

**AGENDA ITEM SUMMARY SHEET**  
**CITY OF ROLLINGWOOD, TEXAS**  
**MEETING DATE: December 21, 2022**

**Agenda Item \_\_: Requested legal opinion as to maximum height for residential properties - Ordinance 107-3 and 107-71.**

**Requested legal opinion: Is the defined term "building height, residential" correctly applied to determine the maximum height of a residential building under Code Section 107-71 in the absence of use of the term in Section 107-71?**

**Section 107-3 of the Rollingwood Code of Ordinances states:**

"Sec. 107-3. - Definitions. The following words, terms and phrases, *when used in this chapter*, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: ...

*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 the exterior wall of the building when such original native ground surface is not more than ten feet above the lowest grade; or

(2)An elevation of ten feet higher than the lowest grade when the original native ground surface described in subsection (1) of this section is more than ten feet above lowest grade."

**Section 107-71 of the Rollingwood Code of Ordinances states:**

"Sec. 107-71. - Maximum permissible height. 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 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."

**Related documents:**

**City Ordinance - Section 107-3 defining "building height, residential".**

[https://library.municode.com/tx/rollingwood/codes/code\\_of\\_ordinances?nodeId=PTIILADECO\\_CH107ZO\\_ARTIINGE\\_S107-3DE](https://library.municode.com/tx/rollingwood/codes/code_of_ordinances?nodeId=PTIILADECO_CH107ZO_ARTIINGE_S107-3DE)

**City Ordinance - Section 107-71 - Maximum permissible height.**

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