

CITY OF ROLLINGWOOD, TEXAS  
ORDINANCE NO. 2014-05-21 (E)

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING CITY CODE OF ORDINANCES CHAPTER 14 TO ALLOW CELL PHONE TOWERS AS SPECIAL USES IN CERTAIN AREAS OF ZONING DISTRICTS C-1, C-2 3, AND H, AND CERTAIN AREAS OF PUDS, AND PROVIDING REGULATIONS THEREFOR; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in order that providers of cellular telephone service can have an opportunity to locate transmission facilities in appropriate parts of the City where such facilities will not present an undesirable visual or operational disturbance to residents, the City Council desires to permit such transmission facilities in zoning districts and locations that are compatible with such uses,

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

**SECTION 1.** The City of Rollingwood Code of Ordinances ("**Code**") Section 14.02.272 is amended to provide as follows:

**Sec. 14.02.272 Maximum height of buildings/structures**

(a) No portion of any building or structure within 300 feet of a residential district shall exceed 30 feet in height or two stories and no portion of any other building or structure shall exceed 35 feet in height or two stories (except as allowed in subsections (b) and (c)). No parking structure shall be higher than the original native ground surface, and all buildings or structures must be of pitched-type construction (hip or gable-type roofs with a minimum pitch of 3:12).

(b) A building or structure other than a personal wireless telephone service facility (commonly known as a cell phone tower or facility) may be three (3) stories, provided that it satisfies all of the following conditions:

- (1) It does not exceed 40 feet in height;
- (2) It is located at least 150 feet from any lot in a residential district;
- (3) It is located on a lot or contiguous lots under common or affiliated ownership at least 10 acres in size;
- (4) It is located on property that was the subject of an application for a preliminary plat filed after September 1, 1997, and before March 16, 2000;
- (5) That preliminary plat did not expire during that time nor was a final plat recorded for the property during that time; and

(6) Any final plat includes all public facilities identified on the preliminary plat and the final plat is processed or the public facilities are dedicated to the city by July 31, 2000.

(c) A personal wireless telephone service facility for which a special use permit has been issued may be up to five (5) feet in elevation above the highest point of any building located on the same lot, if the lot has frontage on Bee Caves Road. The personal wireless telephone service facility must be located at a distance not less than 150 feet from any lot in a residential district if it: (i) is freestanding and not attached to a building having an independent use; or (ii) has an elevation higher than the highest point of any building located on the same lot.

**SECTION 2.** Code Section 14.02.281 is amended to provide as follows:

**Sec. 14.02.281 Other requirements**

Each permitted use shall:

- (1) Be conducted wholly within an enclosed building appropriate to such use (except in the case of a personal wireless telephone service facility for which a special use permit is issued); and
- (2) Provide for the temporary storage of solid waste in an unobtrusive manner approved by the building official.

**SECTION 3.** Code Section 14.02.344 is amended to provide as follows:

**Sec. 14.02.344 Special uses**

Subject to approval by the city council, the following special uses may be permitted in a C-1 district:

- (1) Facilities for assembling of and testing electronics components;
- (2) Child day care facilities, provided this is the only use on the particular lot;
- (3) Banks or savings and loan associations;
- (4) Parking garages, provided that the garage is an accessory to the primary use on the same lot or an adjacent commercial lot; and
- (5) For lots with frontage on Bee Caves Road, a personal wireless telephone service facility.

**SECTION 4.** Code Section 14.02.403 is amended to provide as follows:

#### **Sec. 14.02.403 Special uses**

Subject to approval by the city council, the following special uses may be permitted in a C-2 district:

- (1) Research laboratories;
- (2) Other special uses that meet the criteria set forth in division 13 of this article;
- (3) Cafes, cafeterias or restaurants;
- (4) Convenience stores;
- (5) Grocery or food specialty stores;
- (6) Package liquor stores;
- (7) Automotive service stations;
- (8) Parking garages, provided that the garage is an accessory to the primary use on the same lot or an adjacent commercial lot;
- (9) Camera or photography supply stores;
- (10) Clinics without overnight facilities;
- (11) Hardware stores;
- (12) Art and photography studios;
- (13) Facilities for assembling computer software products; and
- (14) For lots with frontage on Bee Caves Road, a personal wireless telephone service facility.

**SECTION 5.** Code Section 14.02.573 is amended to provide as follows:

#### **Sec. 14.02.573 Maximum permissible height of buildings/structures**

- (a) Except as provided in subsection (b), no building or structure shall exceed thirty-five (35) feet in height, calculated in accordance with section 14.02.051 of this code.
- (b) A personal wireless telephone service facility for which a special use permit is issued may be up to five (5) feet in elevation above the highest point of any building located on the same lot, if the lot has frontage on Bee Caves Road. The personal wireless

telephone service facility must be located at a distance not less than 150 feet from any lot in a residential district if it: (i) is freestanding and not attached to a building having an independent use; or (ii) has an elevation higher than the highest point of any building located on the same lot.

**SECTION 6.** Code Section 14.02.577 is amended to provide as follows:

**Sec. 14.02.577 Construction materials**

- (a) Except for a personal wireless telephone facility for which a special use permit is issued at least eighty percent (80%) of the exterior surface of each building shall be constructed of glass, masonry and/or stucco.
- (b) The percentage of glass used on the exterior of any building shall not exceed forty percent (40%).
- (c) The use of mirrored glass on the exterior surface of any building is prohibited.

**SECTION 7.** Code Section 14.02.578 is amended to provide as follows:

**Sec. 14.02.578 Minimum setbacks**

- (a) No building may be located closer than twenty (20) feet from the front lot line nor closer than thirty (30) feet from the rear lot line.
- (b) Except as otherwise set forth in section 14.02.579 or in subsection (b) of Section 14.02.573, there is no setback requirement with respect to side lot lines.
- (c) If there is a question as to which lot line is the front lot line, the building official shall designate the front lot line.

**SECTION 8.** Code Section 14.02.583 is amended to provide as follows:

**Sec. 14.02.583 Other requirements**

Each permitted use shall:

- (1) Except for a personal wireless telephone facility for which a special use permit is issued, be conducted wholly within an enclosed building appropriate to such use;
- (2) Provide the temporary storage of solid waste in an unobtrusive manner approved by the building official; and
- (3) Provide for the temporary storage and disposal of biomedical waste and other hazardous waste in accordance with applicable laws and in an unobtrusive manner approved by the building official.

**SECTION 9.** New Code Section 14.02.586 is added to provide as follows:

**14.02.586 Special Uses**

On lots with frontage on Bee Caves Road, a personal wireless telephone service facility.

**SECTION 10.** Code Section 14.02.644 is amended to provide as follows:

**Sec. 14.02.644 Permitted uses**

Except for uses permitted in a residential district, all uses permitted in a C-1 district or a C-2 district shall be permitted in a PUD, and all special uses permitted in a C-1 district or a C-2 district, subject to the procedures for application and approval, and any restrictions provided therefor, shall be permitted in a PUD.

**SECTION 11.** Code Section 14.02.646 is amended to provide as follows:

**Sec. 14.02.646 Minimum floor space**

Each building or structure (other than a personal wireless telephone facility for which a special permit is issued) shall be at least sixteen hundred (1,600) square feet in area.

**SECTION 12.** Code Section 14.02.701 is amended to provide as follows:

**Sec. 14.02.701 Applicability**

The regulations set forth in this division shall apply to land, buildings and structures located in a professional and business office district (C-1), a business district (C-2), a government and institutional zoning district (GI), a park zoning district (P), a hospital zoning district (H), and a PUD.

**SECTION 13.** Code Section 14.02.705 is amended to add new subsection (d) to provide as follows:

(d) Personal wireless telephone service facility in certain parts of a C-1, C-2, and H district, and a PUD. A proposed personal wireless telephone service facility on a lot with frontage on Bee Caves Road in a C-1, C-2, or H district or in a PUD must comply with the following specific criteria and conditions as well as the general criteria prescribed under section 14.02.704 of this article:

(1) The facility shall have a design and appearance that mimics other uses and ancillary structures in the vicinity, such as a flagpole, tree trunk or other object compatible with surrounding buildings and uses, or, in lieu thereof, the lower 15 feet of a freestanding facility shall be screened by vegetation;

(2) The use or operation of the facility shall not be attended by noise or light that is incompatible with surrounding uses, or other attributes constituting a nuisance to surrounding uses;

(3) The facility will at all times be operated in compliance with applicable federal and State law, including law regulating radio frequencies, microwaves, and other electronic or magnetic emissions or transmissions; and

(4) No auxiliary generator or power source producing excessive noise or polluting emissions shall be included.

**SECTION 14.** Code Section 14.02.051, Definitions, is amended to add the following term and definition, to be included in alphabetical order in that section:

Personal wireless telephone service facility. A tower and related fixtures and equipment for the provision of wireless cellular telephone signals by one or more commercial operators of wireless telephone services.

**SECTION 15.** A caption that summarizes the purpose of this Ordinance shall be published as provided by Tex. Loc. Gov't Code § 52.011.

**SECTION 16.** This Ordinance shall be effective immediately upon adoption.

**SECTION 17.** 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 21<sup>st</sup> day of May, 2014.



Barry Bone, Mayor

ATTEST:



Robyn Ryan, City Secretary