



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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