the Planning and Zoning Commission of the City of Rollingwood, Texas held a regular meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on October 06, 2021 at 6:00 PM, where the following items were discussed:

CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. Roll Call

Acting Chair Amie Rodnick called the meeting to order at 6:10 p.m.

Present Members: Amie Rodnick, Jordan Scott, Mike Rhodes, Brian Nash, Tony Stein, and Michael Hall.

Also Present: Development Services Director Carrie Caylor, City Attorney Megan Santee, and Planner Bryce Cox with Denton, Navarro, Rocha, Bernal and Zech.

PUBLIC COMMENTS

There were no public comments:

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 August 31, 2021 Planning and Zoning Commission meeting

Jordan Scott motioned to table the minutes. Tony Stein seconded the motion.

- **Amie Rodnick – Yes**
- **Jordan Scott – Yes**
- **Mike Rhodes – Yes**
- **Brian Nash – Yes**
- **Tony Stein – Yes**
- **Michael Hall – Yes**

The motion passed 6-0.

PUBLIC HEARING

3. Public hearing, discussion and possible action on a plat amendment for 403 Farley Trail.

Acting Chair Amie Rodnick opened the public hearing at 6:14 p.m.

The following individuals spoke during the public hearing:

- Carrie Caylor discussed why this amended plat was going before the Planning and Zoning commission, rather than being approved administratively.
- Katie Kam, engineer for the owners of 403 Farley Trail, explained why the applicants were requesting an amended plat, and the reasons that the plat did not meet the city checklist.
- Shanthi Jayakumar, 3309 Park Hills Drive, asked a question about the setback and rear utility lines.

Acting Chair Amie Rodnick closed the public hearing at 6:51 p.m.

Michael Rhodes motioned to conditionally approve the plat provided the applicant includes the five foot wide public utility easement on each side property line, the applicant does not need to include the two-foot contours on the plat, the applicant must include the statement the property is located in the city of Rollingwood included in the body of the plat rather than the notes, must also include the removal of note four correcting that power is provided by Austin Energy, must include the addresses of the adjoining property owners, and waiving the requirement to include building setback lines. Amie Rodnick seconded the motion.

Jordan Scott stated that he wanted front and rear setbacks included. Mike Rhodes stated that he wanted to see all setbacks, but that it wasn't required by the code. The Commission discussed a friendly amendment to the motion to accept the minimum setbacks. Michael Hall thought it might add confusion if the minimum side setbacks were included but it ended up being greater.

Michael Rhodes amended his motion to include front and rear setbacks. Amie Rodnick seconded the amendment.

Brian Nash stated that under 105-63 that side easements shall be no less than 10' on each side of the side lot line.

Amie Rodnick called a vote on the amended motion.

- **Amie Rodnick – Yes**
- **Jordan Scott – No**
- **Mike Rhodes – Yes**
- **Brian Nash – No**
- **Tony Stein – No**
- **Michael Hall – No**

The motion failed 4-2.

Jordan Scott motioned to conditionally approve the plat given a minimum of 10' public utility easement on each side property line, no contours required, statement that the property is in the city of Rollingwood, removal of note four, and the addresses of adjoining property owners will be shown on the plat, and that there will be front and rear setbacks shown on the plat, and side setbacks will not be required.

Michael Hall seconded the motion.

- **Amie Rodnick – Yes**
- **Jordan Scott – Yes**
- **Mike Rhodes – Yes**
- **Brian Nash – Yes**
- **Tony Stein – Yes**
- **Michael Hall – Yes**

The motion passed 6-0.

4. Public hearing, discussion and possible action to approve an ordinance to require silt fencing for any residential landscaping work that could result in silt discharge, including but not limited to sod installation and turf installation.

Amie Rodnick opened the public hearing at 7:08 p.m.

The following individuals spoke during the public hearing:

- Carrie Caylor addressed the commission and spoke to the ordinance included in the packet.
- Brian Nash requested to include the word “unreasonable”, so that the ordinance would state, “All work, including landscaping, which may result in unreasonable silt discharge...”

Amie Rodnick opened the public hearing at 7:11 p.m.

Brian Nash moved to approve the ordinance as proposed in the packet with the modification that the second sentence on the top of page two be modified to include “may in the building official’s discretion,” and after the words, “result in”, add the word, “unreasonable.”

Tony Stein recommended a friendly amendment to state, “off the subject property”, instead of, “off streets and drainage ways.”

Brian Nash accepted the friendly amendment. Tony Stein seconded the motion.

- **Amie Rodnick – Yes**
- **Jordan Scott – Yes**
- **Mike Rhodes – Yes**
- **Brian Nash – Yes**
- **Tony Stein – Yes**
- **Michael Hall – Yes**

The motion passed 6-0.

5. Public hearing, discussion and possible action to approve and ordinance to add a definition for retaining walls to specify any fence or wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the wall.

Amie Rodnick opened the public hearing at 7:23 p.m.

No individuals spoke during the public hearing.

Amie Rodnick closed the public hearing at 7:24 p.m.

Michael Rhodes motioned to approve the ordinance. Amie Rodnick seconded the motion.

- **Amie Rodnick – Yes**
- **Jordan Scott – Yes**
- **Mike Rhodes – Yes**
- **Brian Nash – Yes**
- **Tony Stein – Yes**
- **Michael Hall – Yes**

The motion passed 6-0.

6. Public hearing, discussion and possible action to approve an ordinance for driveways that limits residential lots to not more than 3 total curb cuts, and not more than 2 on a single street frontage, and limits the total combined width of aprons to not exceed a total of 45 feet

Amie Rodnick opened the public hearing at 7:26 p.m.

The following individuals spoke during the public hearing:

- Shanthi Jayakumar requested a copy of the ordinance. She asked what the current limit of curb cuts was in the zoning code.
- Carrie Caylor described the existing zoning code restrictions on driveways.

Amie Rodnick closed the public hearing at 7:33 p.m.

Jordan Scott motioned to approve the ordinance. Tony Stein seconded the motion.

- **Amie Rodnick – Yes**
- **Jordan Scott – Yes**
- **Mike Rhodes – Yes**
- **Brian Nash – Yes**
- **Tony Stein – Yes**
- **Michael Hall – Yes**

The motion passed 6-0.

7. Public hearing, discussion and possible action to approve an ordinance to update Chapter 107, Article 5, Division 3, Board of Adjustment of the City of Rollingwood Code of Ordinances to meet State requirements.

Amie Rodnick opened the public hearing at 7:39 p.m.

The following individuals spoke during the public hearing:

- Shanthi Jayakumar, 3309 Park Hills Drive, addressed the commission. She wanted to know why this item was appearing before the Planning and Zoning commission, and proposed more noticing and requested that the city's attorney address the commission regarding what was proposed.
- Bryce Cox addressed the commission detailing the Board of Adjustment's role and the ordinance before the Planning and Zoning Commission.

Carrie Caylor spoke to more recent meeting noticing and noticing requirements.

Alec Robinson, 4818 Rollingwood Drive, addressed the commission requesting at 30-day notice rather than a 10-day notice, and requesting that anything related to the park go to the entire city.

Bryce Cox discussed state law noticing requirements.

Amie Rodnick closed the public hearing at 7:57 p.m.

Brian Nash motioned to approve the ordinance to send it to City Council for consideration. The motion failed for lack of a second.

Jordan Scott motioned to deny, wanting more time for discussion and consideration. Motion failed for lack of a second.

The board discussed why the noticing requirements for the Board of Adjustment were the responsibility of the City rather than of the applicant requesting a variance.

Michael Rhodes suggested requiring yard signs for noticing variances.

City Attorney Megan Santee suggested tabling the item rather than motioning to deny.

Jordan Scott motioned to table item 7. Michael Rhodes seconded the motion.

- **Amie Rodnick – Yes**
- **Jordan Scott – Yes**
- **Mike Rhodes – Yes**
- **Brian Nash – Yes**
- **Tony Stein – Yes**
- **Michael Hall – Yes**

The motion passed 6-0.

REGULAR AGENDA

8. Workshop regarding required elements for preliminary and final plats

Brian Nash motioned to table item 8. Amie Rodnick seconded the motion.

- Amie Rodnick – Yes
- Jordan Scott – Yes
- Mike Rhodes – Yes
- Brian Nash – Yes
- Tony Stein – Yes
- Michael Hall – Yes

The motion passed 6-0.

ADJOURNMENT OF MEETING

The meeting was adjourned at 7:57 p.m.

Minutes Adopted on the _____ day of _____, 2021.

Amie Rodnick, Acting Chair

ATTEST:

Ashley Wayman, City Secretary

1 DIVISION 3. – BOARD OF ADJUSTMENT

2 Sec. 107-483. – Creation.

3 (a) The city has created a board of adjustment consisting of five members who are residents
4 of the city.

5 (b) Members of the board shall be appointed by the mayor, subject to confirmation by the
6 city council. Members of the city council and planning and zoning commission are not
7 eligible for appointment to the board.

8 (c) The mayor also shall appoint, subject to confirmation by the city council, four alternate
9 members of the board who shall be residents of the city, but who shall not be members
10 of the city council or planning and zoning commission. Alternate members shall, upon
11 request by the chairperson of the board, serve on the board in the absence of one or
12 more regular members, so that all cases heard by the board will always be heard by at
13 least 75 percent of the members, regular or alternate.

14 Sec. 107-484. – Terms.

15 (a) Each member and alternate member of the board shall serve a two-year term,
16 commencing on January 1 and ending on December 31 of the following year. The terms
17 of board members shall be staggered.

18 (b) Regular and alternate board members serving upon the effective date of this division shall
19 continue to serve, and this division shall be deemed to carry forward and continue the
20 terms of office of such members.

21 Sec. 107-485. – Removal.

22 (a) A regular or alternate member of the board may be removed from office by the city
23 council for just cause and upon written charges being presented to the member.

24 (b) Upon request of the person against whom removal proceedings are pending, a public
25 hearing shall be conducted to determine the merits of the written charges submitted.

26 Sec. 107-486. – Filling Vacancies.

27 Any vacancy on the board shall be filled by appointment by the mayor and confirmation
28 by the city council for the unexpired term of the regular or alternate member whose position
29 becomes vacant.

30 Sec. 107-487. – Organization.

31 (a) The chairperson of the board shall be elected by majority vote of the members of the
32 board.

33 (b) The chairperson shall serve a term of one year, commencing on January 1 and ending on
34 December 31, except that upon expiration of his term the chairperson shall continue to
35 serve until his successor is elected.

36 Sec. 107-488. – Meetings.

37 (a) Meetings of the board shall be held at the call of the chairperson and at such other times
38 as the board may determine.

39 (b) Meetings of the board shall comply with the provisions of the state open meetings act,
40 V.T.C.A., Government Code ch. 551, including posting notices and agendas so as to
41 adequately inform the public of the time, location and substance of business to be
42 undertaken. Meetings closed to the public or executive sessions are normally not
43 appropriate for the board and will not be conducted without the advice and consent of
44 the city attorney.

45 Sec. 107-489. – Rules and regulations.

46 (a) The board shall adopt rules necessary to the conduct of its affairs and shall furnish a copy
47 of such rules to the building official. Rules adopted by the board shall be consistent with
48 the provisions of this division.

49 (b) All orders and other enactments adopted by the board shall be in accordance with its
50 rules and regulations.

(c) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be promptly filed in the office of the board and shall be a public record. The office of the board shall be the office of the city administrator where such records shall repose.

(d) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the building official or to decide in favor of the applicant on any matter upon which the board is required to pass under ~~the division~~this Chapter.

Sec. 107-490. – ~~Appeals based on error~~Powers of the Board.

The board shall, pursuant to the provisions provided for ~~have~~ herein, have the power to:

(1) Hear and decide an appeal where it is alleged that there is an error in any order, requirement, decision or determination made by the building official in the enforcement of this ~~division~~Chapter; ~~and~~

(2) Hear and decide special exceptions as authorized in this Chapter;

~~(1)(3)~~ Authorize a variance to the regulations as provided for in this Chapter; and

~~(2)(4) Decide any question involving the interpretation of any provision of this division, including determination of the location of any district boundary with respect to which there is uncertainty.~~ Determine, in cases of uncertainty, the classification of any use not specifically named in this Chapter.

Sec. 107-491. – Special exceptions.

(a) ~~When, in its judgment, the public convenience and welfare will not be substantially or permanently injured, t~~he board may, in a specific case, where the board makes the findings required under subsection (c) herein, ~~after public notice and hearing,~~ grant the following special exceptions from the requirements of this division:

(1) Permit the reconstruction of a nonconforming building or structure that has been damaged by fire or other cause;

(2) Permit the enlargement or extension of a nonconforming use or nonconforming building upon the lot occupied by such use or building at the time of the passage of this division;

(3) In undeveloped sections of the city, grant temporary and conditional permits for not more than two years, provided that the grant of a temporary or conditional permit shall not be reason or cause for extension of such permit;

(4) Permit such modifications of yard, open space, lot area, or lot width regulations as may be necessary to improve a parcel of land, if the parcel is of such restricted size that it cannot be appropriately improved without such modification; or

(5) Permit ~~a public utility or public service use or structure in any district, or a~~ public utility or public service building of a ground area or height at variance with those provided for the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety or general welfare.

(b) The board may grant such other special exceptions as may be provided for elsewhere in this division, subject to the terms and conditions therein set out.

(c) Prior to granting a special exception, the board shall make a finding that it is empowered under this ~~division~~ Chapter to grant the special exception, that the public convenience and welfare will not be substantially or permanently injured in the granting of the special exception, and that the grant of the special exception will not adversely affect the public health, convenience, safety or general welfare.

(d) In granting a special exception, the board may prescribe appropriate conditions and safeguards in conformity with this division.

(e) The board shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to ~~begin or~~

~~complete, or both, such action within~~ comply with the time limits set by the board
shall void the special exception.

~~(f) The board shall determine, in cases of uncertainty, the classification of any use not
specifically named in this division.~~

Sec. 107-492. – Variances.

(a) The board may authorize upon appeal, in specific cases, such variances from the terms
of this ~~division~~ Chapter, ~~where the board finds that the variance as 1)~~ will not be
contrary to the public interest, 2) where, owing to special conditions, literal
enforcement of the provisions of this ~~division~~ Chapter will result in unnecessary
hardship, and 3) ~~so that~~ the spirit of this ~~division~~ Chapter ~~shall will~~ be observed and
substantial justice done, ~~including the following:~~

~~(1) Permit a variance in yard requirements where there are unusual and
practical difficulties or unnecessary hardships in complying with such
requirements due to an irregular shape of the lot, or topographical or
other conditions.~~

~~(2) Permit a variance from the requirements of this division governing the
construction or alteration of buildings or structures, whenever a property
owner demonstrates that a strict application of such requirements will
impose upon him unusual and practical difficulties or particular hardship.~~

(b) Prior to granting a variance in a zoning district other than a residential district, the
board must find, in concert with the findings required in subsection (a), that:

(1) The variance is the minimum variance ~~that will make possible the
reasonable use of the land, building or structure~~ necessary to alleviate the
unnecessary hardship;

(2) Granting the variance will be in harmony with the general purpose and
intent of this ~~division~~ Chapter and will not be injurious to adjoining
properties or the neighborhood, or be otherwise detrimental to the public
welfare;

~~(3) Literal interpretation of the requirements of this division would deprive the applicant of rights commonly enjoyed by the owners of other properties in the same district under the terms of this division;~~

~~(4)~~(3) The special conditions with respect to which a variance is sought ~~do not~~are not the result ~~from of the an~~ action of the applicant;

~~(5)~~(4) Granting the variance will not confer on the applicant any special privilege that is denied by this ~~division~~Chapter to other land, buildings or structures in this same district;

~~(6)~~(5) If applicable, there is sufficient water and wastewater capacity and fire service available to serve the applicant's land as developed under the variance without detriment to the other property within the city; and

~~(7)~~(6) Granting the variance will not merely serve as a convenience to the applicant but will alleviate some demonstrable and ~~unusual unnecessary~~ hardship which is created by the literal enforcement of the provisions of this Chapter~~or difficulty so great as to warrant such variance.~~

(c) Prior to granting a variance in a residential district, in concert with the findings required in subsection (a), the board must find that:

(1) A special individual reason makes the ~~strict application of this division impractical~~literal enforcement of this Chapter result in an unnecessary hardship;

(2) Granting the variance will be in harmony with the general purpose and intent of this ~~division~~Chapter and will not be injurious to adjoining properties or the neighborhood, or be otherwise detrimental to the public welfare;

(3) The granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to the property in the area;

(4) There are special circumstances or conditions such as topography, natural obstructions, aesthetic or environmental considerations affecting the land involved such that the strict application of the provisions of this ~~division~~

Chapter would impose an unnecessary hardship which is created by the literal enforcement of the provisions of this Chapter~~deprive the applicant of a reasonable use of his land;~~

(5) The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this ~~division~~Chapter;

(6) If applicable, there is sufficient water and wastewater capacity and fire service available to serve the applicant's land as developed under the variance without detriment to the other property within the city; and

(7) The circumstances or conditions from which relief is sought are not solely of an economic nature.

(d) In granting a variance, the board may prescribe appropriate conditions and safeguards in conformity with this ~~division~~Chapter.

(e) In considering a variance as applied to a structure, the board may, in addition to other relevant considerations, consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:

(1) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;

(2) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;

(3) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

(4) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

~~(4)~~(5) the municipality considers the structure to be a nonconforming structure.

Sec. 107-493. – Appeals based on error.

~~An appeal, a request for a variance, or an application for a special exception may be taken by any person to the board in accordance with the provisions of this division.~~

(a) Any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project:

(1) a person aggrieved by the decision; or

(2) any officer, department, board, or bureau of the municipality affected by the decision.

(b) Any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is related to a specific application, address, or project:

(1) a person who:

(A) filed the application that is the subject of the decision;

(B) is the owner or representative of the owner of the property that is the subject of the decision; or

(C) is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or

(2) any officer, department, board, or bureau of the municipality affected by the decision

(c) The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed not later than the 20th day after the date the decision is made. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed. ~~An appeal by a person aggrieved by a decision of the building official must be filed with the building official within 15 days after the decision being complained of was rendered and~~ The appeal must be accompanied by payment of a filing fee in the amount established by the city council and set forth in the fee schedule on file with the city. ~~Upon filing of~~

~~the appeal, the building official shall promptly transmit to the board all of the papers constituting the record upon which the action appealed from was taken.~~

(d) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property.

~~(a)~~(e) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing as provided in this Division and, in addition, give due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.

~~Sec. 107-494. Stay of proceedings.~~

~~— The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the building official certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the board or by a court of competent jurisdiction on application and notice to the building official and due cause shown.~~

Sec. 107-49~~5~~4. – Notice of hearing.

(a) The board shall fix a date and time to conduct a hearing on each appeal, request for a variance, ~~or~~ application for a special exception filed with it, or other action authorized under this Chapter and shall mail notices of such hearing at least 30 days before the hearing.

(b) The notice must be mailed to the following persons at the address shown on the current tax rolls of the city and deposit of the notices in the U.S. mail will be deemed compliance with this requirement:

- (1) The petitioner;
- (2) The owners of the property located within 250 feet of any point of the lot, or portion thereof, with respect to which the appeal, request for a variance or application for special exception is taken;
- (3) If the appeal, request for a variance or application for a special exception relates to a lot that is not in a residential district, all owners of property located within the city shown on the current tax rolls of the city; and
- (4) All other persons deemed by the board to be affected thereby.

~~Sec. 107-496. — Hearings.~~

~~(a) At the hearing, any party may appear in person or by agent or by attorney. All testimony shall be given in a manner prescribed by the ruled of the board. The board may administer oaths, compel the attendance of witnesses and require the production of documents under such rules as the board may establish.~~

~~Hearings conducted by the board shall be open to the public; however, the board may meet in executive session pursuant to V.T.C.A., Government Code ch. 551. The board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot, with regard to which the grant of an appeal, variance or special exception is pending, and shall also hear any other parties of interest.~~

Sec. 107-49~~57~~⁵⁷. — Decision by board.

With the exception of a decision on an appeal based on an error, which decision shall be determined as provided for in Sec. 107-493, the board shall make a decision on each appeal, request for a variance or application for a special exception within 45 days of the hearing on such appeal, request or application related to said decision. ~~The board may make such order, requirement, decision or determination as, in its opinion, ought to be made under the circumstances on such appeal, request or application.~~

Sec. 107-49~~68~~⁶⁸. — Limitations.

- (a) No appeal, request for a variance nor application for a special exception or other previous application, may be filed by the same applicant within 180 days of the date upon which the board denied such appeal, request or application, unless other property in the immediate vicinity has, within the 180-day period, been changed or acted on by the board or city council so as to alter the facts and conditions upon which the previous board action was based. Such change of circumstances shall permit the rehearing of an appeal, request or application by the board prior to the expiration of the 180-day period, but such conditions shall in no way have any force in law to compel the board to reconsider the appeal, request or application. Such subsequent rehearing shall be considered entirely on its merits and the peculiar and specific conditions related to the property with reference to which such proceeding is brought.
- (b) Any appeal, request or application approved by the board, either under the provisions of this division or under the authority granted to the board under the statutes of the state, shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of 90 days from the date of the favorable action on the part of the board, unless the board in its minutes shall, at the same time, approve a longer period. If an application for such building permit or certificate of occupant is not filed within the 90-day period or such extended period as the board may specifically approve, then the approval of the appeal, variance or special exception shall be deemed waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal, request or application to the board in accordance with the rules and regulations herein contained.

Sec. 107.49~~79~~. – Appeals from the board of adjustment.

- (a) Any of the following persons may present to a district court, county court, or county court at law a verified petition stating that the decision of the board of adjustment is illegal in whole or in part and specifying the grounds of the illegality:
- (1) a person aggrieved by a decision of the board;
- (2) a taxpayer; or

297 (3) an officer, department, board, or bureau of the municipality.

298 (b) The petition must be presented within 10 days after the date the decision is filed in
299 the board's office.

300 ~~Any person, jointly or severally, aggrieved by any decision of the board, or any taxpayer, officer,~~
301 ~~department, or board of the city may present any such matter to a court of competent~~
302 ~~jurisdiction for review, after the final action of the board thereon, and in the manner and upon~~
303 ~~the terms provided by the laws of the state.~~

304 Sec. 107.500 – 107-515. – Reserved.

The Draft Comprehensive Plan Document approved by the Comprehensive Plan Strike Force on Tuesday, October 12, 2021, can be found at the following link:

<https://www.rollingwoodtx.gov/bc-cpsf>



Hybrid Meetings Policy

Scope

To set a policy for when and how Hybrid Public Meetings are held in the City of Rollingwood.

Background

From March 2020 through August 2021, public meetings were held via Zoom to advance the public health goal of limiting face-to-face meetings to slow the spread of COVID-19. In September 2021, the Governor's orders waiving certain sections of the Open Meetings Act that allowed Zoom meetings during this time were lifted. At the August 9, 2021 Special City Council meeting, the City Council directed city staff to implement a hybrid meetings system to allow some flexibility for Councilmembers, Board and Commission Members and the public to participate in meetings virtually.

Definition

Hybrid Meeting – a public meeting in which a quorum of the governing body as well as the presiding officer is physically present at the meeting location and one or more members of the governing body are in attendance virtually via videoconference. The meeting must meet all the requirements of the Texas Open Meetings Act, specifically Sec. 551.127 regarding Videoconference Calls.

Policy

- A. As technology permits, all City Council, Board and Commission meetings that are open to the public will have a virtual participation option for the public. If a technical issue causes a meeting to be unable to be accessed by the public for virtual participation, the meeting does not need to be canceled. If a member of the public is having difficulties accessing the hybrid meeting, they can contact Assistant City Administrator Ashley Wayman at awayman@rollingwoodtx.gov.
- B. Requests for virtual participation in a meeting for Councilmembers or Board and Commission Members will be granted if one of the following situations applies:
 - a. (Preferred) The member has requested to participate virtually at least 96 hours (4 days) before the scheduled meeting and it has been confirmed that a quorum will be physically present without the requesting member physically present.
 - b. (Extenuating Circumstances) The member has requested to participate virtually up to 2 hours before the meeting, no other hybrid requests have been denied, and it has been confirmed that a quorum will be physically present without the requesting member physically present.
 - c. If the regular presiding officer of the governing body requests to participate virtually, and it has been confirmed that a quorum will be physically present without the requesting member physically present, another presiding officer

must be secured before the request is approved.

- C. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical meeting location.
- D. The audio and video signals perceptible by members of the public at the location of the meeting must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting
- E. If at least one Councilmember or Board and Commission member is participating in a meeting remotely, and both audio and video feed is lost so that the public can no longer hear or see the proceedings, the meeting must be recessed until the issue is resolved and, if it is not resolved within 6 hours, the meeting must be terminated.
- F. All additional requirements of the Texas Open Meetings Act must be adhered to in the implementation of the hybrid meeting.

Hybrid Meetings Policy Updates

City staff will review this document periodically to ensure that it contains up-to-date information. Any potential changes or updates that materially alter this document will be brought to City Council for approval.