

CITY OF ROLLINGWOOD, TEXAS

ORDINANCE NO. 2011-11-16 (A)

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING SECTIONS 14.02.051, 14.02.202, AND 14.02.203 OF THE CITY OF ROLLINGWOOD CODE OF ORDINANCES ALTERING THE DEFINITIONS OF "FAMILY" AND "DWELLING" AND PROVIDING FOR RESTRICTIONS ON THE NUMBER OF UNRELATED PERSONS RESIDING IN RESIDENTIAL PROPERTY; PROVIDING FOR PUBLICATION, FOR SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, the streets in the City's residential areas have become more congested with traffic and parked cars as lots in residential areas have been subdivided and such areas have been built out;

WHEREAS, the incidence of large groups of people living in a single dwelling has increased, resulting in increased congestion, noise, and disruptive evening activities in the City's residential areas;

WHEREAS, the City Council desires to preserve and protect the quiet and peaceful character of the City's residential neighborhoods; and

WHEREAS, the City Council desires to preserve reasonable opportunities for the sale, lease, or use of dwellings in the City,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS:

**Section 1.** The definition of the term "dwelling" provided in Section 14.02.051 of the City of Rollingwood Code of Ordinances ("**Code**") is amended to add new subdivision (5) to provide as follows:

(5) For the purpose of uses allowed in a Residential Zoning District, the term "dwelling" is restricted as provided in Section 14.02.202.

**Section 2.** The definition of the term "family" provided in Code Section 14.02.051 is amended to provide as follows:

*Family.* One person living alone, or two or more persons living together as a single housekeeping unit in a dwelling; provided, however, that the term "family" is limited for the purpose of restricting occupancy of a dwelling in a Residential Zoning District as provided in Section 14.02.202.

**Section 3.** Code Section 14.02.202 is amended to provide as follows:

**Sec. 14.02.202 Permitted uses; restrictions on dwellings**

(a) No land, building or structure shall be used, and no building or structure shall be hereafter constructed or altered, except for one or more of the following uses:

(1) Dwellings;

(2) Accessory buildings or structures;

(3) Accessory uses for home occupations;

(4) Any use that may not be restricted in a residential zoning district pursuant to applicable State or federal law, including community homes pursuant to Tex. Human Resources Code, Chapter 123, and, as applicable, religious assembly uses pursuant to the Texas Religious Freedom and Restoration Act;

(5) The following shall be permitted provided that such use of property has continued without interruption or change in ownership of the property since twelve (12) months after the original adoption of this article, but not otherwise:

(A) Parks, playgrounds, recreation buildings, city buildings, nonprofit libraries or museums, or fire stations;

(B) Public water or wastewater facilities, including reservoirs, filler beds, surface or below surface tanks, artesian wells, pumping plants, wastewater disposal facilities, or city administration buildings; and

(C) Subdivision sales offices.

(b) Notwithstanding the permitted use of a dwelling as provided in subsection (a), and notwithstanding the definitions of the terms "dwelling" and "family" as provided in Section 14.02.051, a permitted use of a dwelling shall not include the following:

(1) occupancy by a fraternity or sorority;

(2) residence in a dwelling by 3 or more persons unrelated to each other by blood, marriage, or adoption;

(3) occupancy of a dwelling that has been subdivided into two or more living areas with separate kitchen and bathroom facilities that are segregated by permanent wall(s) or partition(s), two or more of which living areas have separate and exclusive means of ingress and egress to the exterior of the dwelling.

(c) (1) As used in this Section 14.02.202, "residence" in a dwelling shall include the place the person primarily lives, sleeps, and maintains possessions such as clothes, or for which rent is paid for the person's use or occupancy, whether pursuant to a lease agreement or month-to-month tenancy.

(2) For purposes of this Section 14.02.202, the persons with the following relationships shall be deemed to be related to each other by blood, marriage, or adoption: (i) a person having legal custody of another person; (ii) a person who is the designee of a parent or other person having legal custody (with written permission of the parent or person having legal custody) and the person that is the subject of the legal custody; and (iii) a person who is in the process of securing legal custody over another person and that other person.

(d) Each person who enters into a lease or other contract that authorizes or provides for residence or occupancy of a dwelling proscribed by subsection (b), including an owner of the affected property, shall be deemed to have violated the restriction on use applicable to a residential zoning district.

**Section 4.** Code Section 14.02.925 is amended to add new subdivision (6) to provide as follows:

(6) For a nonconforming use of a dwelling in a Residential Zoning District that results from restrictions on residence or occupancy of the dwelling pursuant to subsection 14.02.202(b), if the residence or occupancy of the dwelling is pursuant to one or more leases for use of the dwelling, the nonconforming use shall be deemed discontinued at the end of the term of each lease or option term (if such option is exercised) in effect on the effective date of subsection 14.02.202(b). A nonconforming month-to-month tenancy in effect on the effective date of subsection 14.02.202(b) shall be deemed discontinued on the first day of the month that is three (3) months after the effective date of subsection 14.02.202(b).

**Section 5.** A caption that summarizes the purpose of this Ordinance and the penalty for violating this Ordinance shall be published as provided by Tex. Loc. Gov't Code § 52.011.

**Section 6.** This Ordinance shall be effective immediately upon adoption. However, the regulations established by this Ordinance shall not be enforced until publication has occurred in compliance with Section 5 of this Ordinance.

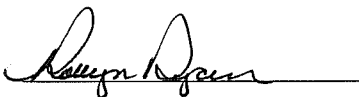
**Section 7.** If any provision of this Ordinance is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Ordinance, and all other provisions hereof shall remain in full force and effect.

PASSED AND APPROVED BY THE CITY COUNCIL OF ROLLINGWOOD, TEXAS,  
on the 16<sup>th</sup> day of November, 2011.



William C. (Bill) Hamilton, Mayor

ATTEST:



Robyn Ryan, City Secretary