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45 **SECTION 2.** The City’s Code of Ordinances Chapter 107, Zoning shall be amended to
46 read as follows, with underlines being additions and ~~strikethroughs~~ being deletions:

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48 Sec.107-3 – Definitions.

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50 *Building height, residential*, means the vertical distance above a reference
51 datum measured to the highest point of the building. The reference datum
52 shall be selected by either of the following, whichever yields a greater
53 height of the building:

- 54
55 (1) The elevation of the highest adjoining original native ground surface ~~within~~
56 ~~a five-foot horizontal distance of~~ to the exterior wall of the building when
57 such original native ground surface is not more than ten feet above the
58 lowest adjoining original native ground surface grade; or
59
60 (2) An elevation of ten feet higher than the lowest adjoining original native
61 ground surface grade when the highest adjoining original native ground
62 surface described in subsection (1) of this section is more than ten feet above
63 lowest adjoining original native ground surface grade.
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65 (3) The original native ground surface shall be determined as the existing grade
66 on the lot prior to development of the residential building as may be shown
67 on approved building plans or survey of the property.

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69 This definition shall apply to all residential buildings or structures within
70 the City including residential buildings constructed in the R - Residential
71 Zoning District (see Sec.107-71 for Maximum permissible height in R -
72 Residential Zoning District).

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76 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other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

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80 **SECTION 4.** Should any sentence, paragraph, subdivision, clause, phrase or section of
81 this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
82 affect the validity of this ordinance as a whole, or any part or provision thereof other than the part
83 so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of
84 Ordinances as a whole.

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86 **SECTION 5.** This ordinance shall take effect immediately from and after its passage and
87 the publication of the caption, as the law and charter in such cases provide.
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89 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas,
90 on the ____ day of _____, 2023.

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APPROVED:

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary

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