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CITY OF ROLLINGWOOD, TEXAS

ORDINANCE NO. 2023-04-05-08

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING THE CITY’S CODE OF ORDINANCES SECTIONS 107-3 DEFINITIONS AND 107-76 MINIMUM REQUIRED DEPTH AND WIDTH OF YARDS, RELATED TO BUILDING PROJECTIONS INTO REQUESTED YARDS AND THE DEFINITION OF YARD IN THE 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 and made recommendations to City Council on amendments to the Zoning Code; and

WHEREAS, the City Council hereby finds and determines that the recommendation 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 recommendation 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.

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.

SECTION 2. The City’s Code of Ordinances Chapter 107, Zoning is amended as follows with underlines be additions and strikethroughs being deletions:

1 Sec.107-3 – Definitions.

2
3 Yard means an unoccupied space on a lot which:

- 4
5 (1) Is open and unobstructed from the ground upward to the sky except for
6 fencing, walls, and those encroachments expressly allowed by this Chapter
7 ~~or permitted projections, such as cornices, eaves, porches or landscaping;~~
8
9 (2) Extends between a main building and the lines of the lot upon which the
10 main building is located; and
11
12 (3) Has a depth between the front, side or rear lot lines and the main buildings
13 as required for the district in which the lot is located.
14

15 Sec. 107-76. - Minimum required depth and width of yards.

- 16
17 (a) In order to determine compliance with the minimum yard depth and
18 width requirements of this section, measurements shall be made
19 from the closest point on the foundation line of a "qualified
20 building," as the term is defined in this section, to either the lot line
21 or street right-of-way line, whichever results in the shortest distance.
22
23 (b) The front yard of each lot shall have a minimum depth of 30 feet.
24 For purposes of this subsection, "qualified building" means either a
25 main building, a garage, or a covered front porch or covered front
26 terrace.
27
28 (c) The side yard of each lot shall have a minimum width of:
29
30 1) Ten feet, when the lot abuts another lot, except that the sum
31 total of the two side yards of any lot shall not be less than 25
32 feet;
33
34 2) Thirty feet, when the lot borders a street other than described
35 in subsection (c)(3) of this section;
36
37 3) Twenty feet, when two lots extend the length of one block
38 and have abutting rear lot lines.
39

40 For purposes of this section, the term "qualified building" means a main
41 building or accessory building.
42

- 1 (d) The rear yard of each lot shall have a minimum depth of 20 feet. For
2 purposes of this subsection, "qualified building" means an accessory
3 building, or a main building or any projection thereof other than a
4 projection of uncovered steps, ~~unenclosed balconies~~ or ~~unenclosed~~
5 uncovered porches.
6
- 7 (e) Eaves and roof extensions may overhang into any required side yard
8 a maximum depth of 33% of the required side yard. Eaves and roof
9 extensions may overhang into any required front or rear yard a
10 maximum of five (5) feet. All other ordinary projections of building
11 features typically used in residential building construction, may
12 overhang into any required yard a maximum of two (2) feet.
13
- 14 (f) Projections shall not contain habitable space, except for bay
15 windows 10 feet wide or less.
16
- 17 (g) Chimneys may encroach into a required yard a maximum of two (2)
18 feet.
19

20 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with
21 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other
22 provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this
23 ordinance shall remain in full force and effect.
24

25 **SECTION 4.** Should any sentence, paragraph, subdivision, clause, phrase or section of
26 this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
27 affect the validity of this ordinance as a whole, or any part or provision thereof other than the part
28 so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of
29 Ordinances as a whole.
30

31 **SECTION 5.** This ordinance shall take effect immediately from and after its passage and
32 the publication of the caption, as the law and charter in such cases provide.
33

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

37
38 [signature page follows]
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APPROVED:

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary

DRAFT