1	CITY OF ROLLINGWOOD, TEXAS
2	ORDINANCE NO. 2023-04-19-12
4	ORDINATION 2023-04-13-12
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6	AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS,
7	AMENDING THE CITY'S CODE OF ORDINANCES SECTION 107-3
8	DEFINITIONS, RELATED TO THE DEFINITION OF BUILDING HEIGHT, RESIDENTIAL IN THE R- RESIDENTIAL ZONING DISTRICT;
9 10	PROVIDING A SAVINGS CLAUSE, REPEALING CONFLICTING LAWS
11	AND ESTABLISHING AN EFFECTIVE DATE
12 13	<b>WHEREAS</b> , the City of Rollingwood ("City") is a General Law Type A City under the statutes of the State of Texas; and
14 15 16	WHEREAS, the Texas Local Government Code authorizes a municipality to adopt zoning regulations regarding the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and
17 18	<b>WHEREAS</b> , the Planning and Zoning Commission and City Council held a joint public hearing on April 5, 2023 on the proposed amendment to Section 107-3 Definitions; and
19 20 21	WHEREAS, the Planning and Zoning Commission after consideration of the proposed amendment recommended denial of the proposed amendment to City Council; and
22 23 24 25	<b>WHEREAS</b> , the City Council hereby finds and determines that the proposed amendment promotes the public health, safety, morals, and general welfare of the Community; and
26 27 28	<b>WHEREAS</b> , the City Council hereby finds and determines that the proposed amendment is consistent with the comprehensive plan for the City; and
29 30 31	WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable; and
32 33 34 35	<b>WHEREAS</b> , the City Council finds and determines that Section 107-3 Definitions of the City's Code of ordinances related to the definition of Building height, residential shall be amended as provided herein.
36 37 38	NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
39 40	ROLLINGWOOD, TEXAS, THAT:
11 12 13	<b>SECTION 1.</b> 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.

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

Sec. 107-3 – Definitions.

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

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

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

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

**SECTION 5.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

89	APPROVED, PASSED AND ADOPT	<b>ED</b> by the City Council of the City of Rollingwood, Texas,
90	on the day of, 2023.	
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92		APPROVED:
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95		Gavin Massingill, Mayor
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97	ATTEST:	
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100	Desiree Adair, City Secretary	