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CITY OF ROLLINGWOOD, TEXAS

ORDINANCE NO. 2023-04-05-XX

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING THE CITY’S CODE OF ORDINANCES SECTIONS 107-3 DEFINITIONS, 107-71 MAXIMUM PERMISSIBLE HEIGHT, AND 101-2 ADOPTION OF CODES, RELATED TO THE DEFINITION OF BUILDING HEIGHT, RESIDENTIAL AND RESIDENTIAL BUILDING HEIGHT IN THE R- RESIDENTIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE, REPEALING CONFLICTING LAWS AND ESTABLISHING 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 authorizes a municipality to adopt zoning regulations regarding the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

WHEREAS, the Planning and Zoning Commission held a public hearing on proposed amendments to Sections 107-3 Definitions and 107-71 Maximum Permissible Height and made recommendations to City Council; and

WHEREAS, the City Council hereby finds and determines that the recommendations of the Planning and Zoning Commission is consistent with and does promote the public health, safety, morals, and general welfare of the Community; and

WHEREAS, the City Council hereby finds and determines that the recommendations of the Planning and Zoning Commission is consistent with the general plan for the City; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable; and

WHEREAS, the City Council hereby finds that amendments to Section 101-2 are necessary to provide for uniformity in the definition of *Building height, residential* in the City’s Code of Ordinances.

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.

1
2 **SECTION 2.** The City’s Code of Ordinances Chapter 107, Zoning shall be amended to
3 read as follows, with underlines being additions and strikethroughs being deletions:

4
5 Sec.107-3 – Definitions.

6
7 *Building height, residential*, means the vertical distance above a reference
8 datum measured to the highest point of the building. The reference datum
9 shall be selected by either of the following, whichever yields a greater
10 height of the building:

- 11
12 (1) The elevation of the highest adjoining original native ground ~~surface within~~
13 ~~a five-foot horizontal distance of~~ to the exterior wall of the building when
14 such original native ground surface is not more than ten feet above the
15 lowest adjoining original native ground surface grade; or
16 (2) An elevation of ten feet higher than the lowest adjoining original native
17 ground surface grade when the highest adjoining original native ground
18 surface described in subsection (1) of this section is more than ten feet above
19 lowest adjoining original native ground surface grade.
20 (3) The original native ground surface shall be determined as the existing grade
21 on the lot prior to development of the residential building as may be shown
22 on approved building plans or survey of the property.

23
24 This definition shall apply to all residential buildings or structures within
25 the City including residential buildings constructed in the R - Residential
26 Zoning District (see Sec.107-71 for Maximum permissible height in R -
27 Residential Zoning District).

28
29 Sec. 107-71. - Maximum permissible height.

30
31 ~~No portion of any building or structure (except a chimney, attic vent,~~
32 ~~lightning rod, or any equipment required by the city building code) may~~
33 ~~exceed~~ The maximum residential building height shall be 35 feet in height.
34 A chimney, attic vent, lightning rod, or any equipment required by the city
35 building code shall not be included in the height calculation, and, Except
36 as may be required by applicable codes, no chimney, attic vent, lightning
37 rod or required equipment may extend more than three feet above the
38 highest point of the following: the coping of a flat roof, the deck line of a
39 mansard roof, or the gable of a pitched or hipped roof.

40
41 **SECTION 3.** The City’s Code of Ordinances Chapter 101, Buildings and Construction shall be
42 amended to read as follows, with underlines being additions and strikethroughs being deletions:

43
44 Sec.101-2.C.2

45
46 *Building height, residential*, means the vertical distance above a reference

1 datum measured to the highest point of the building. The reference datum
2 shall be selected by either of the following, whichever yields a greater
3 height of the building:
4

- 5 (1) The elevation of the highest adjoining original native ground ~~surface~~
6 ~~within a five-foot horizontal distance of~~ to the exterior wall of the
7 building when such original native ground surface is not more than
8 ten feet above the lowest adjoining original native ground surface
9 grade; or
10 (2) An elevation of ten feet higher than the lowest adjoining original
11 native ground surface grade when the highest adjoining original
12 native ground surface described in subsection (1) of this section is
13 more than ten feet above lowest adjoining original native ground
14 surface grade.
15 (3) The original native ground surface shall be determined as the
16 existing grade on the lot prior to development of the residential
17 building as may be shown on approved building plans or survey of
18 the property.
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20

21 **SECTION 4.** All provisions of the ordinances of the City of Rollingwood in conflict with
22 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other
23 provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this
24 ordinance shall remain in full force and effect.
25

26 **SECTION 5.** Should any sentence, paragraph, subdivision, clause, phrase or section of
27 this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
28 affect the validity of this ordinance as a whole, or any part or provision thereof other than the part
29 so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of
30 Ordinances as a whole.
31

32 **SECTION 6.** This ordinance shall take effect immediately from and after its passage and
33 the publication of the caption, as the law and charter in such cases provide.
34

35 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas,
36 on the ____ day of _____, 2023.
37

38 APPROVED:

39 _____
40 Gavin Massingill, Mayor
41

42 ATTEST:

43 _____
44 Desiree Adair, City Secretary
45
46