



**CITY OF ROLLINGWOOD
JOINT PLANNING AND ZONING COMMISSION AND CITY COUNCIL
MEETING
AGENDA**

Wednesday, April 05, 2023

Notice is hereby given that the City Council of the City of Rollingwood, Texas will hold a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on April 05, 2023 at 6:00 PM. Members of the public and the City Council may participate in the meeting virtually, as long as a quorum of the City Council and the presiding officer are physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. The public may watch this meeting live and have the opportunity to comment via audio devices at the link below. The public may also participate in this meeting by dialing one of the toll-free numbers below and entering the meeting ID and Passcode.

Link: <https://us02web.zoom.us/j/5307372193?pwd=QmNUbmZBQ1lwUINjNmK5RnJreIRFUT09>

Toll-Free Numbers: (833) 548-0276 or (833) 548-0282

Meeting ID: 530 737 2193

Password: 9fryms

The public will be permitted to offer public comments via their audio devices when logged in to the meeting or telephonically by calling in as provided by the agenda and as permitted by the presiding officer during the meeting. If a member of the public is having difficulties accessing the public meeting, they can contact the city at dadair@rollingwoodtx.gov. Written questions or comments may be submitted up to two hours before the meeting. A video recording of the meeting will be made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL JOINT CITY COUNCIL AND PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. City Council Roll Call
2. Planning and Zoning Commission Roll Call

PUBLIC COMMENTS

Citizens wishing to address the City Council or the Planning and Zoning Commission for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, the City Council and the Planning and Zoning Commission are restricted from discussing or taking action on items not listed on the agenda.

Citizens who wish to address the City Council or Commission with regard to matters on the agenda will be received at the time the item is considered.

PUBLIC HEARINGS

- 3. Update regarding the Joint Public Hearing process
- 4. Public hearing regarding an amendment to the Code of Ordinances Sections 107-3 Definitions, 107-75 Yards generally, and 107-76 Minimum Required Depth and Width of Yards, related to building projections into requested yards and the definition of Yard in the R-Residential zoning district
- 5. Public hearing regarding an amendment to the Code of Ordinances Sections 107-3 Definitions and 107-71 Maximum Permissible Height, related to the definition of Building Height, Residential and residential building height in the R- Residential zoning district.

REGULAR AGENDA

- 6. Planning and Zoning Commission discussion and possible action regarding an amendment to the Code of Ordinances Sections 107-3 Definitions, 107-75 Yards generally, and 107-76 Minimum Required Depth and Width of Yards, related to building projections into requested yards and the definition of Yard in the R-Residential zoning district
- 7. Planning and Zoning Commission discussion and possible action regarding an amendment to the Code of Ordinances Sections 107-3 Definitions and 107-71 Maximum Permissible Height, related to the definition of Building Height, Residential and residential building height in the R- Residential zoning district.
- 8. City Council discussion and possible action regarding an amendment to the Code of Ordinances Sections 107-3 Definitions, 107-75 Yards generally, and 107-76 Minimum Required Depth and Width of Yards, related to building projections into requested yards and the definition of Yard in the R-Residential zoning district
- 9. City Council discussion and possible action regarding an amendment to the Code of Ordinances Sections 107-3 Definitions and 107-71 Maximum Permissible Height, related to the definition of Building Height, Residential and residential building height in the R- Residential zoning district.

ADJOURNMENT OF MEETING

CERTIFICATION OF POSTING

I hereby certify that the above Notice of Meeting was posted on the bulletin board at the Rollingwood Municipal Building, in Rollingwood, Texas and to the City website at www.rollingwoodtx.gov at **5:00 p.m.** on **March 31, 2023.**

Desiree Adair
Desiree Adair, City Secretary

NOTICE -

The City of Rollingwood is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact the City Secretary, at (512) 327-1838 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

The City Council will announce that it will go into executive session, if necessary, to deliberate any matter listed on this agenda for which an exception to open meetings requirements permits such closed deliberation, including but not limited to consultation with the city's attorney(s) pursuant to Texas Government Code section 551.071, as announced at the time of the closed session.

Consultation with legal counsel pursuant to section 551.071 of the Texas Government Code;
discussion of personnel matters pursuant to section 551.074 of the Texas Government Code;
real estate acquisition pursuant to section 551.072 of the Texas Government Code;
prospective gifts pursuant to section 551.073 of the Texas Government Code;
security personnel and device pursuant to section 551.076 of the Texas Government Code;
and/or economic development pursuant to section 551.087 of the Texas Government Code.
Action, if any, will be taken in open session.

Proposed Code Amendment – Building Projections into Required Yards

Add the following red underlined text and remove ~~red strikethrough~~ text from the City of Rollingwood Code of Ordinances Sections 107-3 and 107-76:

Sec.107-3 – Definitions.

Yard means an unoccupied space on a lot which:

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

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

- (a) In order to determine compliance with the minimum yard depth and width requirements of this section, measurements shall be made from the closest point on the foundation line of a "qualified building," as the term is defined in this section, to either the lot line or street right-of-way line, whichever results in the shortest distance.
- (b) The front yard of each lot shall have a minimum depth of 30 feet. For purposes of this subsection, "qualified building" means either a main building, a garage, or a covered front porch or covered front terrace.
- (c) The side yard of each lot shall have a minimum width of:
 - 1) Ten feet, when the lot abuts another lot, except that the sum total of the two side yards of any lot shall not be less than 25 feet;
 - 2) Thirty feet, when the lot borders a street other than described in subsection (c)(3) of this section;
 - 3) Twenty feet, when two lots extend the length of one block and have abutting rear lot lines.For purposes of this section, the term "qualified building" means a main building or accessory building.
- (d) The rear yard of each lot shall have a minimum depth of 20 feet. For purposes of this subsection, "qualified building" means an accessory building, or a main building or any projection thereof other than a projection of uncovered steps, ~~unenclosed balconies~~ or unenclosed uncovered porches.
- (e) Eaves and roof extensions may overhang into any required side yard a maximum depth of 33% of the required side yard. Eaves and roof extensions may overhang into any required front or rear yard a maximum of five (5) feet. All other ordinary projections of building features typically used in residential building construction, may overhang into any required yard a maximum of two (2) feet.
 - 1) Projections shall not contain habitable space, except for bay windows 10 feet wide or less.
- (f) Chimneys may encroach into a required yard a maximum of two (2) feet.

Proposed Code Amendment - Residential Building Height Measurement

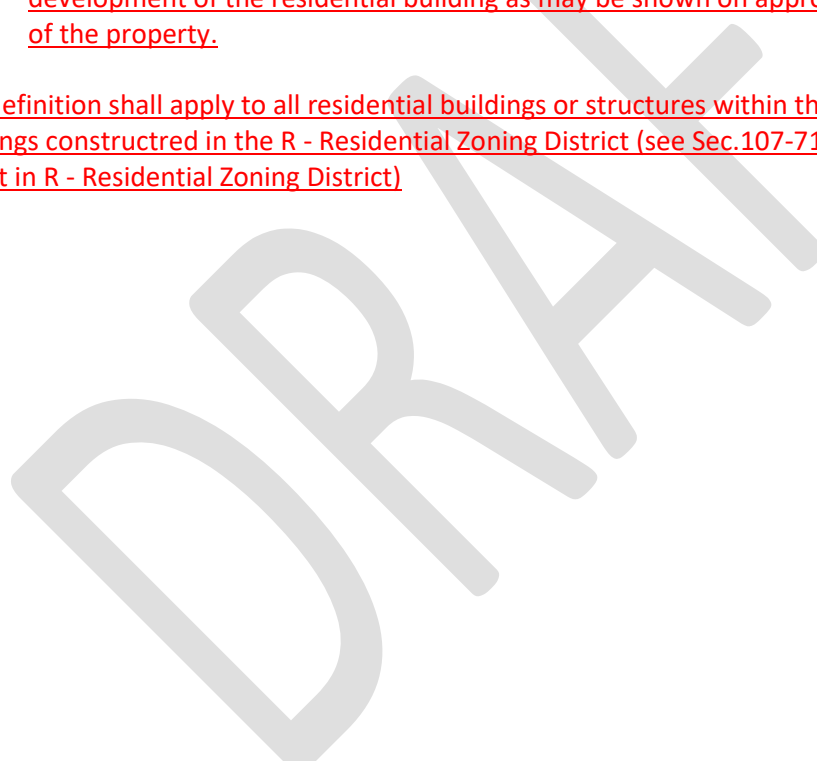
Add the following red underlined text and remove ~~red strikethrough~~ text from the City of Rollingwood Code of Ordinances Section and 107-3:

Sec.107-3 Definitions

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

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

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



Reference Exhibit- Residential Building Height Measurement

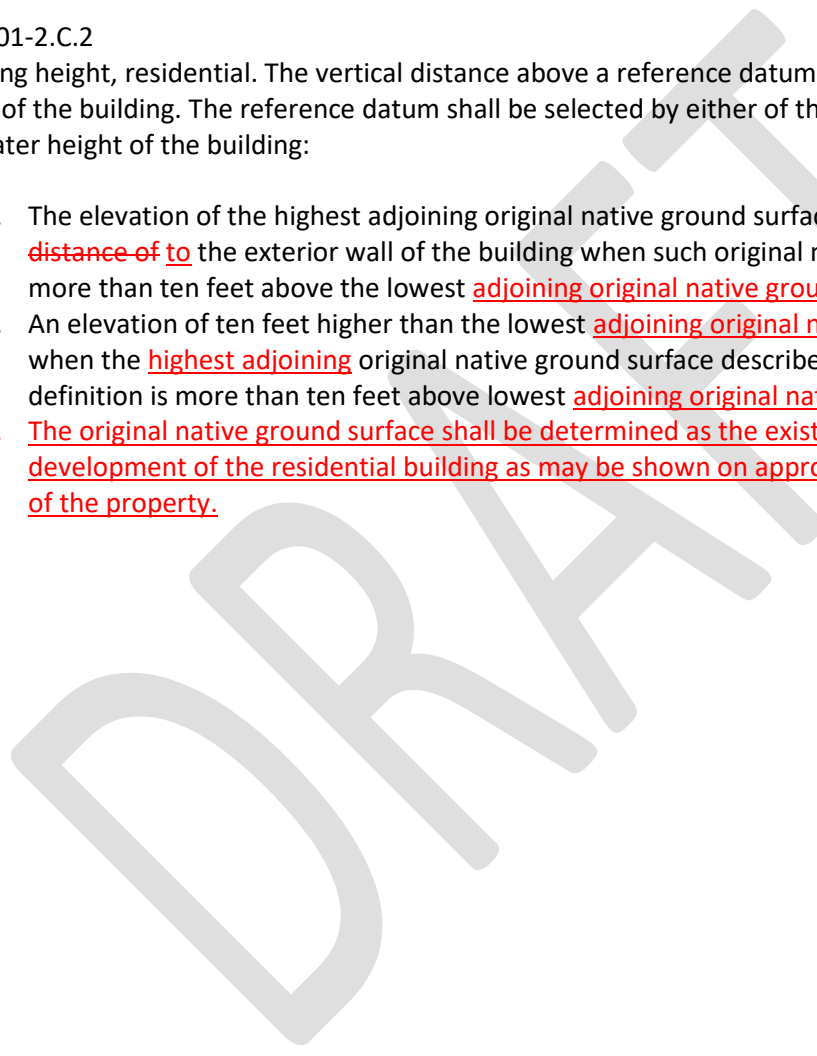
The definition of Building Height, Residential is listed in two locations in the City’s Code of Ordinances, once in Section 101-2 Adoption of Codes related to building codes and a second in the zoning definitions in Section 107-3. Below is a proposed amendment to the Building Height, Residential section from Code of Ordinances Section 101-2.

Add the following red underlined text and remove ~~red strikethrough~~ text from the City of Rollingwood Code of Ordinances Section 101-2:

Sec.101-2.C.2

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

1. The elevation of the highest adjoining original native ground surface ~~within a five-foot horizontal distance of~~ to the exterior wall of the building when such original native ground surface is not more than ten feet above the lowest adjoining original native ground surface grade; or
2. An elevation of ten feet higher than the lowest adjoining original native ground surface grade when the highest adjoining original native ground surface described in subsection 1 of this definition is more than ten feet above lowest adjoining original native ground surface grade.
3. The original native ground surface shall be determined as the existing grade on the lot prior to development of the residential building as may be shown on approved building plans or survey of the property.



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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:

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Sec.107-3 – Definitions.

Yard means an unoccupied space on a lot which:

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

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

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

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

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.

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 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.

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 14 (f) Projections shall not contain habitable space, except for bay
 15 windows 10 feet wide or less.

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 17 (g) Chimneys may encroach into a required yard a maximum of two (2)
 18 feet.

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 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.

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 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.

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

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APPROVED:

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary

DRAFT

CITY OF ROLLINGWOOD, TEXAS
ORDINANCE NO. 2023-04-05-XX

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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.

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

Sec.107-3 – Definitions.

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

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

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

Sec. 107-71. - Maximum permissible height.

~~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~~ The maximum residential building height shall be 35 feet in height. A chimney, attic vent, lightning rod, or any equipment required by the city building code shall not be included in the height calculation, and, 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.

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

Sec.101-2.C.2

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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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.
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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.
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38 APPROVED:
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40 _____
41 Gavin Massingill, Mayor
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43 ATTEST:
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45 _____
46 Desiree Adair, City Secretary