1	ORDINANCE NO
2 3 4 5 6	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 8	WHEREAS , the City of Rollingwood is a General Law Type A City under the statutes of the State of Texas; and
9 10	WHEREAS , the Texas Local Government Code Chapter 211 provides authority to regulate the height, number of stories, and size of buildings and other structures; and
11 12 13 14	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
15 16 17 18	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
19 20 21 22	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
23 24 25	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
26 27 28 29 30	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.
32 33	NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS, THAT:
34 35 36	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 38 39	SECTION 2. Code Amendment. The following sections of the Rollingwood Code of Ordinances is hereby amended as follows with strikethroughs being deletions from the Code and <u>underlines</u> 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:

Sec. 107-71. - Maximum permissible height.

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74 75 76 77 78 79 80	(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.
81 82 83 84 85 86 87	(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.
88 89 90 91	(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 93 94 95 96	(d) Existing grade may be adjusted graphically as a straight line across unusual or minor topographic variations including pools, ponds, existing basements, rock outcroppings depressions and natural drainage ways, with the intent to approximate original grade without penalty for previous construction.
97 98 99	(e) Building height may be increased below the parallel plane by way of excavation, when starting a minimum of twenty (20) feet horizontal from the side or rear property lines, as follows:
100 101	i. As to the portion of the building above the excavated area: forty (40) feet above finished floor for uppermost surface of eave/parapet;
102 103 104	ii. As to the portion of the building above the excavated area: forty-five (45) feet above finished floor for ridgeline of sloped roof with minimum of three over twelve (3/12) roof pitch.
105 106	The Parallel Plane may not be breached. Any exposed foundation resulting from this increase may not exceed eighteen (18) inches.
107 108 109 110	(f) Foundation exposure within public view from the right-of-way cannot exceed six feet. Foundation exposure within public view from the right-of-way must be screened such that the viewable portion does not exceed two 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 relief from these requirements by special exception granted by the Board of
115 116	Adjustment. In such cases the Board may grant a special exception for up
117	to five (5) additional feet of building height.
11/	to five (3) additional feet of building height.
118 119 120 121	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.
122 123 124 125 126	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 of the Code of Ordinances as a whole.
127 128	SECTION 5 . This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.
129 130 131	APPROVED, PASSED AND ADOPTED by the City Council of the City of Rollingwood, Texas, on the day of, 2024
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130 131 132 133 134 135 136	Rollingwood, Texas, on the day of, 2024 Gavin Massingill, Mayor
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