

ORDINANCE NO. 91-A

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, BY CHANGING THE ZONING DESIGNATION ON A TRACT OF LAND DESCRIBED HEREIN FROM "R," RESIDENTIAL DISTRICT, TO "C," COMMERCIAL DISTRICT, AND AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF ROLLINGWOOD SO AS TO REFLECT THIS CHANGE.

WHEREAS, the previous owner of the tract of land described in Exhibit "A," attached hereto and made a part hereof, requested that the zoning designation of said tract be changed from "R" Residential District to "C" Commercial District; and

WHEREAS, public hearings have previously been held and notices given to adjacent property owners; and

WHEREAS, on September 10, 1973, the City Council of the City of Rollingwood voted to grant the zoning change designation on said tract of land from "R" Residential District to "C" Commercial District, noting said change in Ordinance No. 91; and

WHEREAS, Ordinance No. 91 has been inadvertently misplaced or lost, and it is deemed advisable by the present City Council to make a record of such prior zoning change, NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS:

SECTION 1: That the zoning district map of the City of Rollingwood as adopted in Ordinance No. 67, be, and same is hereby amended by changing the designation of the hereinafter described tract of land from a "R" Residential designation to a designation of "C" Commercial, said tract of land being described in Exhibit "A," attached hereto and made a part hereof.

SECTION 2: That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned "C," Commercial District, herein, as such on the official zoning district map of the City of Rollingwood, and by proper endorsement indicate the authority for said notation.

PASSED by the City Council of the City of Rollingwood at a meeting on the 18th day of March, 1985, at which a quorum was present and for which due notice was given pursuant to Tex. Rev. Civ. Stat. Ann. art. 6252-17 (1970, Supp. 1984).


APPROVED this 18th day

of March, 1985.



HARRY ROGERS, Mayor

ATTEST:



CINDY SELMAN, City Secretary

Metes and Bounds
Description of 23,100 square feet
(0.530 Acre)

BEING 23,100 SQUARE FEET (0.530 ACRE) TRACT OF LAND IN THE HENRY P. HILL LEAGUE IN TRAVIS COUNTY AS RECORDED IN VOLUME 1965, PAGE 18 OF TRAVIS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron pipe found at the southeast corner of Lot 1, same being the southwest corner of Lot 2, Block D, Timberline Terrace Section 2, a subdivision of record in Book 8, Page 68 of Travis County Plat Records;

THENCE, South 04° 4' 00" East, 155.83 feet to a 1/2-inch iron rod set in the north right-of-way line of Bee Cave Road and in a non-tangent curve to left;


THENCE, 44.50 feet along the arc of said curve to the left and the north right-of-way line of said Bee Cave Road, having a radius of 622.96 feet, a central angle of 04° 05' 35", and a chord bearing and distance of South 88° 27' 47" West, 44.49 feet to 1/2-inch iron rod set for the end of said curve;

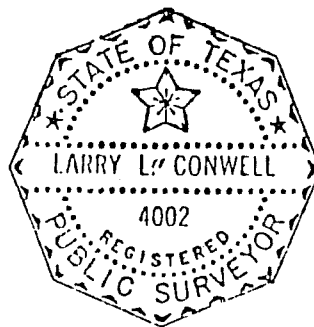
THENCE, South 86° 25' 00" West, 115.17 feet continuing along north right-of-way line of said Bee Cave Road to a 1/2-inch iron rod set for the point of intersection with the east right-of-way line of Peak Road (60 feet wide):

THENCE, departing the north right-of-way line of said Bee Cave Road, North 03° 35' 00" West, 137.56 feet along the east right-of-way line of Peak Road to a 1/2-inch iron rod found for the northeast corner of the herein described tract;

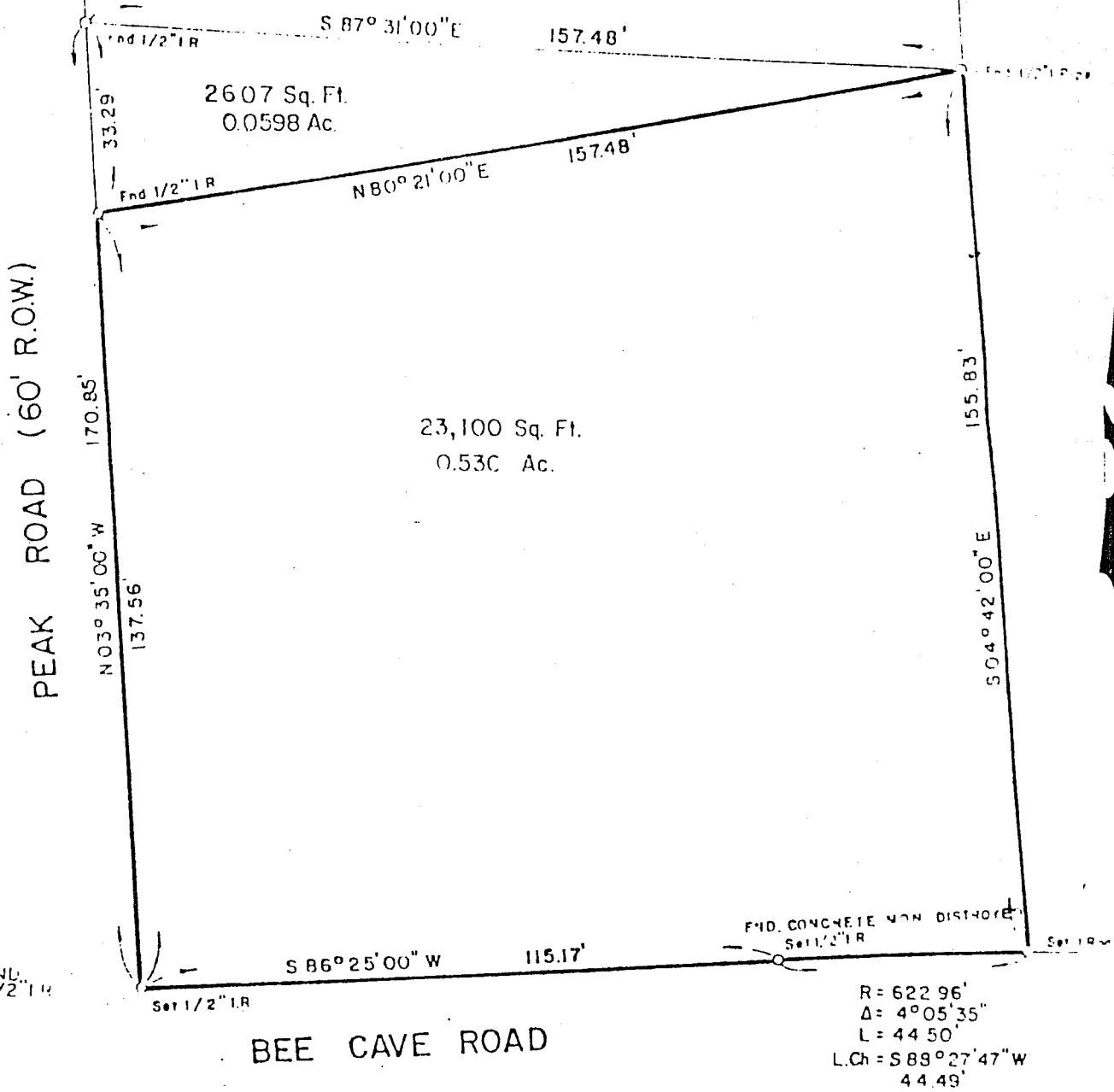
THENCE, departing the east right-of-way line of said Peak Road, North 80° 21' 00" East, 157.48 feet to the POINT OF BEGINNING containing 23,100 square feet (0.530 acre) of land.

I, Larry L. Conwell, do hereby certify that this description accurately represents the results of an on the ground survey made under my supervision in January, 1984.


Larry L. Conwell
Registered Public Surveyor
Texas Registration No. 4002



Turner Collie & Braden Inc.
Austin, Texas
Job No. 41-07405-001
January, 1984



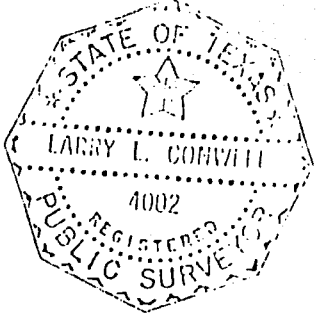
$R = 622.96'$
 $\Delta = 4^{\circ} 05' 35''$
 $L = 44.50'$
 $L.Ch = S 89^{\circ} 27' 47'' W$
 $44.49'$

SCALE 1" = 30'

The undersigned hereby CERTIFIES that this drawing correctly represents the results of a survey made on the ground in January, 1984, under my supervision and that this survey correctly shows the location of all buildings, structures and other improvements situated on the land, that the field notes shown hereon are true and correct, and that except as shown hereon there are no (1) visible easements or rights-of-way across the land of which the undersigned has been advised, or (2) visible encroachments upon adjoining property, streets or alleys by any of the buildings, structures or other improvements except as shown hereon or (1) visible encroachments upon the land.

SURVEY OF TWO TRACT OF LAND IN
 THE HENRY P. HILL LEAGUE
 Vol. 1965, Pg. 18

TRAVIS COUNTY TEXAS



LARRY L. CONWILL
 REGISTERED PUBLIC SURVEYOR
 TEXAS REGISTRATION NO. 4002

Turner Collie & Braden Inc.
 Consulting Engineers
 ALBUQUERQUE
 DALLAS
 EL PASO
 HOUSTON
 PORT ARTHUR

ORDINANCE NO. 67-N

AN ORDINANCE AMENDING ORDINANCE NO. 67, OF THE CITY OF ROLLINGWOOD, TEXAS, AS AMENDED BY ORDINANCE NO. 67-D, BY AMENDING THE REQUIREMENTS FOR PARKING IN THE COMMERCIAL ZONE OF SAID CITY; BY REQUIRING A THREE-FOURTHS (3/4) MAJORITY VOTE OF THE CITY COUNCIL TO AMEND THE CITY'S ZONING ORDINANCE UNDER CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS:

SECTION 1: That Section 6, G of Ordinance No. 67-D of the City of Rollingwood, as amends Section 6 of Ordinance No. 67, be, and same is, hereby amended to hereafter read as follows:

SECTION 6, G. Parking: Off-street parking spaces shall be provided in the ratio of not less than one (1) parking space for each:

(1) two hundred and fifty (²⁰⁰~~250~~) square feet of floor space used, or intended to be used, for office space; and

(2) two hundred (200) square feet of floor space for all other uses permitted in the "C," Commercial District, exclusive of those uses permitted under §6, A, 1 of this ordinance.

Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two (2) or more owners of buildings may join together in providing this parking space.

SECTION 2: That Section 12, D of Ordinance No. 67 of the City of Rollingwood, be, and same is, hereby amended to hereafter read as follows:

SECTION 12, D. In Case of Protest. Unless such proposed amendment, supplement, or change has been approved by the Zoning Commission or, in case of a protest signed by the owners of twenty (20%) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending two hundred (200) feet therefrom, or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots, or of those immediately adjacent to either side of the area of said lots extending two hundred (200) feet therefrom, such change shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Council.

SECTION 3: If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.


SECTION 4: The descriptive caption of this ordinance is hereby ordered to be published in the official newspaper of the City of Rollingwood, and said ordinance shall take effect from and after such publication.

PASSED by the City Council of the City of Rollingwood at a meeting on the 5th day of November, 1984, at which a quorum was present and for which due notice was given pursuant to Tex. Rev. Civ. Stat. Ann. art. 6252-17 (1970, Supp. 1984).

APPROVED this 5th day
of November, 1984.


HARRY F. ROGERS, Mayor

ATTEST:


CINDY SELMAN, City Secretary

ORDINANCE NO. 67-D

AN ORDINANCE AMENDING ORDINANCE #67 OF THE CITY OF ROLLINGWOOD, TEXAS, AS PREVIOUSLY AMENDED, BY AMENDING CERTAIN DEFINITIONS; BY AMENDING SPECIFICATIONS FOR EXTERIOR BUILDING MATERIALS, HEIGHT REGULATIONS, BUILDING LINES & EASEMENTS FOR COMMERCIAL STRUCTURES; BY ESTABLISHING BARRIER REQUIREMENTS BETWEEN COMMERCIAL AND RESIDENTIALLY ZONED LOTS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF; PROVIDING FOR PENALTY AS ESTABLISHED IN ORDINANCE #67K, AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS:

Ordinance 67 of the City Ordinances of the City of Rollingwood and all amendments thereto are hereby amended to provide for the addition of the following:

1. Definitions

ACCESSORY BUILDING means a structure detached from the main building intended for storage, work shop, hobby shop, greenhouse, or structures of like character.

ACCESSORY USE means a subordinate use customarily incident to the main use.

ALLEY means a public way which affords a secondary means of access to property abutting thereon.

BASEMENT means any structure below ground level.

BUFFER means a green belt.

BUILDING means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

BUILDING LINE or SETBACK LINE means a designated line generally parallel to the street right-of-way, indicating the area into which a building may not encroach.

CITY means the City of Rollingwood, Travis County, Texas, or its governing body, as the context may dictate;

COMMISSION means the Zoning and Planning Commission of the City;

COMMISSIONER OF SANITATION means such person as may be appointed by the Mayor, and who undertakes the duties pursuant to such appointment, such as a Commissioner of Sanitation.

CLUB means a building, or portion thereof, or premises owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

CONTAINMENT SYSTEM means a facility other than organized disposal system and a containment system.

DETACHED GARAGE means a permanent building designed to shelter one (1) or more automobiles.

DISTRICT means a zoned section or sections of the City of Rollingwood for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the density of use, are uniform.

DWELLING means any building or portion thereof which is designed for residential purposes.

EASEMENT means property right in the public for the use of land for specific purposes.

FAMILY means one (1) person or two (2) or more persons related by blood, marriage, or legal adoption.

GRADE means the angle or slope of the land.

GREEN BELT is a landscaped area in which no structure can be built.

GROUND FLOOR AREA means the area measured by taking the aggregate outside horizontal dimensions of the building, at foundation level, excluding the floor area of garages, basements, and open or screened porches.

HABITABLE: The structure has complied with all requirements and can be inhabited pursuant to a lawfully granted certificate of occupancy.

HEIGHT OF BUILDING is defined in the section defining the city building codes.

HOLDING TANK means a vented, watertight tank designated for temporary holding of sewage and so constructed as to prevent the removal of the sewage except by pumping therefrom, for delivery to an approved sewage disposal system.

LOT means a portion of a subdivision or other parcel of land designed as a unit for transfer of ownership or for development.

LOT LINES mean the lines bounding a lot as defined herein.

MASONRY means clay brick, hollow clay tile, natural stone, stucco, marble, or a combination of any of these materials on the exterior surface of the outside walls.

MAYOR means the mayor of the City of Rollingwood.

MSL is the abbreviation for mean sea level.

NON-CONFORMING USE means any building or land lawfully occupied by a use at the time this ordinance or amendment thereto becomes applicable to such building or land, and which does not conform at the time of such applicability with the use regulation of the district in which it is situated.

OPEN ZONE: a green belt.

ORGANIZED DISPOSAL SYSTEM means any public or private sewage system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of applicable regulatory authority and law.

PARKING SPACE means an area containing not less than one hundred and eighty (180) square feet exclusive of the driveways connecting said space with a street or alley.

PERMANENT BUILDING means a main building, accessory building, or detached garage permanently anchored to a concrete slab or other permanent foundation not intended to be moved. (Original Ordinance No. 67-D, adopted March 20, 1978)

PERMIT AUTHORITY means the person, agency, or entity authorized by the City Council to inspect and conduct surveillance under the terms of this Ordinance.

PERSON means any person, firm, partnership, corporation, association, company or organization of any kind;

RESPONSIBLE PARTY means the owner, occupant or person in custody of the building or structure.

SEPTIC TANK means a vented, watertight tank which serves as a sedimentation and sludge digestion chamber, which is placed between the house sewer and the soil absorption field.

SEPTIC TANK SYSTEM means a system for disposing of sewage through soil absorption and consisting of the following components: The house sewer, the septic tank, and the soil absorption field.

SIGN means any device or surface on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, projected, or in any manner outlined or attached.

SLOPE means the difference between the highest elevation and the lowest elevation on any lot divided by the horizontal distance between the two points.

SOIL ABSORPTION FIELD is that part of a septic tank system consisting of drainage tiles and surrounding permeable soil used for the subsurface disposal of septic tank effluent.

SERVICE STATION means any building and premises where gasoline, oil, grease, batteries, tires, and automobile accessories are supplied and dispensed at retail.

SEWAGE means waterborne human or other domestic waste.

SEWAGE FACILITY means septic tank, pit privy, cesspool, sewage holding tank, injection well used to dispose of sewage, treatment tank, and any other facility, system, means, or method used for the disposal of sewage other than a disposal system operated under a permit issued by the Water Quality Board of the State of Texas.

SPECIAL EXCEPTION means permission given by the Board of Adjustment in specific cases for an applicant to use his property in a manner otherwise contrary to the provision of this Ordinance under the conditions imposed by law and this Ordinance.

STORY means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above it.

STREET means a right-of-way dedicated to public use, or a private right-of-way serving more than one (1) ownership, which provides principal vehicular and pedestrian access to adjacent properties.

STRUCTURE means anything constructed or erected which requires location on or in the ground or attached to something having a location on or in the ground; this includes permanent buildings of all types, and also fences, retaining walls, berms, water detention structures, paved areas, and so on.

STRUCTURAL ALTERATION means any change to any building, including but not limited to, changes or modifications of supporting members, bearing walls or partitions, columns, beams or girders, rebuilding of roof or exterior walls, and additions or deletions to existing structures which change configurations or aesthetics.

SUBDIVISION means a subdivision which has been platted and approved by the City and recorded with the County Clerk of Travis County, Texas, or which is required by statute to be so platted and recorded.

TEMPORARY BUILDING means an accessory building erected on a temporary foundation such as skids, plywood, or other non-permanent materials.

VARIANCE means an authorization by the Board of Adjustment granting relief and doing substantial justice in the use of an applicant's property, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship.

WATER QUALITY BOARD means the Texas Water Quality Board or its successor agency.

YARD means an open space between a building and the lot lines for the lot on which the building is situated, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the nearest main building foundation line shall be used.

YARD, FRONT means a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street easement line of front property and the main building, or any projections thereof. On corner lots the street address, which will establish the front yard, shall be determined by the City.

YARD, REAR means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building, or any projections thereof, other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

YARD, SIDE means a yard between the main building and the side line of the lot, extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side line and the side of the main buildings or any projections thereof.

2. Exterior Building Materials. The exterior wall surface of commercial structures shall not exceed forty (40%) percent glass, and the balance of the structure shall be masonry.

3. Mirrored Glass. No mirrored glass shall be used on structures. Mirrored glass is defined as glass having a reflectivity factor of twenty (20%) percent or greater.

4. Height Regulations. No commercial building shall exceed thirty five (35) feet in height, and no building shall exceed two stories in height.

5. Building Lines and Easements. There shall be a minimum commercial building setback of twenty (20) feet from the front property line to the front building line and thirty (30) feet from the rear property line to the rear building line. On all "C" commercial lots which adjoin "R" residential lots, there shall exist a thirty (30) foot greenbelt, measured horizontally, between the residential lot line and any impervious cover, including parking or buildings. The thirty foot greenbelt shall be either left in its undisturbed natural state or shall be landscaped as specified in this Ordinance and as approved by the City Council.

6. Barriers. In areas where terrain factors do not provide adequate privacy to residents in residential districts, the builder or developer is required to erect a cedar or redwood privacy fence, with the smooth side facing the residence, of not less than eight (8) feet in height and to plant landscaping, where necessary, of sufficient height and density to ensure a minimum of sight and sound annoyance to all residents. Plans for these barriers shall be made in accordance with all applicable state, county, and city codes and regulations, and shall be approved by the City Council. Furthermore, where a "C" lot adjoins an "R" lot, no commercial or office building shall have windows, porches or other areas which provide a view into the homes of adjoining residents.

7. Impervious Cover.

7.1. Defined. Impervious cover shall constitute all areas where the natural absorption of runoff water by the land is prevented by the site development. Grass crete set in sand may be considered fifty percent (50%) impervious cover. Paving stones, ungrouted, set in sand, may be considered seventy five percent (75%) impervious cover.

7.2. Revisions to these materials and other materials and applications may be reviewed by the City Council and their appropriate impervious cover assigned by the City Council; an approved and current list shall be on file at the Rollingwood City Hall.

7.3. Impervious cover shall not exceed fifty percent.

8. Repealer Clause. Any provisions of Rollingwood Ordinance 67 and amendments thereto which are inconsistent with this ordinance are hereby repealed to the extent of the conflict only.

9. Severability. If any section, paragraph, subdivision, or other provision of this ordinance is adjudged to be invalid or unconstitutional, such holding shall affect the portion of the ordinance so adjudged only, and shall not affect the validity of this ordinance as a whole.

PASSED at a meeting of the City Council of the City of Rollingwood on the first day of July, 1985, at which a quorum was present and for which a public hearing was held and due notice was given according to law.

APPROVED THIS 1ST DAY OF JULY, 1985.

Harry F. Rogers

HON. HARRY F. ROGERS, MAYOR

ATTEST:

Cindy Selman
CINDY SELMAN, CITY SECRETARY