

*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.

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.
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78 **Sec. 107-52018. Hearing and nNotice.**

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

- 80 1. Notice of hearing shall be provided as stipulated in this section and in accordance with Texas Local
81 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.

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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 [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?

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.

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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 ~~(b) Notice requirements:~~

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

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

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

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

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

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

175 ~~(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.

~~(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.~~

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 ~~52018(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.

~~(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.~~

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).

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.

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.