



Planning & Zoning Commission, Board of Adjustment, and CRCRC

City of Rollingwood - July 10, 2024

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Planning and Zoning Commission



Role of P&Z

Authority to establish Planning & Zoning Commission:

“...and the governing body of a general-law municipality may, appoint a zoning commission. The commission shall recommend boundaries for the original zoning districts and appropriate zoning regulations for each district.” LGC § 211.004(a)

The Planning & Zoning Commission serves as an advisory group to the City Council in required and discretionary functions such as:

- Comprehensive planning
- Zoning
- Platting
- Other growth management initiatives related to the physical development of the City.

Actions of Rollingwood P&Z

Duties of Planning and Zoning Commission:

“The commission shall advise the city council on planning-related matters, and conduct hearings, make recommendations, and perform such other duties required by law or this division or as may be assigned to the commission from time to time by the city council.”
(Article V, Division 2, Sec. 107-465. - Duties)

The Planning & Zoning Commission provides a report and recommendations on:

- Zoning matters - recommendation
- Special Use Permits - recommendation
- Plats - Initial approval (preliminary, final, replat) and approval of administrative plats when deferred to the Commission (minor & amending)
- Plat Variances - recommendation

The Planning & Zoning Commission may initiate on its own motion amendments, supplements, changes, or modifications to the City zoning regulations, boundaries, or classifications.

- Regarding changes in regulations or zoning district boundaries, the City Council shall not act until the report and recommendation of the Planning & Zoning commission has been received.

Comprehensive Plans

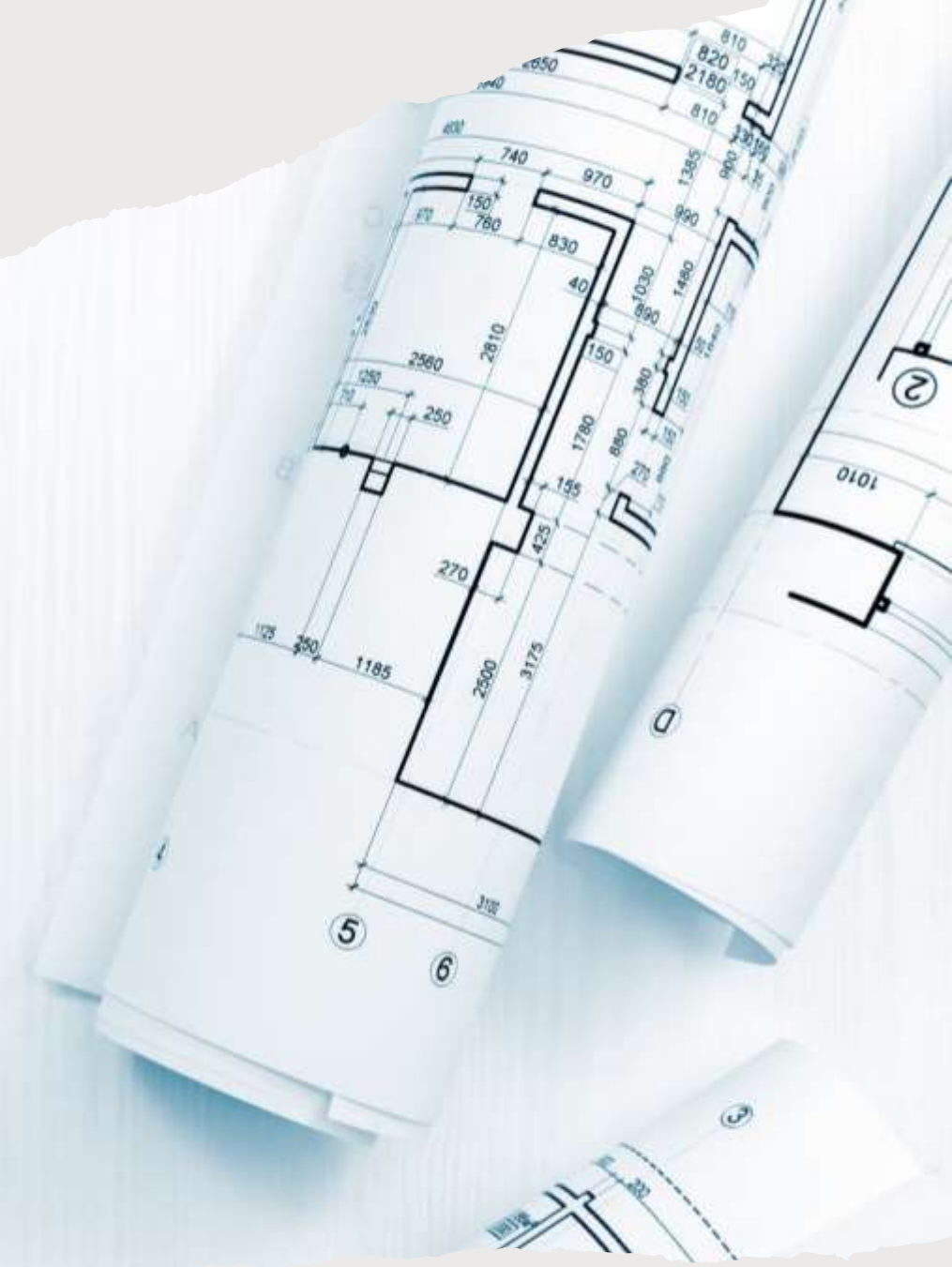
A Comprehensive Plan is a policy document that serves as a guide for decisions relating to the physical, social, and economic growth of the City.

- Comprehensive Plans come in all shapes and sizes and should be designed to meet the needs of the City.
- If a City adopts a Comprehensive Plan, it must be followed when making zoning decisions. *LGCS 211.004(a)*



P&Z and the Comprehensive Plan

As with rezoning, the Planning & Zoning Commission provides a recommendation to City Council on any proposed amendments to the Comprehensive Plan, or the adoption of a new plan.



Comprehensive Residential Code Review Committee (CRCRC)

- The role of the CRCRC is to provide a community-based forum to ensure that a range of perspectives reflecting Rollingwood community values are factored into the long-term vision and implementation priorities governing residential zoning policies.



Duties of the CRCRC

- Review and assess 2020/21 Comprehensive Planning Advisory Strike Force survey results for public opinion regarding residential zoning and development.
- Identify residential zoning and development public opinion gaps not addressed by the 2020/21 Planning Advisory Strike Force survey results; develop a plan for filling those gaps; execute the plan.
- Analyze public opinion results to identify issues and needs regarding zoning and development. Combine with issues identified by City Council members, Planning and Zoning, and City Staff.
- Develop a set of options to address zoning and development issues and needs. Include pros, cons, pace, and why it is an issue. Make recommendations.
- Provide recommendations regarding priority setting.
- Provide Interim and Final zoning policy recommendations.

Process for CRCRC Recommendations

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- Recommendations from the CRCRC can be item specific (partial) or full recommendations to the P&Z and City Council.
 - It is recommended, upon completion of all recommendations, that the CRCRC provide a comprehensive report of their recommendations to the P&Z and City Council, which may also be accompanied by associated code amendments.
 - The City Council or P&Z (with the assistance of City Staff) may request that code amendments be brought forward for adoption. During the adoption process the CRCRC may or may not be asked by City Council or P&Z to provide a recommendation on the prepared code amendments.

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Board of Adjustment





Powers of the Board of Adjustment (RR Code Sec.107-490)

The board shall 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;
2. Hear and decide special exceptions;
3. Authorize a variance to regulations; and
4. Determine, in cases of uncertainty, the classification of any use not specifically named.

Variations



The Board may authorize upon appeal, in specific cases, such variations from the terms of the City regulations where the Board finds that:

- The variance will not be contrary to the public interest;
- Where, owing to special conditions, literal enforcement of the provisions of the City regulations will result in unnecessary hardship; and
- The spirit of the City regulations will be observed and substantial justice done.

Variations

Prior to granting a variance in a zoning district other than a residential district, the board must find, in concert with the previously listed findings, that:

- The variance is the minimum necessary to alleviate the unnecessary hardship;
- Granting the variance will be in harmony with the general purpose and intent of the City regulations and will not be injurious to adjoining properties or the neighborhood, or be otherwise detrimental to the public welfare
- The special conditions with respect to which a variance is sought is not the result of an action of the applicant
- If applicable, there is sufficient water and wastewater capacity and fire service is available to serve the applicant's land as developed under the variance without detriment to other property
- Granting the variance will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unnecessary hardship which is created by literal enforcement

Variations Contd.

Prior to granting a variance in a residential district, in concert with the previously listed findings, the Board must find that:

- A special individual reason makes literal enforcement result in an unnecessary hardship;
- Granting the variance will be in harmony with the general purpose and intent of the City regulations and will not be injurious to adjoining properties or the neighborhood, or be otherwise detrimental to the public welfare;
- 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 City regulations would impose an unnecessary hardship which is created by literal enforcement
- The granting of the variance will not have the effect of preventing the orderly development of other land in the area
- The circumstances or conditions from which relief is sought are not solely of an economic nature
- If applicable, there is sufficient water and wastewater capacity and fire service is available to serve the applicant's land as developed under the variance without detriment to the other property within the City

Variations Contd.

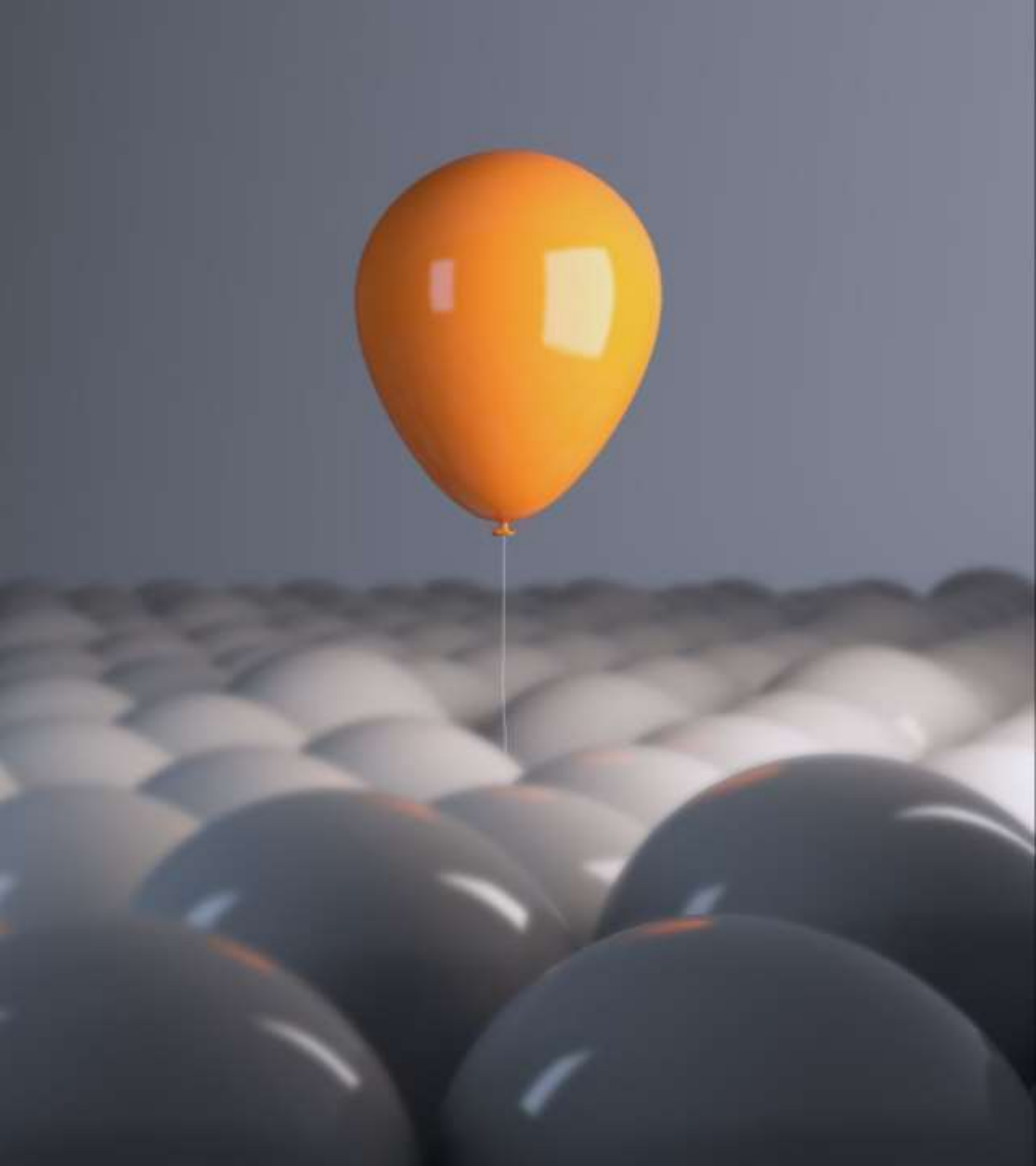
In considering a variance as applied to a structure, the board may, in addition to other relevant considerations, consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the regulations:

- 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 V.T.C.A., Tax Code, § 26.01;
- 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;
- Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- The municipality considers the structure to be a nonconforming structure.

Special Exceptions ⁺ ◦ •

Prior to granting a special exception, the board shall make a finding that it is empowered under Article V 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 granting of the special exception will not adversely affect the public health, convenience, safety or general welfare.

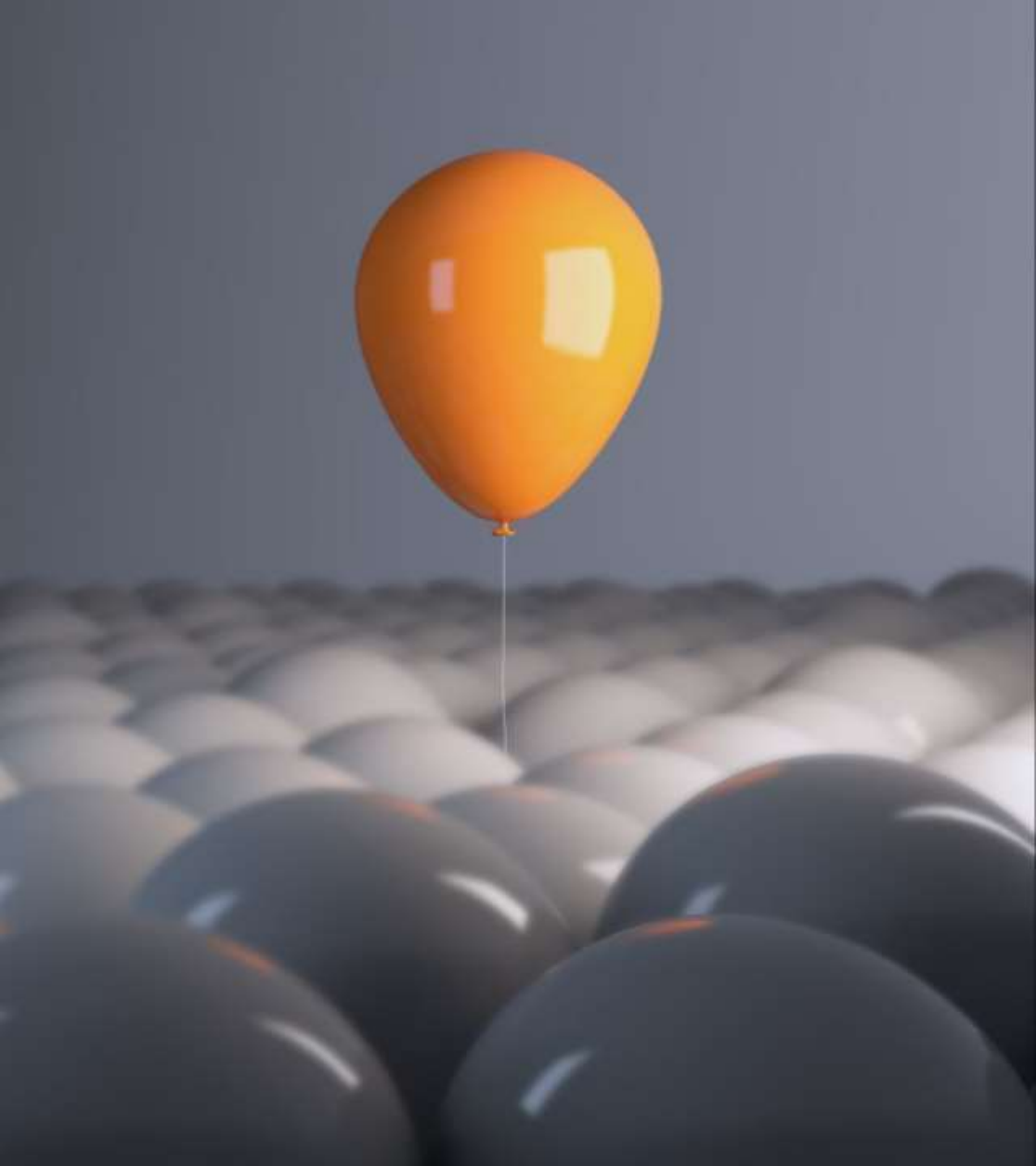
- In granting a special exception, the board may prescribe appropriate conditions and safeguards in conformity with Article V.
- The board shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both.



Special Exceptions

The Board may grant the following special exceptions :

- Permit the reconstruction of a non-conforming building or structure that has been damaged by fire or other cause;
- Permit the enlargement or extension of a non-conforming use or non-conforming building upon the lot occupied by such use or building at the time of passage;
- 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 the reason or cause for extension of such permit;



Special Exceptions Contd.

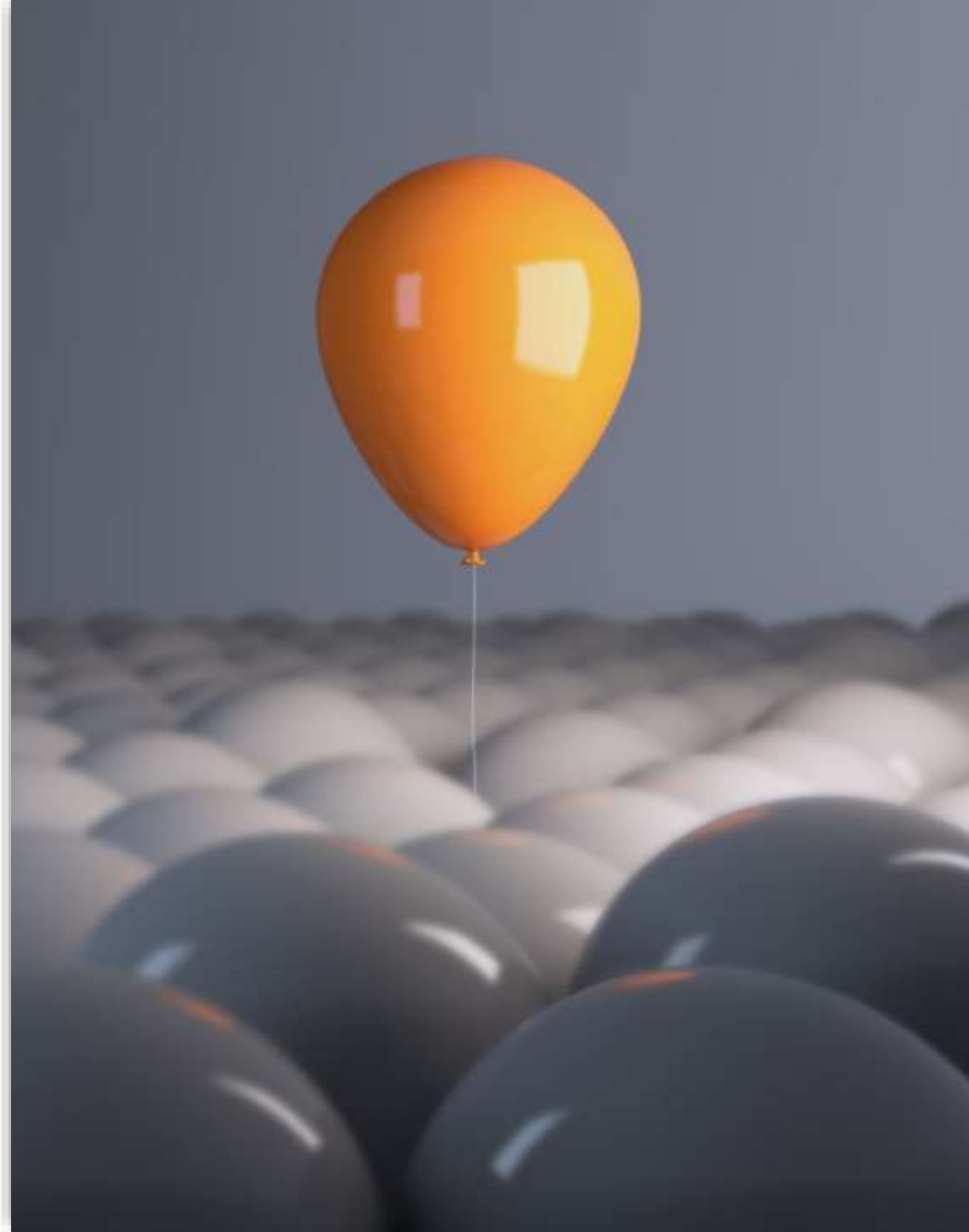
The Board may grant the following special exceptions :

- 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
- Permit 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.

Special Exceptions Contd.

The Board may grant the following special exceptions:

- Permit a reduction or modification in the 75-foot setback requirements of Section 107-108(a) and/or the 75-foot greenbelt requirements of Section 107-109(a), provided that:
- In addition to the notice and hearing required under Subsection 107-494(a), the board of adjustment shall conduct a public hearing on the application to consider public comment and any alternative to the proposed application. The public hearing required by this subsection shall be held no less than 30 days prior to the date of any hearing at which the board of adjustment will consider action on the application. Upon the decision of the board of adjustment or upon request of the applicant, the board of adjustment may recess such public hearing, from time to time, to consider any alternative proposal. In the event the Applicant requests the board of adjustment to consider an alternative proposal, notice of the alternative proposal shall be given in the manner required by Subsection 107-491(a), and the hearing on the alternative proposal shall be set no less than 30-days prior to the date notice is given; and
- The board of adjustment finds all the following:
 - The lot to be developed has no existing 75-foot greenbelt or the existing greenbelt is less than the required 75-feet;
 - The proposed alternative, as compared to the existing development, mitigates the impact of the existing development upon adjacent residential properties and/or improves to the greatest extent practicable the buffering of the adjacent residential properties, and preserves or enhances existing landscaping to the greatest reasonable extent;
 - The proposed alternative, as compared to the existing development, is consistent with and promotes the recommendations and policies within the comprehensive plan;
 - The proposed alternative enhances the site, as compared to the existing development, without detriment to the adjacent residential properties, and therefore, the overall environment of the city; and
 - The proposed alternative if granted will not have a detrimental impact on any adjacent properties.





Special Exceptions vs. Variances

- Variances have been defined as suspensions of the literal enforcement of the ordinance against a particular use; therefore, a variance is a permission to use land in a manner prohibited by the ordinance, while a special exception allows a deviation from the ordinance that is specifically provided for in the ordinance.
- A variance may be granted where the application of the law or use may present a practical difficulty or unnecessary hardship, and the literal enforcement of the regulations may be disregarded.
- Special exceptions must be specifically set forth and be found in the ordinance provisions themselves and may not be altered.
- Special exceptions and variances are not mutually exclusive, and it is possible for relief requests to qualify for both processes.

Appeals

Who may appeal an administrative decision to the Board? (not related to a specific application, address, or project)

- A person aggrieved by the decisions of an administrative official.
- Any officer, department, board, or bureau of the municipality affected by the decisions of an administrative official.



Appeals Contd.

Who may appeal an administrative decision to the Board? (related to a specific application, address, or project)

- A person who filed the application that is subject to the decision
- An owner or representative of the property that is subject to the decision
- A person aggrieved by the decision and who owns property within 200 ft of the subject property
- Any officer, department, board, or bureau of the municipality affected by the decision of an administrative official.



Board Procedures for Appeals



Appeal must be filed with board within 20 days after the administrative decision is made.



The grounds for the appeal must be specified.

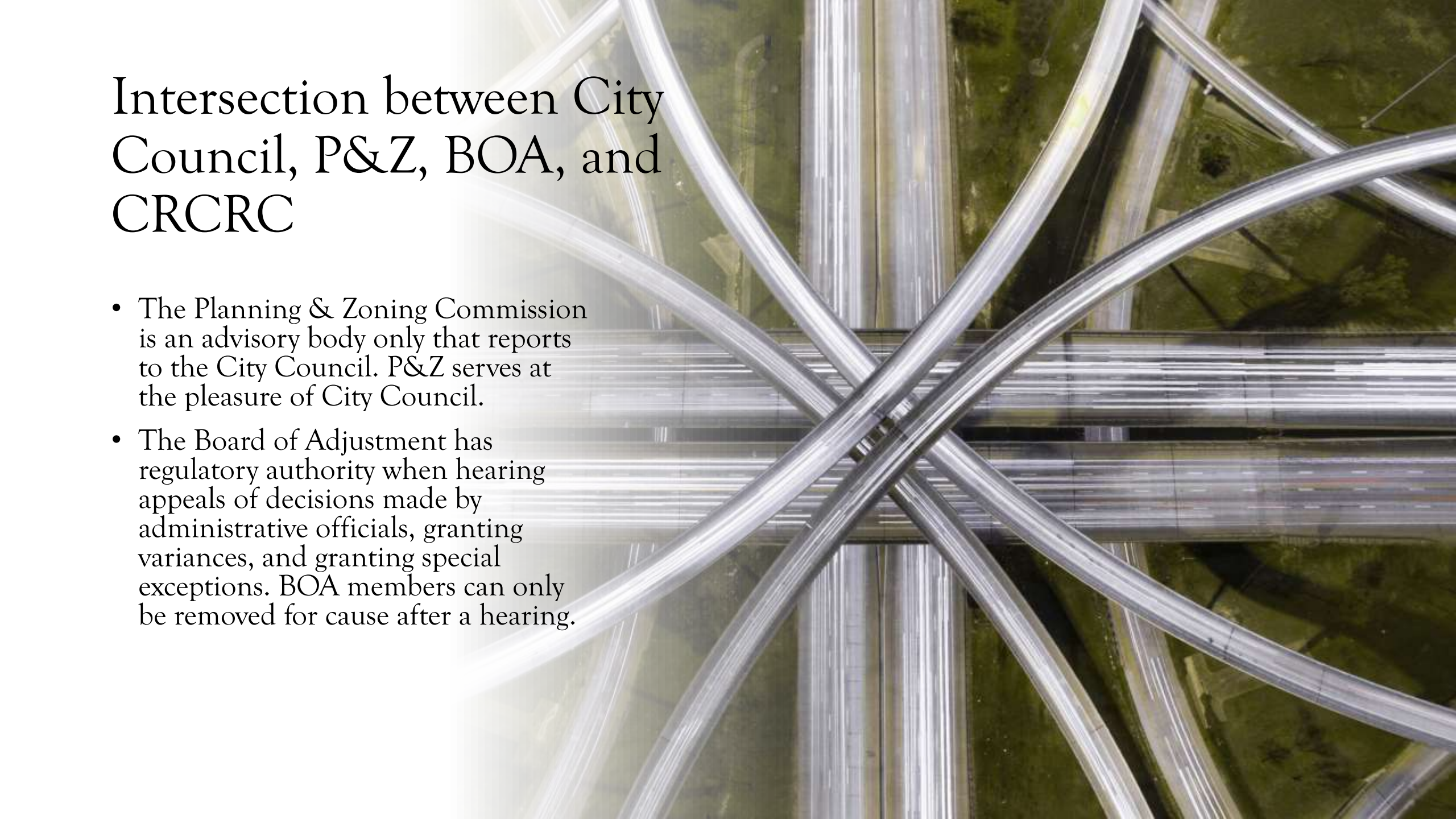


Official shall immediately transmit the record to the board.



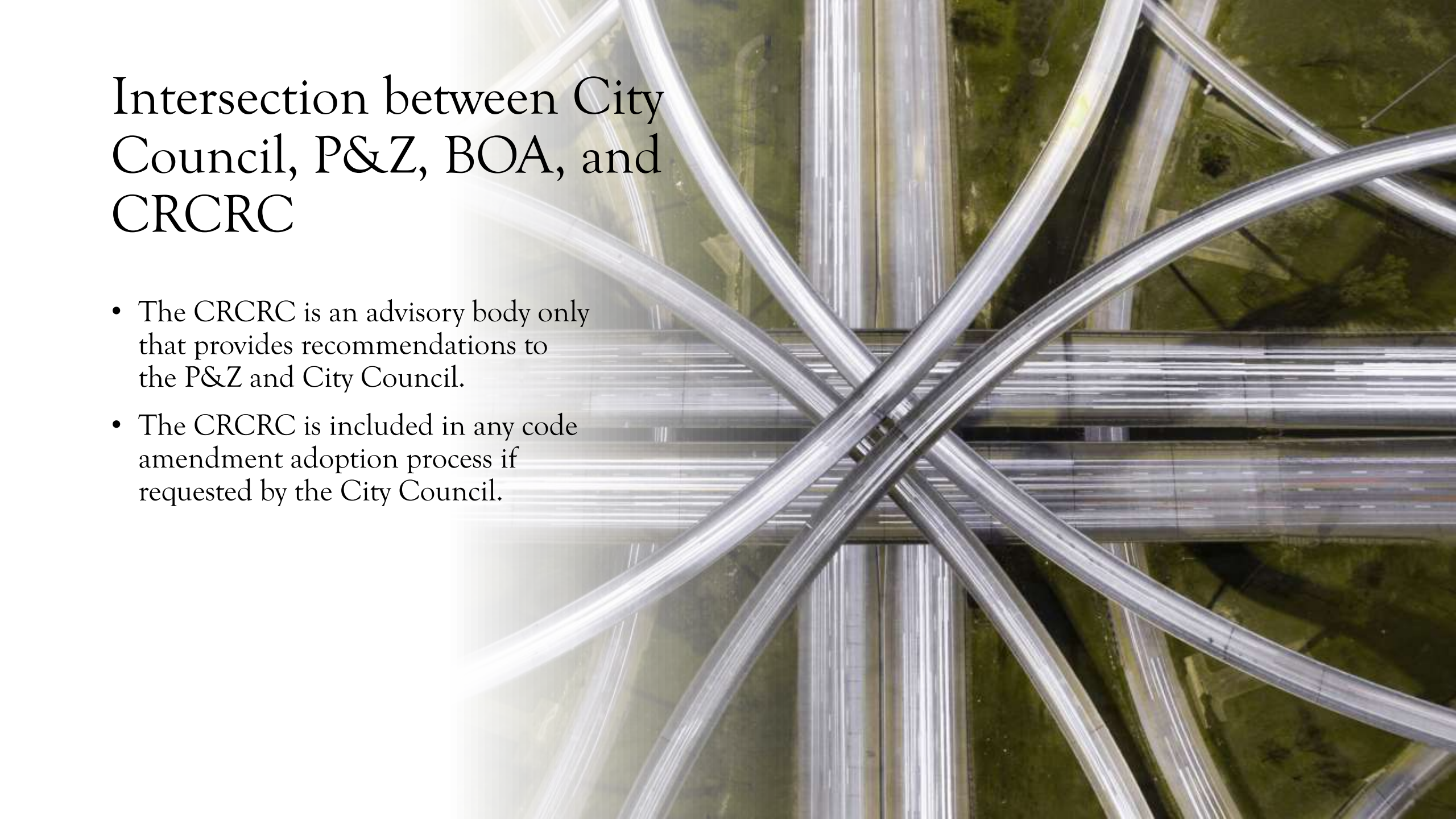
An appeal stays all proceedings unless such a stay would cause imminent peril to life or property.





Intersection between City Council, P&Z, BOA, and CRCRC

- The Planning & Zoning Commission is an advisory body only that reports to the City Council. P&Z serves at the pleasure of City Council.
- The Board of Adjustment has regulatory authority when hearing appeals of decisions made by administrative officials, granting variances, and granting special exceptions. BOA members can only be removed for cause after a hearing.



Intersection between City Council, P&Z, BOA, and CRCRC

- The CRCRC is an advisory body only that provides recommendations to the P&Z and City Council.
- The CRCRC is included in any code amendment adoption process if requested by the City Council.



Questions?