

**PLANNING & ZONING RECOMMENDATION**

**REGARDING A RECOMMENDATION TO THE CITY COUNCIL OF ROLLINGWOOD TO AMEND THE CITY CODE OF ORDINANCES TO CLARIFY PROVISIONS RELATED TO THE CONTINUATION OF NONCONFORMING BUILDINGS AND STRUCTURES.**

**WHEREAS**, the Planning and Zoning Commission of the City of Rollingwood has considered amending Chapter 14 of the City Code of Ordinances to clarify provisions related to the continuation of nonconforming buildings and structures; now, therefore,

**IT IS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF ROLLINGWOOD, TEXAS:**

**SECTION 1.** Amend Chapter 14, Zoning Ordinance, City of Rollingwood, in section 14.02.924 to read as follows:

Sec. 14.02.924 Nonconforming buildings, structures

Any nonconforming building[,—{]or[+] structure may, so long as it remains otherwise lawful, be continued [~~after the adoption of this article or amendments thereto,~~] subject to the following requirements and limitations:

1 (1) Except as otherwise required by ordinance or law, a  
2 nonconforming building~~[, - ]~~or[+] structure may not be  
3 ~~[enlarged or otherwise]~~ altered in a manner that increases  
4 the extent of its nonconformity.

5 (2) Except as otherwise required by ordinance or law, a  
6 nonconforming building or structure must be brought into  
7 conformity if the building or structure is:

8 (A) issued a permit for construction or remodeling  
9 which includes at least fifty percent of the square footage  
10 of the building or structure; or

11 [~~2~~] 3 If a nonconforming building~~[, - ]~~or[+] structure  
12 is moved, it shall conform to the regulations for the  
13 district within or into which it is moved.

14 [~~3~~] 4 If a nonconforming building~~[, - ]~~or[+] structure,  
15 other than a dwelling, is damaged or destroyed by fire or  
16 other accidental or natural means, the building official  
17 shall, upon application by the owner thereof, issue a  
18 permit for repair or reconstruction of the building or  
19 structure, provided that the repair or reconstruction  
20 conforms with the construction materials standards set  
21 forth in section 14.02.276 [~~and~~], the compatibility  
22 standards set forth in 14.02.285 of this article, and  
23 will not increase the extent of the nonconformity of the  
24 building or structure.

25 [~~4~~] 5 If a nonconforming building~~[, - ]~~or[+] structure

1 that is a dwelling is damaged or destroyed by fire or  
2 other accidental or natural means, the building official  
3 shall, upon application by the owner thereof, issue a  
4 permit for repair or reconstruction of the building or  
5 structure if the repair or reconstruction will not  
6 increase the extent of the nonconformity of the building  
7 or structure.

8 [~~5~~] 6 Nothing in this article shall be deemed to:

9 (A) Prevent ordinary repairs to nonconforming  
10 buildings[~~7~~]or[+] structures;

11 (B) Prevent alterations of or extensions to  
12 nonconforming buildings[~~7~~]or[+] structures as  
13 required by law or ordinance; or

14 (C) Prevent the restoration to a safe condition of  
15 any nonconforming building[~~7~~] or structure, or  
16 portion thereof, declared to be unsafe by the  
17 building official or other duly authorized official.

18 **SECTION 2. EFFECTIVE DATE.** Changes made by the City Council of  
19 Rollingwood related to this agenda item shall be effective  
20 immediately for any plans submitted to the City Engineer or City  
21 Building Official on or after September 21, 2017. Plans submitted  
22 prior to September 21, 2017 may meet all applicable interpretations  
23 of Section 14.02.924 as determined by previous actions of the  
24 Council.

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1 PASSED AND APPROVED this 3rd day of August, 2017.

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Josh McKay, Chair

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7 ATTEST:

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11 Robyn Ryan, City Secretary