

1 **ORDINANCE NO. _____**

2 **AN ORDINANCE AMENDING CHAPTER 107 OF THE CITY OF**
3 **ROLLINGWOOD’S CODE OF ORDINANCES RELATED TO**
4 **RESIDENTIAL BUILDING HEIGHTS AND HEIGHT**
5 **MEASUREMENT; PROVIDING FOR SEVERABILITY AND AN**
6 **EFFECTIVE DATE.**

7 **WHEREAS**, the City of Rollingwood is a General Law Type A City under the
8 statutes of the State of Texas; and

9 **WHEREAS**, the Texas Local Government Code Chapter 211 provides authority to
10 regulate the height, number of stories, and size of buildings and other structures; and

11 **WHEREAS**, the City Council of the City of Rollingwood (“City Council”) finds
12 that maintaining the existing character and aesthetic appeal of residential neighborhoods is
13 of paramount importance. The introduction of excessively tall residential buildings
14 threatens to alter the visual and cultural fabric of the community; and

15 **WHEREAS**, the City Council finds and determines that taller buildings can lead
16 to privacy concerns for adjacent properties, as higher floors may overlook yards, gardens,
17 and living spaces and this intrusion into private spaces can affect residents' quality of life
18 and sense of security; and

19 **WHEREAS**, the City Council finds and determines that the regulation of
20 residential building heights proposed herein is consistent with the goals and policies
21 outlined in the City's Comprehensive Plan and support the Plan's vision for sustainable
22 development, community character preservation, and balanced growth; and

23 **WHEREAS**, the Comprehensive Residential Code Review Committee (the
24 “CRCRC”) was appointed, among other issues, to study the effect of building heights and
25 building height regulation; and

26 **WHEREAS**, the City Council finds and declares that regulating residential
27 building heights is essential for preserving the community's character, protecting residents'
28 privacy, promoting environmental sustainability, and ensuring equitable and sustainable
29 growth. These findings form the basis for the proposed height regulations, which will be
30 implemented in accordance with applicable laws and community goals.

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

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

37 **SECTION 2.** Code Amendment. The following sections of the Rollingwood Code of
38 Ordinances is hereby amended as follows with ~~striketroughs~~ being deletions from the
39 Code and underlines being additions to the Code:

40 Section 107-3 of Definitions is amended to read as follows:

41 Building height, residential, means the vertical distance from the Original
42 Native Ground Surface or finished grade, whichever is lower, to the highest
43 point directly above.

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

48 (1) ~~— The elevation of the highest adjoining original native ground~~
49 ~~surface to the exterior wall of the building when such original native~~
50 ~~ground surface is not more than ten feet above the lowest adjoining~~
51 ~~original native ground surface; or~~

52 (2) ~~— An elevation of ten feet higher than the lowest adjoining~~
53 ~~original native ground surface when the highest adjoining original~~
54 ~~native ground surface described in subsection (1) of this section is~~
55 ~~more than ten feet above lowest adjoining original native ground~~
56 ~~surface;~~

57 (3) ~~— The original native ground surface shall be determined as the~~
58 ~~existing grade on the lot prior to development of the residential~~
59 ~~building as may be shown on approved building plans or survey of~~
60 ~~the property.~~

61 ~~This definition shall apply to all residential buildings or structures within~~
62 ~~the city including residential buildings constructed in the R— Residential~~
63 ~~Zoning District (see section 107-71 for Maximum permissible height in R—~~
64 ~~Residential Zoning District).~~

65 Original Native Ground Surface means the existing grade on a lot prior to
66 development of the residential building as may be shown on a certified topographic
67 survey of the property.

68 Parallel Plane is an imaginary plane that is thirty-five (35) feet above and parallel
69 to the original native ground surface. No part of a building or structure, exclusive
70 of the exceptions outlined in this chapter may break this plane.

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72 Section 107-71 is amended to add the following language:

73 **Sec. 107-71. - Maximum permissible height.**

74 (a) No portion of any building or structure (except a chimney, attic vent,
75 lightning rod, or any equipment required by the city building code) may
76 exceed thirty-five (35) feet in height. Except as may be required by
77 applicable codes, no chimney, attic vent, lightning rod or required
78 equipment may extend more than three feet above the highest point of the
79 following: the coping of a flat roof, the deck line of a mansard roof, or the
80 gable of a pitched or hipped roof.

81 (b) The maximum allowable building height is twenty-five (25) feet when
82 the building is placed ten (10) feet from the property line, as measured from
83 the existing or finished grade, whichever is lower. For each additional foot
84 of distance beyond ten (10) feet from the property line, the height may
85 increase by one (1) foot, up to a maximum of thirty-five (35) feet. The
86 maximum height of thirty-five (35) feet must be achieved at a distance of at
87 least twenty (20) feet from the nearest property line.

88 (c) Should a landowner believe the slope of a lot be so severe that the
89 requirements proposed above have extreme adverse impact on the lot, an
90 owner may seek relief from these requirements by special exception granted
91 by the Board of Adjustment.

92 (d) Existing grade may be adjusted graphically as a straight line across
93 unusual or minor topographic variations including pools, ponds, existing
94 basements, rock outcroppings depressions and natural drainage ways, with
95 the intent to approximate original grade without penalty for previous
96 construction.

97 (e) Building height may be increased below the parallel plane by way of
98 excavation, when starting a minimum of twenty (20) feet horizontal from
99 the side or rear property lines, as follows:

100 i. As to the portion of the building above the excavated area: forty
101 (40) feet above finished floor for uppermost surface of eave/parapet;

102 ii. As to the portion of the building above the excavated area: forty-
103 five (45) feet above finished floor for ridgeline of sloped roof with
104 minimum of three over twelve (3/12) roof pitch.

105 The Parallel Plane may not be breached. Any exposed foundation resulting
106 from this increase may not exceed eighteen (18) inches.

107 (f) Foundation exposure within public view from the right-of-way cannot
108 exceed six feet. Foundation exposure within public view from the right-of-
109 way must be screened such that the viewable portion does not exceed two
110 and a half (2.5) feet.

111 Section 107-81 Special Exception.

Commented [AW1]: Legal recommendation is this be by variance.

112 Should some portion of the buildable area reside on or adjacent to a flood
113 plain or drainage easement, and it can be shown that such would have
114 extreme adverse impact on the lot's buildable potential, an owner may seek
115 relief from these requirements by special exception granted by the Board of
116 Adjustment. In such cases the Board may grant a special exception for up
117 to five (5) additional feet of building height.

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

122 **SECTION 4.** Should any sentence, paragraph, sub-article, clause, phrase or section of this
123 ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
124 affect the validity of this ordinance as a whole, or any part or provision thereof other than
125 the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity
126 of the Code of Ordinances as a whole.

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

129 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of
130 Rollingwood, Texas, on the _____ day of _____, 2024
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Gavin Massingill, Mayor

137 ATTEST:

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_____, City Secretary

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