

*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:

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**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

**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.

- 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.

54 **Sec. 107-519. Public hearings.**

55 **(a) Planning and Zoning Commission.**

56 The Planning and Zoning Commission shall conduct at least one public hearing on each proposed zoning and

57 regulatory changes, except where state law permits otherwise.

58 **(b) City Council.**

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

60 adopting any change.

61 **(c) Joint public hearing.**

62 The city council may, at its discretion at a properly noticed public meeting, determine that a public hearing shall

63 be held before both the planning and zoning commission and the city council. If such a determination is made, the

64 planning and zoning commission and the city council may conduct a joint public hearing and take action on the

65 application in the following manner:

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

74 **(d) Hearing administration.**

75 The City Administrator or designee shall establish the date, time, and place of all required public hearings and

76 shall ensure compliance with all applicable notice requirements.

77 **Sec. 107-520.18. Hearing and Notice.**

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

- 79 1. Notice of hearing shall be provided as stipulated in this section and in accordance with Texas Local
- 80 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.

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 [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?

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

133  
134 **(d) Notice of hearing to School District**

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

140  
141 **(e) Recordkeeping.**

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

144  
145 ~~(a) The commission will hold a public hearing on all proposed changes to zoning regulations and classifications.~~

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

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

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

- 156 (a) After receiving the recommendation of the commission, the city council will, at the earliest practicable time,  
157 hold a public hearing on the application/petition, at which parties in interest and citizens will have an  
158 opportunity to be heard. Notice of the hearing will be given in the manner required under section 107-  
159 ~~520+8(b).~~
- 160 (b) If the commission recommends approval of the change in zoning regulations or boundaries requested in the  
161 application/petition, the city council may, except as otherwise provided by this Division, by majority vote,  
162 either accept, reject or take other action on the application/petition.

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

- 169 (c~~d~~) The city council may approve, at such time as a zoning change requested by a property owner (or the property  
170 owner's authorized agent) is granted, a development agreement between the city and the applicant containing  
171 such assurances as the city council may determine are reasonably necessary regarding the development of  
172 the property, including, but not limited to, development of the property substantially in accordance with a  
173 preliminary plat plan, in form reasonably satisfactory to the city council (the "development agreement"). The  
174 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 stricter 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.