

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

CITY OF ROLLINGWOOD, TEXAS

ORDINANCE NO. 2023-05-17-11

AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES SECTION 107-399, SECTION 107-518, AND SECTION 107-520 RELATED TO PUBLIC HEARING NOTICE AND OTHER MATTERS IN CONNECTION THEREWITH; REPEALING PROVISIONS IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Rollingwood (“City”) is a General Law Municipality operating under the laws of the State of Texas; and

WHEREAS, the City Council of the City of Rollingwood (“City Council”) previously established a Land Use Development Code as codified in its Code of Ordinances; and

WHEREAS, the City Council may from time to time choose to amend, supplement, change or modify the Land Use Development Code; and

WHEREAS, the City has given proper notice, as necessary, pertaining to the amendment of the Code of Ordinances; and

WHEREAS, the City Council finds and determines that Section 107-399 *Special use permits*, Section 107-518 *Hearing and notice*, and Section 107-520 *Procedure before the city council* of the City’s Code of Ordinances related to written and published notice of certain public hearings shall be amended as provided herein.

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

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

SECTION 2. Part II of the City’s Code of Ordinances Chapter 107 is hereby amended as set forth on **Exhibit A** attached hereto.

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provisions of the ordinances of the City of Rollingwood in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this ordinance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

SECTION 4. Should any sentence, paragraph, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be

47 invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a
48 whole.

49
50 **SECTION 5.** It is officially found, determined, and declared that the meeting at which this
51 Ordinance is adopted was open to the public as required and that public notice of the time, place,
52 and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551,
53 Texas Government Code, as amended.

54
55 **SECTION 6.** This ordinance shall take effect immediately from and after its passage and the
56 publication of the caption as the law provides.

57
58 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas,
59 on the ____ day of _____, 2023.

60
61 APPROVED:

62
63
64 _____
65 Gavin Massingill, Mayor

66
67 ATTEST:

68
69
70 _____
71 Desiree Adair, City Secretary
72
73

74 **Exhibit A**

75 All text which is underlined denotes addition of new text. All text which is ~~stricken through~~ denotes
76 removal of existing text. All text which is double underlined denotes existing text which was
77 deleted from one location and moved to a new location. All other text is existing, unchanged text.
78 Any existing text which has been omitted shall be considered unchanged. All text which is both
79 between braces { } and *italicized*, is for document organization and reference only and is not
80 intended to be adopted. The Code of Ordinances of City of Rollingwood, Texas, Part II, Chapter
81 107, Section 107-399 Special use permits, Section 107-518 Hearing and notice, and Section 107-
82 520 Procedure before the city council, are hereby amended as follows:
83

84 *{Amendment to notice requirements in Sec.107-399 Special use permits}*

85 Sec. 107-399 – Special use permits

- 86
- 87
- 88 a) *Permit required.* No special use shall be established, operated, or maintained except as
89 authorized by a special use permit approved in accordance with the requirements of this
90 article.
- 91
- 92 b) *Special use permit approved by city council.* A special use permit may be approved only
93 for the special uses specified in this article, and only for the districts wherein such uses are
94 authorized. A special use permit may be approved by the city council acting after notice, a
95 public hearing and ~~after the council has received a~~ recommendation from the commission
96 relative to the proposed permit.
- 97
- 98 c) *Application.* An application for a special use permit shall be made in writing in a form
99 prescribed by the city secretary, and shall be accompanied by such information as may be
100 requested (including a site plan, if required) in order to provide for proper review of the
101 proposed use. Such information may include, but is not limited to, site and building plans,
102 drawings and elevations, traffic plans prepared by a licensed professional engineer with
103 experience in traffic safety that includes an analysis of traffic to be generated by the
104 proposed use and indicates the impact on existing traffic conditions within the city,
105 including residential areas, and provides information on the potential congestion caused by

106 ingress and egress, and operational data.

107
108 d) *Report by city secretary or city inspector.* The city secretary or city inspector shall visit the
109 site of the proposed special use and the surrounding area, and thereafter submit his written
110 findings to the commission and the city council.

111
112 e) *Notice and Public hearings ~~by commission.~~*

113 1) The commission and city council shall provide notice and hold a public hearing on
114 each application for a special use permit, pursuant to this section and section 107-
115 518(b).

116
117 ~~2) Written notice of such hearing shall be given to the owners of all real property~~
118 ~~located within 250 feet in all directions of the property that is the subject of the~~
119 ~~hearing. Notice shall be given not less than 30 days prior to the date of the hearing~~
120 ~~either by personal service or by mailing a copy of the notice to each owner at his~~
121 ~~address shown on the current city tax roll.~~

122
123 ~~3) Such notice shall state the purpose, date, time, and place of the hearing, together~~
124 ~~with a brief description of the proposed development, including its nature, scope,~~
125 ~~and location. The notice shall also describe any variances the applicant has~~
126 ~~requested and state the location and times at which the special use permit~~
127 ~~application and supporting documents are available for public inspection. The time~~
128 ~~and place of the public hearing to be held before the city council shall also be~~
129 ~~included if known at the time the notice is given and, if it is not known at such time,~~
130 ~~a telephone number shall be provided where information on the hearing before the~~
131 ~~city council will be available at a later date.~~

132
133 ~~4) The applicant shall be responsible for drafting the notice and serving it after the~~
134 ~~notice has been approved by the city secretary as to form and content. An affidavit~~
135 ~~of proof of service shall be filed by the applicant with the city secretary prior to the~~
136 ~~hearing.~~

137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167

f) *Review and recommendation of the commission.*

- 1) The commission shall review each application for a special use permit to determine whether the proposed special use complies with each of the general criteria in section 107-400, and with each of the specific criteria in section 107-401 applicable to the proposed use, and shall make a separate finding thereon for each criterion.
- 2) The commission shall not recommend approval of an application unless it finds that the proposed special use as presented or as modified by the commission complies with each applicable general and specific criterion. A recommendation of approval may be conditioned on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to ensure compliance with the criteria.
- 3) The commission shall forward its findings and recommendations to the city council in writing.

~~Hearing before city council. The city council shall review an application for a special use permit at a public hearing after receiving the findings and recommendations of the commission.~~

g) *Review and action by city council.*

- 1) The city council shall determine whether the proposed special use complies with each of the general criteria in section 107-400 and with each of the special criteria in section 107-401 applicable to the proposed use, and shall make separate findings thereon or adopt the findings made by the commission.
- 2) The city council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to ensure compliance with the criteria.

168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198

3) The city council shall not grant a special use permit unless it finds that the proposed special use, as presented or as modified by the council, complies with each applicable general and specific criterion; otherwise it shall deny the application.

{Amendment to notice requirements in Sec.107-518 Hearing and notice}

Sec. 107-518 – Hearing and notice

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

~~b) Not less than 16 days prior to the hearing, notice of the date, time and location thereof will be published in the official newspaper of the city or in a newspaper of general circulation in the city. In addition, in the case of a proposed change in zoning classification, written notice of a public hearing will be mailed, not less than 30 days prior to the hearing, to all owners of property (as such ownership is shown on the current city tax roll) lying within 250 feet of the property that is the subject of the proposed zoning classification change. If the application for a change in zoning classification requests a change to a zoning district other than residential district or park district, the notice must be mailed, not less than 30 days prior to the hearing, to all owners of property (as such ownership is shown on the current city tax roll) within the city. The notice may be served by depositing it in the U.S. mail with the proper address and postage.~~

b) Notice Requirements

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

2) In the case of a proposed change in zoning classification, written notice of a public

199 hearing will be mailed, not less than 20 days prior to each required public hearing
200 of the Planning and Zoning Commission and City Council, to all owners of property
201 (as such ownership is shown on the current city tax roll) lying within 250 feet of
202 the property that is the subject of the proposed zoning classification change. If the
203 application for a change in zoning classification requests a change to a zoning
204 district other than residential district or park district, the notice must be mailed, not
205 less than 20 days prior to the hearing, to all owners of property (as such ownership
206 is shown on the current city tax roll) within the city. The notice may be served by
207 depositing it in the U.S. mail with the proper address and postage.

208
209 c) Public hearing required. Whenever a public hearing is required, the city administrator or
210 his/her designee shall establish the date, time and place of the public hearing and shall
211 cause any notice required to be prepared and made accordingly.

212
213 d) Joint public hearing. The city council may, at its discretion at a properly noticed public
214 meeting, determine that a public hearing shall be held before both the planning and zoning
215 commission and the city council. If such a determination is made, the planning and zoning
216 commission and the city council may conduct a joint public hearing and take action on the
217 application in the following manner:

218
219 1) The city council on its own motion shall establish the date of the joint public
220 hearing.

221
222 2) The city council shall cause notice of the joint public hearing to be provided as
223 required.

224
225 3) The planning and zoning commission and the city council shall be convened for the
226 hearing and for any action to be taken on the petition or application.

227
228 4) The planning and zoning commission and the city council may take action on the

229 application at the same meeting; however, the city council shall not take action until
230 the report and recommendation of the planning and zoning commission has been
231 received.

DRAFT