ORDINANCE NO.

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

7 WHEREAS, the City of Rollingwood is a General Law Type A City under the8 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

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.

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

34 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 Ordinances is hereby amended as follows with strikethroughs being deletions from the 38 Code and <u>underlines</u> being additions to the Code: 39 Section 107-3 of Definitions is amended to read as follows: 40 Building height, residential, means the vertical distance from the Original 41 Native Ground Surface or finished grade, whichever is lower, to the highest 42 point directly above. 43 Building height, residential, means the vertical distance above a reference 44 datum measured to the highest point of the building. The reference datum 45 shall be selected by either of the following, whichever yields a greater 46 height of the building: 47 48 (1) The elevation of the highest adjoining original native ground surface to the exterior wall of the building when such original native 49 ground surface is not more than ten feet above the lowest adjoining 50 original native ground surface; or 51 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 more than ten feet above lowest adjoining original native ground 55 56 surface; (3) The original native ground surface shall be determined as the 57 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. This definition shall apply to all residential buildings or structures within 61 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).** Original Native Ground Surface means the existing grade on a lot prior to 65 development of the residential building as may be shown on a certified topographic 66 survey of the property. 67 68 Parallel Plane is an imaginary plane that is thirty-five (35) feet above and parallel to the original native ground surface. No part of a building or structure, exclusive 69 of the exceptions outlined in this chapter may break this plane. 70 71 72 Section 107-71 is amended to add the following language: Sec. 107-71. - Maximum permissible height. 73

(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 granted
 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:
 - i. As to the portion of the building above the excavated area: forty (40) feet above finished floor for uppermost surface of eave/parapet;
 - ii. As to the portion of the building above the excavated area: fortyfive (45) feet above finished floor for ridgeline of sloped roof with minimum of three over twelve (3/12) roof pitch.
- 105The Parallel Plane may not be breached. Any exposed foundation resulting106from this increase may not exceed eighteen (18) inches.
- 107(f) Foundation exposure within public view from the right-of-way cannot108exceed six feet. Foundation exposure within public view from the right-of-109way must be screened such that the viewable portion does not exceed two110and a half (2.5) feet.
- 111 <u>Section 107-81 Special Exception.</u>

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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 x = 5

117 <u>to five (5) additional feet of building height.</u>

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

126 of the Code of Ordinances as a whole.

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

129	APPROVED, PASSED AND ADO	PTED by the City	y Council of the	City of
130	Rollingwood, Texas, on the day	of, 202	4	
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136		Gavin M	lassingill, Mayor	
137	ATTEST:			
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140	, City Secretary			
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