

ORDINANCE NO. 2025-05-21-06

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AN ORDINANCE AMENDING CHAPTER 107 OF THE CITY OF ROLLINGWOOD'S CODE OF ORDINANCES RELATED TO RESIDENTIAL BUILDING HEIGHTS AND HEIGHT MEASUREMENT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

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

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

WHEREAS, the Comprehensive Residential Code Review Committee (the "CRCRC") was appointed, among other issues, to study the effect of building heights and building height regulation; and

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

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.

37 **SECTION 2.** Code Amendment. The following sections of the Rollingwood Code of
 38 Ordinances is hereby amended as follows with ~~strikethroughs~~ 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 **Sec. 107-3. – Definitions.**

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

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

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

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

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

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

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

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

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

Division 107, District 2, Residential Zoning (R) District,

[or keep this]

as used in Chapter 107, Division 107, District 2, Residential (R) Zoning District,

Commented [NS1]: Genie Nyer amended the motion to examine the definition to clarify what "existing grade" means.

P&Z discussed and felt that adding the word "new" in front of residential building could help clarify this definition.

move this sentence to sec. 107-71 (b) as the first sentence of (b)

BuildingSec. 107-71. - ~~Maximum permissible height.~~

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

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

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

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

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

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

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

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

(g) Foundation exposure within public view from the right-of-way cannot exceed six feet. Foundation exposure within public view from the right-of-way must be screened such that the ~~viewable~~ unscreened portion does not exceed two and a half (2.5) feet in height.

at a horizontal distance of

building

horizontal

is allowed

Commented [NS2]: P&Z discussed with Principal Planner Amanda Padilla the difference between a variance and a special exception. A special exception would need specific criteria for approval. The P&Z voted to change from Special Exception to Variance.

Section 107-83 Special Exception.

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

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, sub-article, 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.

APPROVED, PASSED AND ADOPTED by the City Council of the City of Rollingwood, Texas, on the _____ day of _____, 2025

Gavin Massingill, Mayor

ATTEST:

_____, City Secretary

have a common boundary with

conditions

area

the requirements of section 107-71(b)

so long as such increase in height is at a distance of at least twenty-five (25) feet from the nearest property line.