



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, January 08, 2025

Notice is hereby given that the Planning and Zoning Commission 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 January 08, 2025 at 6:00 PM. Members of the public and the Planning and Zoning Commission may participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission 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 mrodriguez@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 ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. Roll Call

PUBLIC COMMENTS

Citizens wishing to address 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 Planning and Zoning Commission is restricted from discussing or taking action on items not listed on the agenda.

Citizens who wish to address the Planning and Zoning Commission with regard to matters on the agenda will be received at the time the item is considered.

CONSENT AGENDA

All Consent Agenda items listed are considered to be routine by the Planning and Zoning Commission and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a Board Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- [2.](#) Discussion and possible action on the minutes from the December 4, 2024 Planning and Zoning Commission meeting

PUBLIC HEARING

- [3.](#) Public hearing, discussion and possible action on amendments to Sections 107-3 (Definitions) and 107-75 (Yards, generally) to provide that the front yard of a lot shall be the yard which abuts the addressed street, providing for the location of the primary entrances
- [4.](#) Public hearing, discussion and possible action on amendments to Chapter 107 of the City of Rollingwood's Code of Ordinances Section 107-369 to Section 107-379 to Residential Landscape and Tree Canopy Management
- [5.](#) Public hearing, discussion and possible action on the addition of Section 107-81 (Fences) to the city's Code of Ordinances to provide for a standard allowable fence height of 8 feet and for a special exception for fences exceeding 8 feet in height
- [6.](#) Public hearing, discussion and possible action on the addition of Sections 107-5 (Residential Lighting Manual) and 107-81 (Exterior Lighting Requirements) to the city's Code of Ordinances

REGULAR AGENDA

- [7.](#) Discussion and possible action on structures in required yards
8. Update, discussion and possible action on a report from the Accessory Building and Structures subcommittee and a recommendation for accessory buildings
9. Discussion and possible action on clarification regarding CRCRC side yard projection recommendation
- [10.](#) Discussion and next steps regarding consultant review and assessment of proposed segmenting and parallel plane height measurement approaches
11. Discussion and possible action on a recommendation for fence construction materials
- [12.](#) Discussion and possible action on an updated recommendation regarding Code Enforcement from Planning and Zoning Commission and CRCRC
13. Discussion and update regarding a recommendation for comprehensive drainage

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 on Friday, January 3, 2024, at 5:00 p.m.

Makayla Rodriguez

Makayla Rodriguez, 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 Planning and Zoning Commission 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.



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, December 04, 2024

The Planning and Zoning Commission of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on December 4, 2024. Members of the public and the Planning and Zoning Commission were able to participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was 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 ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. Roll Call

Chair Dave Bench called the meeting to order at 6:04 p.m.

Present Members: Chair Dave Bench, Jerry Fleming, Michael Hall, Genie Nyer, and Tony Stein

Also Present: City Administrator Ashley Wayman, Interim City Secretary Makayla Rodriguez, Development Services Manager Nikki Stautzenberger, Mayor Pro Tem Sara Hutson, Council Member Brook Brown, and City Attorney Stanley Springerley

PUBLIC COMMENTS

Michael Rhodes joined the meeting at 6:05 p.m.

The following individuals spoke during public comments:

Catherine Horne, 5011 Timberline Drive, discussed construction taking place near her home and expressed concern regarding setbacks. She requested the Planning and Zoning Commission to consider looking into the issue.

CONSENT AGENDA

2. Discussion and possible action on the minutes from the November 6, 2024 Planning and Zoning Commission meeting

Genie Nyer moved to approve the meeting minutes. Jerry Fleming seconded the motion. The motion carried with 6 in favor and 0 against.

REGULAR AGENDA

3. Discussion regarding intent to continue to serve on the Planning and Zoning Commission

City Administrator Ashley Wayman explained the members who have reached the end of their term of service on the Planning and Zoning Commission. She explained that their request for reappointment will go to City Council for consideration at their next meeting.

4. Discussion and next steps on consultant review and assessment of segmenting and parallel plane height measurement approaches

Chair Dave Bench discussed the progress made on the consultant review from the previous meeting and explained that he created a proposal that outlines the scope of work. He would like to discuss the expectations for the consultant with the Planning and Zoning Commission.

The Planning and Zoning Commission shared their feedback regarding the proposal. They also discussed tenting, segmenting, parallel plane, consultant expectations, and next steps.

Brian Nash joined the meeting at 6:39 p.m.

The Planning and Zoning Commission continued discussion regarding building height measurement.

Council Member Brook Brown expressed concern regarding the segmenting approach and discussed the unique topography on lots.

The Planning and Zoning Commission discussed the CRCRC recommendation, property lines, and segmenting.

Council Member Brook Brown discussed the differences between segmenting and parallel plane. Ms. Brown and Michael Rhodes discussed measuring height for tenting and segmenting.

The Planning and Zoning Commission continued discussion on measuring height with the different approaches.

City Administrator Ashley Wayman suggested forming a subcommittee to put the proposal together.

Chair Dave Bench gave an overview of next steps for the proposal.

City Attorney Stanley Springerley explained the RFQ process. Members of Planning and Zoning asked questions regarding the process.

5. Discussion and possible action on proposed amendments to the city's Code of Ordinances regarding side yard projections in the Residential zoning district

Chair Dave Bench stated that he plans to get clarification regarding the item from the CRCRC at their next meeting.

City Administrator Ashley Wayman clarified that refining amendments have been made to the draft ordinance to reflect what was discussed at the previous CRCRC meeting.

The Planning and Zoning Commission discussed the amended draft ordinance language with Council Member Brook Brown. They continued discussion on the draft ordinance, chimneys, and defining projections.

City Attorney Stanley Springerley suggested to keep the ordinance language broad.

Brian Nash moved to recommend to City Council to modify section 107-76 as reflected in in agenda item 5 with the following modifications: strike the word “ordinary” on line 41, modify the end of line 45 to say “no projection can be closer to a property line than 10ft”, and propose to delete subsection G of section 107-76. Genie Nyer seconded the motion.

City Administrator Ashley Wayman provided guidance on the motion.

The motion carried with 7 in favor and 0 against.

- 6. Update, discussion and possible action on a report from the Accessory Building and Structures subcommittee and a recommendation for accessory buildings

Jerry Fleming discussed his meeting with City Administrator Ashley Wayman and Thom Farrell regarding setbacks and gave a history of setbacks and accessory buildings in Rollingwood. He discussed the possibility of adding special exceptions for accessory buildings.

Brian Nash and Michael Hall gave an overview of what was discussed at the Accessory Building and Structures subcommittee meeting. Mr. Nash clarified that they don’t want to control what residents put in their yards, rather they want to address large looming structures.

Chair Dave Bench thanked the subcommittee for their work. Brian Nash stated that he would bring back a document with discussion points at the next meeting.

The Planning and Zoning Commission discussed structures that should and should not be allowed in the setback and side yards.

- 7. Discussion and possible action on a recommendation from CRCRC regarding Drainage, Impervious Cover and Floor Area Ratio (FAR)

Chair Dave Bench explained the CRCRC’s recommendation to City Council is to form an additional group with drainage expertise to address drainage issues within the city.

The Planning and Zoning Commission gave their feedback and asked questions regarding the CRCRC building height survey and the recommendation.

Mayor Pro Tem Sara Hutson explained that one of the biggest concerns in the city is drainage and that the CRCRC has not directly addressed the issue.

Members of the Planning and Zoning Commission and Mayor Pro Tem Sara Hutson discussed and asked questions regarding the state water code, drainage, and impervious cover.

Council Member Brook Brown gave a summary of the previous drainage study completed in Rollingwood.

Brian Nash suggested discussing drainage with Planning and Zoning Commission. Chair Dave Bench stated that he would like to form a group to look deeper into the issue.

Genie Nyer stated that the Commission should send it forward though they do not fully agree with the recommendation to allow City Council to review the report.

Genie Nyer moved to submit the report with hesitation on endorsing the creation of another CRCRC like community driven approach without further discussion. Michael Rhodes seconded the motion. The motion carried with 7 in favor and 0 against.

8. Discussion and possible action on a recommendation from CRCRC regarding Code Enforcement

Chair Dave Bench explained the CRCRC’s recommendation regarding code enforcement to City Council.

Genie Nyer and Michael Rhodes shared suggestions to add to the recommendation. The Planning and Zoning Commission discussed the CRCRC’s recommendation, permit fees, and staff involvement.

Chair Dave Bench agreed to take their feedback back to the CRCRC and will bring the item back with an updated recommendation.

Michael Rhodes requested to involve staff in the code enforcement recommendation.

Chair Dave Bench moved to take the item back to the CRCRC with comments from the Planning and Zoning Commission and bring it back next month. Brian Nash seconded the motion. The motion carried with 7 in favor and 0 against.

Brian Nash left the meeting at 8:50 p.m.

9. Discussion and possible action on recommendations for remaining CRCRC items

Chair Dave Bench discussed the CRCRC’s progress and asked if there were any additional items for the CRCRC to review.

Tony Stein thanked Chair Dave Bench for his work on the CRCRC and stated that there were not any additional items to review.

10. Discussion and possible action on a recommendation for fence construction materials

The Planning and Zoning Commission discussed fence construction materials and restricted materials. Chair Dave Bench stated that he will bring this item back in the next meeting.

Chair Dave Bench moved to table the item. Tony Stein seconded the motion. The motion carried with 6 in favor and 0 against.

ADJOURNMENT OF MEETING

The meeting was adjourned at 9:00 p.m.

Minutes adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Makayla Rodriguez, City Secretary

AGENDA ITEM SUMMARY SHEET
City of Rollingwood
Planning & Zoning Commission
Meeting Date: January 8, 2025

Submitted By:

Staff

Agenda Item:

Public hearing, discussion and possible action on an ordinance designating that the front yard of a lot shall be the yard which abuts the addressed street

Description:

At its October 2, 2024, meeting, the Planning and Zoning Commission considered the attached draft ordinance and moved to approve the draft ordinance. The motion carried with 6 in favor and 1 against (Nash). The City Council had previously reviewed the ordinance at their August 21, 2024 meeting.

Because this proposed ordinance amends the zoning code, this ordinance must go through the public hearing process before the Planning and Zoning Commission and City Council before it can be finally approved. This item fulfills the public hearing requirement before the Planning and Zoning Commission, and a recommendation must be made to the City Council regarding the rezoning of this parcel of property before the City Council can hold their public hearing and take action.

Action Requested:

To hold a public hearing and make a recommendation to the City Council regarding an ordinance designating that the front yard of a lot shall be the yard which abuts the addressed street.

Fiscal Impacts:

No significant fiscal impacts are anticipated at this time.

Attachments:

- Draft Ordinance designating that the front yard of a lot shall be the yard which abuts the addressed street

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ORDINANCE NO. 2025-XX-XX-XX

AN ORDINANCE AMENDING ARTICLE II, DIVISION 2, SECTIONS 107-3 (DEFINITIONS) AND 107-75 (YARDS GENERALLY) TO PROVIDE THAT THE FRONT YARD OF A LOT SHALL BE THE A YARD WHICH ABUTS THE ADDRESSED STREET; PROVIDING FOR THE LOCATION OF PRIMARY ENTRANCES; PROVIDING FOR SEVERABILITY AND 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 City Council of the City of Rollingwood (“City Council”) wishes to amend the City’s zoning regulations to require that the front of a yard of a lot match the addressed street of the lot; and

WHEREAS, the City Council has determined that the public interest would be served by this requirement; and

WHEREAS, the City Council finds that the amendments provided for herein are reasonable, necessary, and proper for the good of the City.

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. Code Amendment.

Section 107-3. – Definitions

Yard, front, means a yard which abuts the addressed street of the lot, ~~faces a street~~, is located between the main building on a lot and the street easement or front line of the lot, and extends across the front of a lot between the side lot lines.

Section 107-74. – Primary entrances.

The primary entrance of the dwelling shall face and be visible from the addressed street of the lot or shall be accessible from the addressed street of the lot and have physical features that clearly identify the location of the primary entrance of the dwelling and that are readily visible from the addressed street of the lot. Examples of such features include, but shall not be limited to walkways, entry portals, covered stoops, porches, or other structural features that direct the way to the primary entrance.

Sec. 107-75. - Yards generally.

(a) Each lot shall have a front yard, two side yards and a rear yard.

- 37 (b) On each lot, the rear yard shall be to the rear of the front yard.
- 38 ~~(c) The building official shall determine the street address, and thus the front yard, of~~
- 39 ~~each corner lot.~~

40 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with
 41 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all
 42 other provisions of the ordinances of the City of Rollingwood not in conflict with the
 43 provisions of this ordinance shall remain in full force and effect.

44 **SECTION 4.** Should any sentence, paragraph, sub-article, clause, phrase or section of this
 45 ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
 46 affect the validity of this ordinance, or any part or provision thereof other than the part so
 47 decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the
 48 Code of Ordinances as a whole.

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

51 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of
 52 Rollingwood, Texas, on the _____ day of _____, 2024

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Gavin Massingill, Mayor

59 ATTEST:

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Makayla Rodriguez, City Secretary

AGENDA ITEM SUMMARY SHEET
City of Rollingwood
Planning & Zoning Commission
Meeting Date: January 8, 2025

Submitted By:

Staff

Agenda Item:

Public hearing, discussion and possible action on an amendment to the Code of Ordinances Section 107-369 to Section 107-379 regarding Residential Landscape Tree Canopy Management

Description:

On October 2, 2024, the Planning and Zoning Commission reviewed and sent this document on to the Council with slight amendments to correct a few typos and code reference errors, as well as to correct the placement of one of the newly added subsections. No substantial changes were made.

During the City Council meeting on October 16, 2024, the Council reviewed the Planning and Zoning Commission's recommendations. The Council made additional amendments to align the language with the non-residential code, specifically regarding heritage tree removal, and included a provision for a stop work order in the event a heritage tree is removed without a permit. The Council approved the draft ordinance, along with the additional amendments, by a vote of 4 in favor and 1 abstention (Robinson), forwarding the amendments to legal review and through the public hearing process.

Because this proposed ordinance amends the zoning code, this ordinance must go through the public hearing process before the Planning and Zoning Commission and City Council before it can be finally approved. This item fulfills the public hearing requirement before the Planning and Zoning Commission, and a recommendation must be made to the City Council regarding the zoning code amendments before the City Council can hold their public hearing and take action.

Action Requested:

To hold a public hearing and make a recommendation to the City Council on an amendment to the Code of Ordinances Section 107-369 to Section 107-379 regarding Residential Landscape Tree Canopy Management

Fiscal Impacts:

No significant fiscal impacts are anticipated at this time.

Attachments:

- Draft Ordinance amendment to the Code of Ordinances Section 107-369 to Section 107-379 regarding Residential Landscape Tree

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ORDINANCE NO. 2025-XX-XX-XX

AN ORDINANCE AMENDING CHAPTER 107 OF THE CITY OF ROLLINGWOOD’S CODE OF ORDINANCES RELATED TO RESIDENTIAL TREE CANOPY AND LANDSCAPE MANGEMENT, PROVIDING FOR SEVERABILITY AND 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 Chapter 211 provides authority to regulate land for residential purposes; and

WHEREAS, the City Council of the City of Rollingwood (“City Council”) finds that proper landscaping and tree canopies management provide critical environmental benefits, including improved air quality, reduced urban heat island effect, enhanced biodiversity, and stormwater management. The preservation and expansion of tree canopies contribute to the overall health and sustainability of urban ecosystems; and

WHEREAS, the City Council finds and determines that proper landscaping and trees play a vital role in enhancing public health and well-being by promoting mental health, providing recreational opportunities, and reducing noise pollution. The presence of mature trees and well-maintained green spaces is associated with improved quality of life for residents; and

WHEREAS, the City Council finds and declares that heritage trees, which are of significant age, size, or historical importance, represent irreplaceable cultural and historical assets. These trees contribute to the city’s identity and historical character, offering aesthetic and educational value to current and future generations; and

WHEREAS, the Comprehensive Residential Code Review Committee (the “CRCRC”) was appointed, among other issues, to study the need for amendments to the City’s tree canopy and landscape regulations in residential areas; and

WHEREAS, the CRCRC has made recommendations consistent with the amended regulations herein; and

WHEREAS, the CRCRC, the Planning and Zoning Commission and the City Council have held public meetings and/or hearings and received public input regarding the proposed amendments.

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.

38 **SECTION 2.** Code Amendment. The following sections of the Rollingwood Code of
39 Ordinances are hereby amended as follows with ~~strikethroughs~~ being deletions from the
40 Code and underlines being additions to the Code:

41 The title to Chapter 107, Division 10, Subdivision 2 is hereby deleted and amended to read
42 as follows:

43 **Subdivision 2. Residential Landscape and Tree Canopy Management**

44 **Sec. 107-369. Purpose.**

45 (a) The tree code regulations protect the health, safety, and general
46 welfare of the citizens of the city. In doing so, the appearance of
47 the city is enhanced and important ecological, cultural, and
48 economic resources are protected for the benefit of the city's
49 residents, businesses, and visitors.

50 (b) Because the city experiences frequent drought conditions, these
51 regulations are also intended to encourage low water demanding
52 landscapes (Xeriscapes) through the use of native and adapted
53 low water use plants from the Austin Grow Green Guide found
54 on the City of Austin Website. The planting of turfgrass on less
55 than 50% of the total landscaped areas, with that turf grass
56 preferably having summer dormancy capabilities such as Buffalo
57 grass, Zoysia grass, or non-seeding varieties of Bermuda grass is
58 also encouraged.

59 (c) It is the intent of these regulations that site plan and project
60 design will preserve the existing natural character of the
61 landscape and the retention of protective trees as much as
62 possible.

63 ~~(b)~~(d) The sections within this subdivision address trees in both
64 development and non-development situations and seek to
65 enhance the quality of the tree canopy and optimize the benefits
66 that trees provide.

67 ~~(e)~~(e) For development situations, additional requirements to this
68 subdivision are designated in [section] 107-376.

69 **Sec. 107-370. Applicability.**

70 This subdivision applies to property in the residential zoning
71 district and to any other property to which section 107-341 of this
72 Code does not apply.

73 **Sec. 107-371. Definitions.**

74 In this subdivision:

- 75 (a) *Protected species* means:
76 (1) Ash, Texas

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- (2) Cypress, Bald
 - (3) Elm, American
 - (4) Elm, Cedar
 - (5) Madrone, Texas
 - (6) Maple, Bigtooth
 - (7) All Oaks
 - (8) Pecan
 - (9) Walnut, Arizona
 - (10) Walnut, Eastern Black
- (b) *Protected tree* means a tree that has a trunk with a diameter of 12 inches or more, measured four and one-half feet above ground, and is one of the protected species;
- (c) *Replacement species* means:
- (1) For trees planted within 20 feet of an above-ground power, cable, or telephone line:
 - a. Anacacho Orchid Tree
 - b. Common Tree Senna
 - c. Crape Myrtle (dwarf)
 - d. Desert Willow
 - e. Evergreen Sumac
 - f. Eve's Necklace
 - g. Flameleaf Sumac
 - h. Goldenball Leadtree
 - i. Mexican Buckeye
 - j. Mexican Plum
 - k. Possumhaw Holly
 - l. Rough Leaf Dogwood
 - m. Texas Mountain Laurel
 - n. Texas Persimmon
 - o. Texas Pistache
 - p. Texas Redbud
 - q. Wax Myrtle
 - r. Yaupon Holly
 - s. Cherry Laurel
 - (2) For all other trees planted within a property, a protected species.
- (d) *Replacement tree* means:

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(1) For the replacement species listed in subsection (c)(1), a tree at least eight feet high when planted, which shall be maintained in a healthy condition after planting;

(2) For the replacement species listed in subsection (c)(2), a tree with a diameter equal to not less than one-fourth the diameter of the protected tree it replaces up to a maximum diameter of ~~six~~ five inches, which shall be maintained in a healthy condition after planting. The diameter of protected and replacement trees shall be measured four and one-half feet above the ground when planted.

(e) Heritage tree means a Protected Tree of a protected species, having a diameter of 24 inches or more, measured 4½ feet above natural grade. To determine the diameter of a multi-trunk tree, measure all the trunks; add the total diameter of the largest trunk to ½ the diameter of each additional trunk. A total diameter of 24” or higher for a multi-trunk tree is a Heritage tree.

(f) Critical root zone (“CRZ”) means the area around and under a tree having a radius of one foot per inch of diameter from the trunk of the tree outwards and twenty-four inches in depth. For example, for a tree having a 10-inch diameter, the critical root zone is 10 feet out from the trunk and twenty-four inches deep.

(~~e~~)(g) Removal means an intentional act that causes or may be reasonably expected to cause a tree to die, including:

- (1) Uprooting;
- (2) Severing the main trunk;
- (3) Damaging the root system, including, but not limited to:
 - a. Adjusting the grading of a lot to cover or uncover a tree trunk or root system to the extent that the adjusted grading causes or may be reasonably expected to cause the tree to die; or
 - b. Placing fixtures over the root system to the extent that the placement of the fixtures causes or may be reasonable expected to cause the tree to die.

(4) Excessive pruning, including, but not limited to, pruning that exceeds 25 percent of the canopy of the tree.

(~~f~~)(h) Certified City arborist means an ISA certified arborist.

(i) City Development Officer means that individual designated by the City Administrator from time to time.

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Sec. 107-372. Administration.

- (a) A city arborist shall be appointed by the city council who shall coordinate with the City Development Officer when determined necessary to assist in promulgating forms for use under this subdivision and to decide all applications for removal of a protected tree.
- ~~(b) If an applicant requests a variance as permitted under this subdivision, the city arborist shall direct the request to the city council and make a recommendation to the city council whether to approve the variance request.~~
- ~~(e)(b) The list of eligible protected tree species under subsection 107-371(a) and the list of eligible replacement tree species under [subsection] 107-371(c) may be supplemented by approval of the city council, in consultation with the city arborist. Or as provided by subsection (e).~~
- ~~(d)(c) All protected trees and heritage trees removed from a lot should be replaced on that lot unless a written permission is submitted to the City from an adjacent lot owner to replant on the adjacent lot. An applicant may satisfy a tree replacement requirement by planting the required replacement tree(s) on the property affected by the protected tree removal, or on one or more other property(s) approved by the arborist or other designated agent of the city if:~~
 - ~~(1) The benefit to residents of the city would be as great as replacement on the property affected by the protected tree removal; and~~
 - ~~(2) The owner(s) of such other property(s) agree in writing to maintain the replacement trees in a healthy condition and replace same with like trees, as necessary as a result of a death of such tree(s), for a period of not less than three years.~~
- ~~(e) For purposes of subsections 107-372(e) and (d) the city and the owner may consult with an academic organization, state agency, nonprofit organization, or the city arborist to identify an area for which tree planting will best address the science based benefits of trees and other reforestation needs of the municipality within and outside of the city limits.~~
- ~~(f)(d) The city council shall provide for fees payable for review of applications for permits and variances pursuant to this division.~~

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Sec. 107-373. Removal of protected trees.

- (a) A person may not remove a protected tree without a tree removal permit for the removal and compliance with the terms of this subdivision.
 - (1) During removal of protected trees the tree removal permit shall be displayed on the construction board for the site ~~in present~~ or otherwise displayed on a sign within the first five feet of the front yard ~~setback~~ and if the house is not under construction the permit for tree removal shall be placed on the dashboard of the permitted vendor's vehicle.
 - (2) Removal of a Heritage tree is prohibited unless a Heritage Tree Removal Special Exception is granted by the Board of Adjustment upon a finding that: (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property. A Heritage Tree Removal Special Exception provided for in this code will not be required for Heritage Trees removed from the permitted building footprint area but are subject to the tree removal permitting and replacement regulations provide for in this Code.
- (b) Emergency pruning or removal. Notwithstanding subsection 107-373(a), a person may perform emergency pruning or removal of a protected tree as follows:
 - (1) ~~When the condition or location of a protected tree presents a clear and immediate danger to a structure or to the health and safety of the public, the hazardous portion of the protected tree may be removed without first obtaining a required tree removal permit. Upon the report of a certified arborist hired by the property owner that a heritage tree is either: (i) dead; (ii) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree, in whole or in part; or (iii) is diseased and restoration to sound condition is not practicable or the disease may be transmitted to other trees and endanger their health. This report must be confirmed by the city arborist. The city administrator shall have the authority to determine whether such documentation is in order and may consider specific safety situations in light of potential hazards to life or property. In the case of an imminent hazard to life or property under subsection (ii),~~

234 documentation may be submitted within 72 hours after the
235 action is taken.

236

237 (2) In the course of performing emergency repairs to a road or
238 water, wastewater, or drainage facilities, agents or
239 contractors of the city may trim, prune or remove a
240 protected tree as required to perform such work without first
241 obtaining a tree removal permit. If such activities occur
242 during normal business hours, the city shall first attempt to
243 contact the ~~city arborist~~ City Development Officer to
244 determine if the ~~city arborist~~ City Development Officer can
245 provide immediate guidance and assistance. If such
246 assistance is not immediately available, then the pruning or
247 removal may occur in accordance with the requirements
248 under chapter 18, article V of this Code.

249 (3) Any person who prunes or removes a protected tree under
250 the provisions of this subsection shall, within 14 days of
251 such action or as soon as practicable if there is a coinciding
252 declaration of a state of emergency in the city, apply for a
253 tree removal permit providing for replacement trees as
254 required by this subdivision. The application shall include
255 photographs or other documentation to demonstrate the
256 requisite clear and immediate danger. The ~~city arborist~~ City
257 Development Officer will evaluate the information to
258 determine whether a clear and immediate danger existed. A
259 failure to submit an application or a failure to submit
260 information demonstrating the clear and immediate danger
261 shall constitute a violation of this subdivision.

262 (c) The requirements of this subdivision apply to trees on public and
263 private property. To the extent of conflict with another section of
264 the Code, this subdivision applies.

265 **Sec. 107-374. Application for protected tree removal and tree removal**
266 **permits.**

267 (a) An applicant may request a tree removal permit application from
268 the city through the City’s application platform located on the
269 City’s website. ~~by phone, U.S. mail, fax, email or in person.~~

270 (b) An application for removal of a protected tree located on public
271 property, a right-of-way or a public easement may be submitted
272 by:

273 (1) An agent of the city, a public utility, or another political
274 subdivision with the authority to install the public facilities

275 and perform the work necessitating the removal of the
276 protected tree; or

277 (2) The owner of the property adjoining the site of the protected
278 tree.

279 (c) An application for removal of a protected tree on private property
280 may be submitted by or on behalf of the owner of the property on
281 which the tree is located.

282 (d) An application for removal of one or more protected tree(s) must
283 be submitted to the city secretary and approved prior to removal
284 of the protected tree. If the application is approved as provided
285 for in this subdivision, a permit shall be issued indicating each
286 protected tree that is approved for removal and indicating the
287 location(s) and size(s) of any required replacement trees and the
288 dates by which replacement trees must be planted. No tree
289 removal permit shall be issued unless an approved building
290 permit is in place, which includes a detailed building footprint.
291 Any permit application for tree removal must be accompanied by
292 documentation confirming the issuance of the building permit.

293 (e) An application that proposes removal of a protected tree shall
294 include the required permit application fee.

295 (f) An application for removal of a protected tree shall include any
296 proposal for type(s) and location(s) of replacement trees on a site
297 plan of affected property(s).

298 (g) A permit for removal of a protected tree expires on the earlier of
299 either two years after its effective date, or upon removal of the
300 protected tree except that if any building permit issued for the
301 associated property expires or is revoked for any reason, the
302 permit for removal of a tree shall be revoked as well. Subject to
303 applicable expiration, a permit for removal of tree(s) is
304 transferable to a subsequent owner of the affected property,
305 provided that any obligation in the permit with respect to
306 replacement trees is assumed by the transferee.

307 **Sec. 107-375. Conditions for approval.**

308 (a) If the protected tree is located within a yard line and property line
309 setback area and the total width of the setback area within the
310 yard line and the property line is ~~greater than~~ ten feet or greater
311 from the edge of a property, the protected tree shall be replaced
312 with a total of three replacement trees that may include a selection
313 of replacement trees under subsections 107-371(d)(1) and (d)(2).
314 ~~and shall include at least one replacement trees under subsection~~
315 ~~107-371 (d)(2).~~

316 (b) If the protected tree is not located within an area specified in
317 subsection 107-375(a), the protected tree shall be replaced by one
318 replacement tree under ~~either subsection 107-371(d)(1) or~~
319 subsection 107-371(d)(2).

320 (c) For protected trees removed from within 20 feet of an above-
321 ground power, cable, or telephone line the species selected from
322 Sec 107-371 (c) (1) may be used for replacement.

323 ~~(e)(d)~~ If the protected tree trunk straddles an area specified in
324 subsection 107-375(a), the protected tree is deemed to be in the
325 area specified in subsection 107-375(a) if more than half of the
326 diameter of the tree is within the area specified in subsection 107-
327 375(a). If a protected or heritage tree straddles the boundary
328 between the yard and buildable area, it shall be considered
329 removed from the yard area if 25% or more of the trunk diameter
330 is in the yard area.

331 ~~(d)(e)~~ If the ~~city arborist~~ City Development Officer determines
332 under subsection 107-373(b)(3) that an emergency existed at the
333 time of removal that necessitated expedited removal or an
334 applicant provides documentation from a certified arborist that a
335 protected tree is diseased, dead, or poses an imminent or
336 immediate threat to persons or property due to natural causes only
337 and the protected tree falls under subsection 107-375(a), the city
338 arborist may reduce the replacement tree requirement to one
339 replacement tree under either subsection 107-371(d)(1) or
340 subsection 107-371(d)(2).

341 ~~(e)(f)~~ If the ~~city arborist~~ City Development Officer determines that an
342 applicant provides sufficient documentation from a certified
343 arborist that a protected tree is diseased, dead, or poses an
344 imminent or immediate threat to persons or property due to
345 natural causes only, and also not as a result of intentional
346 bleaching, root cutting, or pruning more than 25 percent of the
347 canopy, and that the certified arborist has documented at least two
348 prior actions performed by the certified arborist within the
349 previous three years to mitigate the condition, the ~~city arborist~~
350 City Development Officer may reduce or waive the replacement
351 tree requirement for the protected tree and reduce or waive the
352 tree replacement application fee.

353 ~~(f)(g)~~ If a protected tree is required to be removed under section 18-
354 209, the ~~city arborist~~ City Development Officer may reduce or
355 waive the replacement tree requirement for the protected tree and
356 reduce or waive the tree replacement application fee.

357 ~~(g)(h)~~ The mayor may act to waive the replacement tree requirement
358 under this subsection 107-374(d) for a storm event, wildfire or

359 other calamity that causes widespread or costly damage to
360 multiple protected trees throughout the city.

361 ~~(h)~~(i) For a permit filed with an application for development of any
362 improvements or structures, if the density of protected trees in an
363 area described in subsection 107-375(b) is greater than seven
364 protected trees, the number of replacement trees required under
365 subsection 107-375(b) for a removal from such area is capped at
366 seven replacement trees, at least three of which shall meet the
367 requirements of subsection 107-371(d)(2).

368 ~~(i)~~(j) If a protected tree has a trunk on a first property and ~~CRZ roots~~
369 and canopy that extend into a second property, the owner of the
370 second property is required to obtain a tree removal permit for
371 removal of the protected tree prior to performing any actions that
372 constitute removal under subsection 107-371(e) on the second
373 property. For purposes of determining removal under this
374 subsection for 107-371(e), damage to the root system is assessed
375 within the area that is a number of feet in diameter from the outer
376 edge of the tree trunk at four and one-half feet from the ground
377 based on a ratio of one foot for each inch of diameter of the tree
378 trunk. If the actions by the owner of the second property as to the
379 protected tree trigger a requirement for the owner of the first
380 property to apply for a tree removal permit for the protected tree,
381 the application review fee as to the protected tree on the first
382 property is waived.

383 (k) Replacement of a Heritage Tree removed from a yard area or a
384 permitted building footprint area must be replaced with one tree
385 5 inches in diameter, or more, for every 12 inches in diameter of
386 the removed tree. For example: 24 inches = 2 five-inch diameter
387 trees, 36 inches = 3 trees, etc. to be replaced. An exception to
388 these mitigation requirements may be granted by the City
389 Development Officer, after consulting with the City Arborist, and
390 with the approval of the Zoning Board of Adjustment if the
391 applicant demonstrates: (1) the existing tree canopy would
392 prohibit the growth of these replacement tree(s); or (2) the
393 required replacement trees to be installed would have to be
394 planted under the canopy of an existing tree.

395 **Sec. 107-376. Development application requirements.**

396 (a) An application for a building permit must:
397 (1) Include a tree survey and protection plan of all existing
398 trees on the property that are at least 12 inches in diameter
399 measured four and one-half feet above the ground, including an indication of the CRZ of these trees.
400

- 401 (2) Include a grading and tree protection plan for protecting
- 402 all protected trees that are not approved for removal; The
- 403 protection plan submitted for these trees must include
- 404 actions necessary for the best chance of survival of these
- 405 protected trees, including adequate watering before,
- 406 during and after construction until a certificate of
- 407 occupancy is granted.
- 408 (3) Demonstrate that the design will preserve the existing
- 409 natural character of the landscape as to any protected trees
- 410 not approved for removal; and
- 411 (4) Include a tree removal permit application with required
- 412 fees for review of each proposed removal of a protected
- 413 tree.
- 414 (b) ~~The building official~~ City Development Officer may not release
- 415 or renew a building permit until ~~the city arborist issues a tree~~
- 416 ~~removal permit for each protected tree proposed to be removed~~
- 417 has been submitted. While the tree removal permit and the
- 418 building permit may be processed and approved concurrently, the
- 419 tree removal permit shall not be approved prior to approval of the
- 420 building permit, including the approval of the building footprint.

Sec. 107-377. Administrative variance.

- 422 ~~(a) The city council may grant an administrative variance from the~~
- 423 ~~requirements of this division if the city council determines by a~~
- 424 ~~simple majority that owing to special conditions pertaining to the~~
- 425 ~~affected property, literal enforcement of the provisions of this~~
- 426 ~~division will result in unnecessary hardship, and the granting of~~
- 427 ~~the variance will not be contrary to the public interest.~~
- 428 ~~(b) In considering any proposed variance, the following rules shall~~
- 429 ~~be observed:~~
- 430 ~~(1) The applicant for the variance must present to the city council a~~
- 431 ~~set of plans prepared by a certified arborist setting out the~~
- 432 ~~applicant's proposal and the nature of the proposed variance;~~
- 433 ~~(2) The proposed variance may not unreasonably affect any~~
- 434 ~~adjoining property or the general welfare of the community; and~~
- 435 ~~(3) The city council must find that the applicant did not create the~~
- 436 ~~condition necessitating the variance.~~
- 437 ~~(c) If the city council grants a variance under this subdivision, the~~
- 438 ~~city arborist may issue a tree removal permit with terms~~
- 439 ~~consistent with any terms and conditions of the granted variance.~~

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Sec. 107-3778. Replacement procedure.

- (a) Whenever replacement trees are required by the terms of this subdivision, the owner shall submit to the ~~city arborist~~ City Development Officer for approval a replacement site plan showing the locations, species and sizes of all replacement trees and vegetation for final approval by the ~~city arborist~~ City Development Officer. If during installation, the owner is unable to conform to the approved replacement site plan because conformance is not feasible due to subsurface conditions that could not reasonably have been foreseen that make the viability of the tree in the planned location unlikely, then the owner must submit an amended site plan to the ~~city arborist~~ City Development Officer within seven days of the discovery of unforeseen subsurface conditions for approval by the ~~city arborist~~ City. An amended site plan must provide for no fewer replacement trees or cumulative size of replacement trees than provided in the originally approved replacement plan.
- (b) Installation of the replacement trees must be completed within the time period designated by the ~~city arborist~~ City Development Officer in the tree removal permit, however, in no event will the time period be longer than one year, however this time period is abated while a property is under construction where replacement trees are required.
- (c) The owner shall notify the ~~city arborist~~ City Development Officer upon completion of the installation. If more than one protected tree has been replaced, the city arborist may then inspect for compliance with the approved replacement plan.
- (d) All replacement trees must survive at least three years. The City Development Officer shall track all replacement trees, so that at three years post planting, their survival and health can be assessed, consulting with an arborist if necessary. The ~~city arborist~~ City Development Officer may contact the owner during this three year period to arrange for a site visit ~~by the city arborist~~ in order to confirm the replacement trees have survived. Replacement trees that do not survive for three years must be removed and replaced with similar species and sized trees.
- (e) The owner of property from which the removal of one or more protected trees was permitted shall arrange for the transferee(s) of such property to submit to the city secretary a written transfer to and assumption by such transferee(s) of the permit and all obligations of such permit with respect to required replacement trees, if all such obligations have not been satisfied at the time of transfer of the property.

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Sec. 107-3789. Violations/penalties.

- (a) It shall be an offense for a person:
 - (1) To fail to perform an act required by the provisions of this subdivision;
 - (2) To fail to timely comply with any term of a permit issued pursuant to this division, including terms regarding the planting and maintenance of required replacement trees;
 - (3) To hire, engage, or permit any person engaged in the business tree planting, maintenance, or removal to perform such services on property in the city without a permit issued by the city pursuant to section 18-217 of this Code;
 - (4) Except as expressly allowed pursuant to this subdivision, to remove or to cause the removal of a protected or heritage tree without first obtaining a permit therefor;
 - (5) To transfer property from which the removal of a protected heritage tree has been permitted if all obligations with respect to replacement trees pursuant to the permit for such removal are not then fulfilled unless the transferee of the property agrees in a writing submitted to the city secretary to assume such permit and all obligations with respect to the planting and maintenance of required replacement trees;
 - (6) To fail to submit an application for a permit as required pursuant to subsection (b) of this section or pursuant to subsection 107-373(b)(3); or
 - (7) To fail to submit photographs or other documentation to demonstrate a requisite clear and immediate danger pursuant to subsection 107-373(b)(3) in connection with an unpermitted removal of a protected or heritage tree.
- (b) An offense shall constitute a Class C misdemeanor punishable by a fine not to exceed \$500.00. ~~An offense committed intentionally, knowingly, recklessly, or with criminal negligence shall be punishable by a fine not to exceed \$2000.00 per offense.~~ Each protected or heritage tree removed in violation of this division shall constitute a separate offense, and a failure to plant and maintain each replacement tree shall constitute a separate offense. Each day a violation continues shall constitute a separate offense.
- (c) The owner of affected property and each person who causes or directs another person to remove a protected or heritage tree without a permit shall immediately submit an application for a permit pursuant to this subdivision, including a proposal for the

525 provision of replacement tree(s) in compliance with this
526 subdivision.

527 (d) The building official shall issue a stop work order in connection
528 with any permitted development of the property from which a
529 protected or heritage tree is removed upon the occurrence of a
530 violation of this subdivision or any term of a permit issued
531 pursuant to this subdivision.

532 (e) No certificate of occupancy shall be issued for a building or other
533 structure that is not then in compliance with any permit issued
534 pursuant to this subdivision for removal of a protected tree.

535

536 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with
537 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all
538 other provisions of the ordinances of the City of Rollingwood not in conflict with the
539 provisions of this ordinance shall remain in full force and effect.

540 **SECTION 4.** Should any sentence, paragraph, sub-article, clause, phrase or section of this
541 ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
542 affect the validity of this ordinance as a whole, or any part or provision thereof other than
543 the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity
544 of the Code of Ordinances as a whole.

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

547 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of
548 Rollingwood, Texas, on the _____ day of _____, 2024

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Gavin Massingill, Mayor

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555 ATTEST:

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558 Makayla Rodriguez, City Secretary

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ORDINANCE NO. 2025-XX-XX-XX

AN ORDINANCE AMENDING CHAPTER 107 OF THE CITY OF ROLLINGWOOD’S CODE OF ORDINANCES RELATED TO RESIDENTIAL TREE CANOPY AND LANDSCAPE MANGEMENT, PROVIDING FOR SEVERABILITY AND 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 Chapter 211 provides authority to regulate land for residential purposes; and

WHEREAS, the City Council of the City of Rollingwood (“City Council”) finds that proper landscaping and tree canopies management provide critical environmental benefits, including improved air quality, reduced urban heat island effect, enhanced biodiversity, and stormwater management. The preservation and expansion of tree canopies contribute to the overall health and sustainability of urban ecosystems; and

WHEREAS, the City Council finds and determines that proper landscaping and trees play a vital role in enhancing public health and well-being by promoting mental health, providing recreational opportunities, and reducing noise pollution. The presence of mature trees and well-maintained green spaces is associated with improved quality of life for residents; and

WHEREAS, the City Council finds and declares that heritage trees, which are of significant age, size, or historical importance, represent irreplaceable cultural and historical assets. These trees contribute to the city’s identity and historical character, offering aesthetic and educational value to current and future generations; and

WHEREAS, the Comprehensive Residential Code Review Committee (the “CRCRC”) was appointed, among other issues, to study the need for amendments to the City’s tree canopy and landscape regulations in residential areas; and

WHEREAS, the CRCRC has made recommendations consistent with the amended regulations herein; and

WHEREAS, the CRCRC, the Planning and Zoning Commission and the City Council have held public meetings and/or hearings and received public input regarding the proposed amendments.

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.

38 **SECTION 2.** Code Amendment. The following sections of the Rollingwood Code of
39 Ordinances are hereby amended as follows with ~~strike-throughs~~ being deletions from the
40 Code and underlines being additions to the Code:

41 The title to Chapter 107, Division 10, Subdivision 2 is hereby deleted and amended to read
42 as follows:

43 **Subdivision 2. Residential Landscape and Tree Canopy Management**

44 **Sec. 107-369. Purpose.**

45 (a) The tree code regulations protect the health, safety, and general
46 welfare of the citizens of the city. In doing so, the appearance of
47 the city is enhanced and important ecological, cultural, and
48 economic resources are protected for the benefit of the city's
49 residents, businesses, and visitors.

50 (b) Because the city experiences frequent drought conditions, these
51 regulations are also intended to encourage low water demanding
52 landscapes (Xeriscapes) through the use of native and adapted
53 low water use plants from the Austin Grow Green Guide found
54 on the City of Austin Website. The planting of turfgrass on less
55 than 50% of the total landscaped areas, with that turf grass
56 preferably having summer dormancy capabilities such as Buffalo
57 grass, Zoysia grass, or non-seeding varieties of Bermuda grass is
58 also encouraged.

59 (c) It is the intent of these regulations that site plan and project
60 design will preserve the existing natural character of the
61 landscape and the retention of protective trees as much as
62 possible.

63 ~~(b)~~(d) The sections within this subdivision address trees in both
64 development and non-development situations and seek to
65 enhance the quality of the tree canopy and optimize the benefits
66 that trees provide.

67 ~~(e)~~(e) For development situations, additional requirements to this
68 subdivision are designated in [section] 107-376.

69 **Sec. 107-370. Applicability.**

70 This subdivision applies to property in the residential zoning
71 district and to any other property to which section 107-341 of this
72 Code does not apply.

73 **Sec. 107-371. Definitions.**

74 In this subdivision:

75 (a) *Protected species* means:

76 (1) Ash, Texas

- 77 (2) Cypress, Bald
- 78 (3) Elm, American
- 79 (4) Elm, Cedar
- 80 (5) Madrone, Texas
- 81 (6) Maple, Bigtooth
- 82 (7) All Oaks
- 83 (8) Pecan
- 84 (9) Walnut, Arizona
- 85 (10) Walnut, Eastern Black
- 86 (b) *Protected tree* means a tree that has a trunk with a diameter of 12
- 87 inches or more, measured four and one-half feet above ground,
- 88 and is one of the protected species;
- 89 (c) *Replacement species* means:
- 90 (1) For trees planted within 20 feet of an above-ground
- 91 power, cable, or telephone line:
- 92 a. Anacacho Orchid Tree
- 93 b. Common Tree Senna
- 94 c. Crape Myrtle (dwarf)
- 95 d. Desert Willow
- 96 e. Evergreen Sumac
- 97 f. Eve's Necklace
- 98 g. Flameleaf Sumac
- 99 h. Goldenball Leadtree
- 100 i. Mexican Buckeye
- 101 j. Mexican Plum
- 102 k. Possumhaw Holly
- 103 l. Rough Leaf Dogwood
- 104 m. Texas Mountain Laurel
- 105 n. Texas Persimmon
- 106 o. Texas Pistache
- 107 p. Texas Redbud
- 108 q. Wax Myrtle
- 109 r. Yaupon Holly
- 110 s. Cherry Laurel
- 111 (2) For all other trees planted within a property, a protected
- 112 species.
- 113 (d) *Replacement tree* means:

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- (1) For the replacement species listed in subsection (c)(1), a tree at least eight feet high when planted, which shall be maintained in a healthy condition after planting;
- (2) For the replacement species listed in subsection (c)(2), a tree with a diameter equal to not less than one-fourth the diameter of the protected tree it replaces up to a maximum diameter of ~~six~~ five inches, which shall be maintained in a healthy condition after planting. The diameter of protected and replacement trees shall be measured four and one-half feet above the ground when planted.

(e) Heritage tree means a Protected Tree of a protected species, having a diameter of 24 inches or more, measured 4½ feet above natural grade. To determine the diameter of a multi-trunk tree, measure all the trunks; add the total diameter of the largest trunk to ½ the diameter of each additional trunk. A total diameter of 24” or higher for a multi-trunk tree is a Heritage tree.

(f) Critical root zone (“CRZ”) means the area around and under a tree having a radius of one foot per inch of diameter from the trunk of the tree outwards and twenty-four inches in depth. For example, for a tree having a 10-inch diameter, the critical root zone is 10 feet out from the trunk and twenty-four inches deep.

~~(e)~~(g) Removal means an intentional act that causes or may be reasonably expected to cause a tree to die, including:

- (1) Uprooting;
- (2) Severing the main trunk;
- (3) Damaging the root system, including, but not limited to:
 - a. Adjusting the grading of a lot to cover or uncover a tree trunk or root system to the extent that the adjusted grading causes or may be reasonably expected to cause the tree to die; or
 - b. Placing fixtures over the root system to the extent that the placement of the fixtures causes or may be reasonable expected to cause the tree to die.

(4) Excessive pruning, including, but not limited to, pruning that exceeds 25 percent of the canopy of the tree.

~~(f)~~(h) Certified City arborist means an ISA certified arborist.

(i) City Development Officer means that individual designated by the City Administrator from time to time.

Sec. 107-372. Administration.

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(a) A city arborist shall be appointed by the city council who shall coordinate with the City Development Officer when determined necessary to assist in promulgating forms for use under this subdivision and to decide all applications for removal of a protected tree.

~~(b) If an applicant requests a variance as permitted under this subdivision, the city arborist shall direct the request to the city council and make a recommendation to the city council whether to approve the variance request.~~

~~(e)(b) The list of eligible protected tree species under subsection 107-371(a) and the list of eligible replacement tree species under [subsection] 107-371(c) may be supplemented by approval of the city council, in consultation with the city arborist. Or as provided by subsection (e).~~

~~(d)(c) All protected trees and heritage trees removed from a lot shall should be replaced on that lot unless a written permission is submitted to the City from an adjacent lot owner to replant on the adjacent lot. An applicant may satisfy a tree replacement requirement by planting the required replacement tree(s) on the property affected by the protected tree removal, or on one or more other property(s) approved by the arborist or other designated agent of the city if:~~

~~(1) The benefit to residents of the city would be as great as replacement on the property affected by the protected tree removal; and~~

~~(2) The owner(s) of such other property(s) agree in writing to maintain the replacement trees in a healthy condition and replace same with like trees, as necessary as a result of a death of such tree(s), for a period of not less than three years.~~

~~(e) For purposes of subsections 107-372(c) and (d) the city and the owner may consult with an academic organization, state agency, nonprofit organization, or the city arborist to identify an area for which tree planting will best address the science-based benefits of trees and other reforestation needs of the municipality within and outside of the city limits.~~

~~(f)(d) The city council shall provide for fees payable for review of applications for permits and variances pursuant to this division.~~

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Sec. 107-373. Removal of protected trees.

(a) A person may not remove a protected tree without a tree removal permit for the removal and compliance with the terms of this subdivision.

(1) During removal of protected trees the tree removal permit shall be displayed on the construction board for the site ~~in present~~ or otherwise displayed on a sign within the first five feet of the front yard ~~setback and if the house is not under construction the permit for tree removal shall be placed on the dashboard of the permitted vendor's vehicle.~~

(2) Removal of a Heritage tree is prohibited unless a Heritage Tree Removal Special Exception is granted by the Board of Adjustment upon a finding that: (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property. A Heritage Tree Removal Special Exception provided for in this code will not be required for Heritage Trees removed from the permitted building footprint area but ~~are~~ subject to the tree removal permitting and replacement regulations provide for in this Code.

such removal is

(b) Emergency pruning or removal. Notwithstanding subsection 107-373(a), a person may perform emergency pruning or removal of a protected tree as follows:

(1) ~~When the condition or location of a protected tree presents a clear and immediate danger to a structure or to the health and safety of the public, the hazardous portion of the protected tree may be removed without first obtaining a required tree removal permit. Upon the report of a certified arborist hired by the property owner that a heritage tree is either: (i) dead; (ii) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree, in whole or in part; or (iii) is diseased and restoration to sound condition is not practicable or the disease may be transmitted to other trees and endanger their health. This report must be confirmed by the city arborist. The city administrator shall have the authority to determine whether such documentation is in order and may consider specific safety situations in light of potential hazards to life or property. In the case of an imminent hazard to life or property under subsection (ii),~~

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documentation may be submitted within 72 hours after the action is taken.

(2) In the course of performing emergency repairs to a road or water, wastewater, or drainage facilities, agents or contractors of the city may trim, prune or remove a protected tree as required to perform such work without first obtaining a tree removal permit. If such activities occur during normal business hours, the city shall first attempt to contact the ~~city arborist~~ City Development Officer to determine if the ~~city arborist~~ City Development Officer can provide immediate guidance and assistance. If such assistance is not immediately available, then the pruning or removal may occur in accordance with the requirements under chapter 18, article V of this Code.

(3) Any person who prunes or removes a protected tree under the provisions of this subsection shall, within 14 days of such action or as soon as practicable if there is a coinciding declaration of a state of emergency in the city, apply for a tree removal permit providing for replacement trees as required by this subdivision. The application shall include photographs or other documentation to demonstrate the requisite clear and immediate danger. The ~~city arborist~~ City Development Officer will evaluate the information to determine whether a clear and immediate danger existed. A failure to submit an application or a failure to submit information demonstrating the clear and immediate danger shall constitute a violation of this subdivision.

(c) The requirements of this subdivision apply to trees on public and private property. To the extent of conflict with another section of the Code, this subdivision applies.

Sec. 107-374. Application for protected tree removal and tree removal permits.

- (a) An applicant may request a tree removal permit application from the city through the City's application platform located on the City's website. ~~by phone, U.S. mail, fax, email or in person.~~
- (b) An application for removal of a protected tree located on public property, a right-of-way or a public easement may be submitted by:
 - (1) An agent of the city, a public utility, or another political subdivision with the authority to install the public facilities

275 and perform the work necessitating the removal of the
276 protected tree; or

277 (2) The owner of the property adjoining the site of the protected
278 tree.

279 (c) An application for removal of a protected tree on private property
280 may be submitted by or on behalf of the owner of the property on
281 which the tree is located.

282 (d) An application for removal of one or more protected tree(s) must
283 be submitted to the city secretary and approved prior to removal
284 of the protected tree. If the application is approved as provided
285 for in this subdivision, a permit shall be issued indicating each
286 protected tree that is approved for removal and indicating the
287 location(s) and size(s) of any required replacement trees and the
288 dates by which replacement trees must be planted. No tree
289 removal permit shall be issued unless an approved building
290 permit is in place, which includes a detailed building footprint.
291 Any permit application for tree removal must be accompanied by
292 documentation confirming the issuance of the building permit.

293 (e) An application that proposes removal of a protected tree shall
294 include the required permit application fee.

295 (f) An application for removal of a protected tree shall include any
296 proposal for type(s) and location(s) of replacement trees on a site
297 plan of affected property(s).

298 (g) A permit for removal of a protected tree expires on the earlier of
299 either two years after its effective date, or upon removal of the
300 protected tree except that if any building permit issued for the
301 associated property expires or is revoked for any reason, the
302 permit for removal of a tree shall be revoked as well. Subject to
303 applicable expiration, a permit for removal of tree(s) is
304 transferable to a subsequent owner of the affected property,
305 provided that any obligation in the permit with respect to
306 replacement trees is assumed by the transferee.

307 **Sec. 107-375. Conditions for approval.**

308 (a) If ^athe protected tree is ^{removed from a required yards} located within a yard line and property line
309 setback area and the total width of the setback area within the
310 yard line and the property line is greater than ten feet or greater
311 from the edge of a property, the protected tree shall be replaced ^{must}
312 with a total of three replacement trees that ~~may~~ include a selection ^{(a).}
313 of replacement trees under subsections 107-371(d)(1) and (d)(2).
314 and shall include at least one replacement trees under subsection
315 107-371 (d)(2).

Each
removed from an area not within a required yard

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(b) ~~If the protected tree is not located within an area specified in subsection 107-375(a), the protected tree shall be replaced by one replacement tree under either subsection 107-371(d)(1) or subsection 107-371(d)(2).~~

(c) For protected trees removed from within 20 feet of an above-ground power, cable, or telephone line the species selected from Sec 107-371 (c) (1) ~~may~~ shall be used for replacement.

(d) ~~If the protected tree trunk straddles an area specified in subsection 107-375(a), the protected tree is deemed to be in the area specified in subsection 107-375(a) if more than half of the diameter of the tree is within the area specified in subsection 107-375(a). If a protected or heritage tree straddles the boundary between the yard and buildable area, it shall be considered removed from the yard ~~and~~ if 25% or more of the trunk diameter is in the yard ~~area~~.~~

permitted building footprint area

(e) ~~(c)~~ If the ~~city arborist~~ City Development Officer determines under subsection 107-373(b)(3) that an emergency existed at the time of removal that necessitated expedited removal or an applicant provides documentation from a certified arborist that a protected tree is diseased, dead, or poses an imminent or immediate threat to persons or property due to natural causes only and the protected tree falls under subsection 107-375(a), the city arborist may reduce the replacement tree requirement to one replacement tree under either subsection 107-371(d)(1) or subsection 107-371(d)(2).

(f) ~~(f)~~ If the ~~city arborist~~ City Development Officer determines that an applicant provides sufficient documentation from a certified arborist that a protected tree is diseased, dead, or poses an imminent or immediate threat to persons or property due to natural causes only, and also not as a result of intentional bleaching, root cutting, or pruning more than 25 percent of the canopy, and that the certified arborist has documented at least two prior actions performed by the certified arborist within the previous three years to mitigate the condition, the ~~city arborist~~ City Development Officer may reduce or waive the replacement tree requirement for the protected tree and reduce or waive the tree replacement application fee.

(g) ~~(g)~~ If a protected tree is required to be removed under section 18-209, the ~~city arborist~~ City Development Officer may reduce or waive the replacement tree requirement for the protected tree and reduce or waive the tree replacement application fee.

(h) ~~(g)~~ The mayor may act to waive the replacement tree requirement under this subsection 107-374(d) for a storm event, wildfire or

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other calamity that causes widespread or costly damage to multiple protected trees throughout the city.

(h)(i) For a permit filed with an application for development of any improvements or structures, if the density of protected trees in an area described in subsection 107-375(b) is greater than seven protected trees, the number of replacement trees required under subsection 107-375(b) for a removal from such area is capped at seven replacement trees, at least three of which shall meet the requirements of subsection 107-371(d)(2).

(i)(i) If a protected tree has a trunk on a first property and CRZ roots and canopy that extend into a second property, the owner of the second property is required to obtain a tree removal permit for removal of the protected tree prior to performing any actions that constitute removal under subsection 107-371(e) on the second property. For purposes of determining removal under this subsection for 107-371(e), damage to the root system is assessed within the area that is a number of feet in diameter from the outer edge of the tree trunk at four and one-half feet from the ground based on a ratio of one foot for each inch of diameter of the tree trunk. If the actions by the owner of the second property as to the protected tree trigger a requirement for the owner of the first property to apply for a tree removal permit for the protected tree, the application review fee as to the protected tree on the first property is waived.

(k) Replacement of a Heritage Tree removed from a yard area of a permitted building footprint area, must be replaced with one tree 5 inches in diameter, or more, for every 12 inches in diameter of the removed tree. For example: 24 inches = 2 five-inch diameter trees, 36 inches = 3 trees, etc. to be replaced. An exception to these mitigation requirements may be granted by the City Development Officer, after consulting with the City Arborist, and with the approval of the Zoning Board of Adjustment, if the applicant demonstrates: (1) the existing tree canopy would prohibit the growth of these replacement tree(s); or (2) the required replacement trees to be installed would have to be planted under the canopy of an existing tree.

permitted to be including a Heritage Tree within the

The replacement trees must be of a species listed in section 107-371(a).

Sec. 107-376. Development application requirements.

- (a) An application for a building permit must:
 - (1) Include a tree survey and protection plan of all existing trees on the property that are at least 12 inches in diameter measured four and one-half feet above the ground, including an indication of the CRZ of these trees.

- 401 (2) Include a grading and tree protection plan for protecting
- 402 all protected trees that are not approved for removal; The
- 403 protection plan submitted for these trees must include
- 404 actions necessary for the best chance of survival of these
- 405 protected trees, including adequate watering before,
- 406 during and after construction until a certificate of
- 407 occupancy is granted.
- 408 (3) Demonstrate that the design will preserve the existing
- 409 natural character of the landscape as to any protected trees
- 410 not approved for removal; and
- 411 (4) Include a tree removal permit application with required
- 412 fees for review of each proposed removal of a protected
- 413 tree.
- 414 (b) ~~The building official~~ City Development Officer may not release
- 415 or renew a building permit until ~~the city arborist issues a tree~~
- 416 ~~removal permit for each protected tree proposed to be removed~~
- 417 ~~has been submitted. While the tree removal permit and the~~
- 418 ~~building permit may be processed and approved concurrently, the~~
- 419 ~~tree removal permit shall not be approved prior to approval of the~~
- 420 ~~building permit, including the approval of the building footprint.~~

Sec. 107-377. Administrative variance.

- 422 ~~(a) The city council may grant an administrative variance from the~~
- 423 ~~requirements of this division if the city council determines by a~~
- 424 ~~simple majority that owing to special conditions pertaining to the~~
- 425 ~~affected property, literal enforcement of the provisions of this~~
- 426 ~~division will result in unnecessary hardship, and the granting of~~
- 427 ~~the variance will not be contrary to the public interest.~~
- 428 ~~(b) In considering any proposed variance, the following rules shall~~
- 429 ~~be observed:~~
- 430 ~~(1) The applicant for the variance must present to the city council a~~
- 431 ~~set of plans prepared by a certified arborist setting out the~~
- 432 ~~applicant's proposal and the nature of the proposed variance;~~
- 433 ~~(2) The proposed variance may not unreasonably affect any~~
- 434 ~~adjoining property or the general welfare of the community; and~~
- 435 ~~(3) The city council must find that the applicant did not create the~~
- 436 ~~condition necessitating the variance.~~
- 437 ~~(e) If the city council grants a variance under this subdivision, the~~
- 438 ~~city arborist may issue a tree removal permit with terms~~
- 439 ~~consistent with any terms and conditions of the granted variance.~~

Sec. 107-3778. Replacement procedure.

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- (a) Whenever replacement trees are required by the terms of this subdivision, the owner shall submit to the ~~city arborist~~ City Development Officer for approval a replacement site plan showing the locations, species and sizes of all replacement trees and vegetation for final approval by the ~~city arborist~~ City Development Officer. If during installation, the owner is unable to conform to the approved replacement site plan because conformance is not feasible due to subsurface conditions that could not reasonably have been foreseen that make the viability of the tree in the planned location unlikely, then the owner must submit an amended site plan to the ~~city arborist~~ City Development Officer within seven days of the discovery of unforeseen subsurface conditions for approval by the ~~city arborist~~ City. An amended site plan must provide for no fewer replacement trees or cumulative size of replacement trees than provided in the originally approved replacement plan.
- (b) Installation of the replacement trees must be completed within the time period designated by the ~~city arborist~~ City Development Officer in the tree removal permit, however, in no event will the time period be longer than one year, however this time period is abated while a property is under construction where replacement trees are required.
- (c) The owner shall notify the ~~city arborist~~ City Development Officer upon completion of the installation. If more than one protected tree has been replaced, the city arborist may then inspect for compliance with the approved replacement plan.
- (d) All replacement trees must survive at least three years. The City Development Officer shall track all replacement trees, so that at three years post planting, their survival and health can be assessed, consulting with an arborist if necessary. The ~~city arborist~~ City Development Officer may contact the owner during this three year period to arrange for a site visit ~~by the city arborist~~ in order to confirm the replacement trees have survived. Replacement trees that do not survive for three years must be removed and replaced with similar species and sized trees.
- (e) The owner of property from which the removal of one or more protected trees was permitted shall arrange for the transferee(s) of such property to submit to the city secretary a written transfer to and assumption by such transferee(s) of the permit and all obligations of such permit with respect to required replacement trees, if all such obligations have not been satisfied at the time of transfer of the property.

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Sec. 107-3789. Violations/penalties.

- (a) It shall be an offense for a person:
 - (1) To fail to perform an act required by the provisions of this subdivision;
 - (2) To fail to timely comply with any term of a permit issued pursuant to this division, including terms regarding the planting and maintenance of required replacement trees;
 - (3) To hire, engage, or permit any person engaged in the business tree planting, maintenance, or removal to perform such services on property in the city without a permit issued by the city pursuant to section 18-217 of this Code;
 - (4) Except as expressly allowed pursuant to this subdivision, to remove or to cause the removal of a protected or heritage tree without first obtaining a permit therefor;
 - (5) To transfer property from which the removal of a protected heritage tree has been permitted if all obligations with respect to replacement trees pursuant to the permit for such removal are not then fulfilled unless the transferee of the property agrees in a writing submitted to the city secretary to assume such permit and all obligations with respect to the planting and maintenance of required replacement trees;
 - (6) To fail to submit an application for a permit as required pursuant to subsection (b) of this section or pursuant to subsection 107-373(b)(3); or
 - (7) To fail to submit photographs or other documentation to demonstrate a requisite clear and immediate danger pursuant to subsection 107-373(b)(3) in connection with an unpermitted removal of a protected or heritage tree.
- (b) An offense shall constitute a Class C misdemeanor punishable by a fine not to exceed \$500.00. ~~An offense committed intentionally, knowingly, recklessly, or with criminal negligence shall be punishable by a fine not to exceed \$2000.00 per offense.~~ Each protected or heritage tree removed in violation of this division shall constitute a separate offense, and a failure to plant and maintain each replacement tree shall constitute a separate offense. Each day a violation continues shall constitute a separate offense.
- (c) The owner of affected property and each person who causes or directs another person to remove a protected or heritage tree without a permit shall immediately submit an application for a permit pursuant to this subdivision, including a proposal for the

525 provision of replacement tree(s) in compliance with this
526 subdivision.

527 (d) The building official shall issue a stop work order in connection
528 with any permitted development of the property from which a
529 protected or heritage tree is removed upon the occurrence of a
530 violation of this subdivision or any term of a permit issued
531 pursuant to this subdivision.

532 (e) No certificate of occupancy shall be issued for a building or other
533 structure that is not then in compliance with any permit issued
534 pursuant to this subdivision for removal of a protected tree.

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536 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with
537 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all
538 other provisions of the ordinances of the City of Rollingwood not in conflict with the
539 provisions of this ordinance shall remain in full force and effect.

540 **SECTION 4.** Should any sentence, paragraph, sub-article, clause, phrase or section of this
541 ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
542 affect the validity of this ordinance as a whole, or any part or provision thereof other than
543 the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity
544 of the Code of Ordinances as a whole.

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

547 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of
548 Rollingwood, Texas, on the _____ day of _____, 2024

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Gavin Massingill, Mayor

555 ATTEST:

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Makayla Rodriguez, City Secretary

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AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Planning & Zoning Commission

Meeting Date: January 8, 2025

Submitted By:

Staff

Agenda Item:

Public hearing, discussion and possible action of an ordinance to add Section 107-81 (Fences) to provide for a standard allowable residential fence height of 8 feet and for a special exception for fences exceeding 8 feet in height

Description:

At its meeting on October 2, 2024, the Planning and Zoning Commission reviewed the CRCRC proposal and recommendation regarding residential fence height. The motion to approve the proposal and forward it to the City Council and legal review, with minor suggestions, was passed with a vote of 5 in favor and 2 against (Nash and Nyer).

During the City Council meeting on October 16, 2024, the Council reviewed the Planning and Zoning Commission's recommendations regarding residential fence height, made further amendments, and approved moving the code proposal forward to legal and through the public hearing process.

Because this proposed ordinance amends the zoning code, this ordinance must go through the public hearing process before the Planning and Zoning Commission and City Council before it can be finally approved. This item fulfills the public hearing requirement before the Planning and Zoning Commission, and a recommendation must be made to the City Council regarding the zoning code amendments before the City Council can hold their public hearing and take action.

Action Requested:

To hold a public hearing and make a recommendation to the City Council regarding an ordinance to add Section 107-81 (Fences) to provide for a standard allowable residential fence height of 8 feet and for a special exception for fences exceeding 8 feet in height

Fiscal Impacts:

No fiscal impacts are anticipated at this time.

Attachments:

- Draft Ordinance to add Section 107-81 (Fences) to provide for a standard allowable residential fence height of 8 feet and for a special exception for fences exceeding 8 feet in height

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ORDINANCE NO. 2025-XX-XX-XX

AN ORDINANCE AMENDING ARTICLE II, DIVISION 2, TO ADD SECTION 107-81 (FENCES) TO PROVIDE FOR A STANDARD ALLOWABLE FENCE HEIGHT OF 8 FEET AND FOR A SPECIAL EXCEPTION FOR FENCES EXCEEDING 8 FEET IN HEIGHT; PROVIDING FOR SEVERABILITY AND 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 City Council of the City of Rollingwood (“City Council”) wishes to amend the City’s zoning regulations to provide for a standard allowable fence height of 8 feet, and for a special exception for fences exceeding 8 feet in height; and

WHEREAS, the City Council has determined that the public interest would be served by this requirement; and

WHEREAS, the City Council finds that the amendments provided for herein are reasonable, necessary, and proper for the good of the City.

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. Code Amendment.

Section 107-81. – Fences

- (a) The standard allowable fence height is up to 8 ft. from natural grade.
- (b) A special exception to the requirements of this section may be granted by the Zoning Board of Adjustment if it can be demonstrated that a fence taller than 8 ft. from natural grade will address privacy, safety and continuity, so long as a fence exceeding 8 ft. is engineered.

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.

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, 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.

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

39 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of
40 Rollingwood, Texas, on the _____ day of _____, 2024

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Gavin Massingill, Mayor

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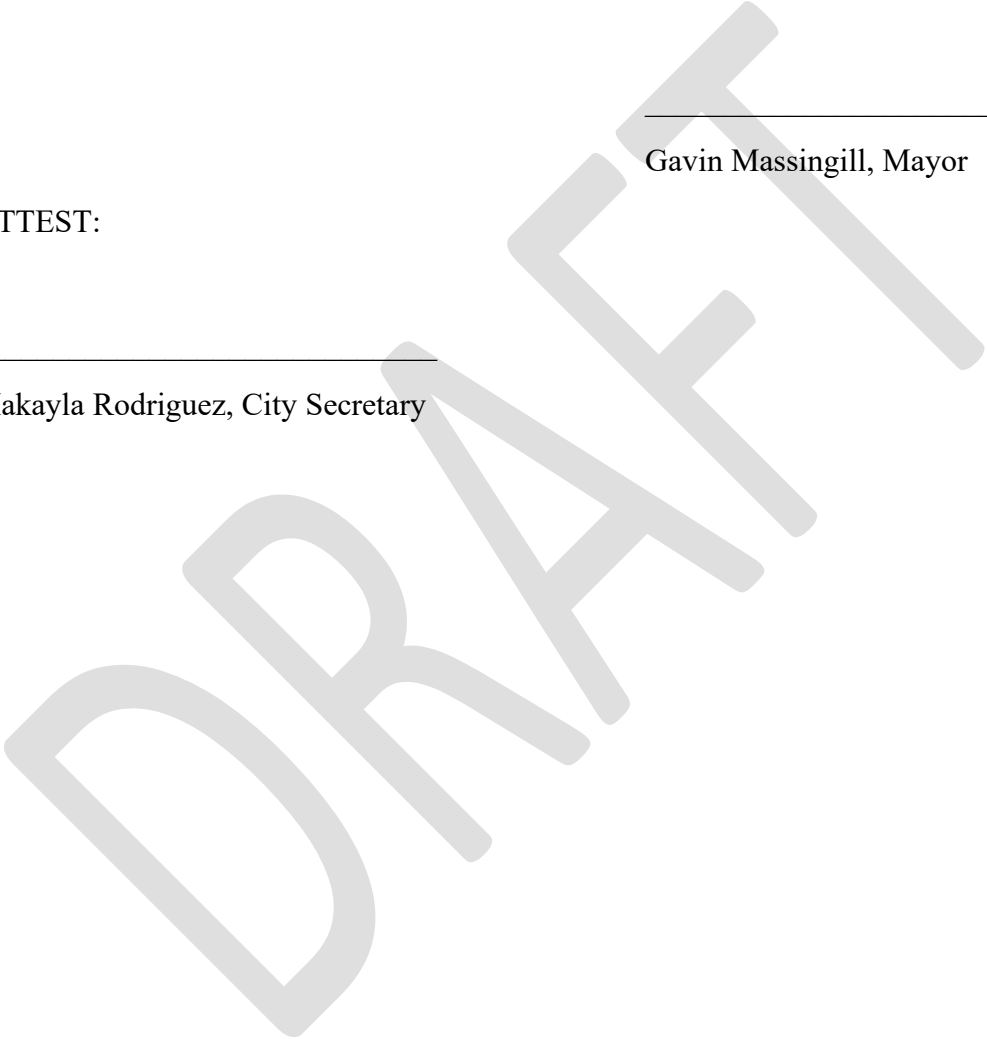
47 ATTEST:

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Makayla Rodriguez, City Secretary

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AGENDA ITEM SUMMARY SHEET
City of Rollingwood
Planning & Zoning Commission
Meeting Date: January 8, 2025

Submitted By:

Staff

Agenda Item:

Public hearing, discussion, and possible action on an ordinance to add Section 107-5 (Residential Lighting Manual) and Section 107-81 (Exterior lighting requirements) to provide for regulation of residential exterior lighting

Description:

At its meeting on October 2, 2024, the Planning and Zoning Commission reviewed an amendment to the Code of Ordinances regarding residential lighting and related provisions, making minor edits. The draft amendment was approved with a vote of 6 in favor and 0 against. This was not a public hearing and did not fulfil the statutory public hearing requirements for an amendment to the zoning code.

During the October 16, 2024 City Council meeting, the Council reviewed the Planning and Zoning Commission's recommendations. The City Council approved moving the proposal and amendments forward to legal and through the public hearing process with a motion of 4 in favor and 1 abstention (Hutson).

Because this proposed ordinance amends the zoning code, this ordinance must go through the public hearing process before the Planning and Zoning Commission and City Council before it can be finally approved. This item fulfills the public hearing requirement before the Planning and Zoning Commission, and a recommendation must be made to the City Council regarding the zoning code amendments before the City Council can hold their public hearing and take action.

Action Requested:

To hold a public hearing and make a recommendation to the City Council regarding an ordinance to add Section 107-5 which adopts the Residential Lighting Manual and Section 107-81 (Exterior lighting requirements) to provide for regulation of residential exterior lighting

Fiscal Impacts:

No significant fiscal impacts are anticipated at this time.

Attachments:

- Draft Ordinance to add Section 107-5 (Residential Lighting Manual) and Section 107-81 (Exterior lighting requirements) to provide for regulation of residential exterior lighting
- Residential Lighting Manual

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CITY OF ROLLINGWOOD, TEXAS
ORDINANCE NO. 2025-XX-XX-XX

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING CHAPTER 107, ARTICLE I TO ADD SECTION 107-5 (RESIDENTIAL LIGHTING MANUAL) AND ARTICLE II, DIVISION 2, SECTION 107-81 (EXTERIOR LIGHTING REQUIREMENTS); 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 a recommendation to City Council on an amendment to the Zoning Code; and

WHEREAS, 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 Texas Local Government Code Chapter 217 authorizes a general law municipality to define and declare what constitutes a nuisance; and

WHEREAS, the Texas Local Government Code Chapter 217 authorizes a general law municipality to abate and remove a nuisance and punish by fine the person responsible for the nuisance; and

WHEREAS, the operation of outdoor lighting that violates established lighting standards or ordinances creates a public nuisance, particularly when the lighting, disturbs the peace and quiet enjoyment of neighboring properties; constitutes a safety hazard; interferes with the community's aesthetic or environmental quality; or creates significant light pollution affecting residents, businesses, or the broader natural environment.

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.

44 **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
45 **ROLLINGWOOD, TEXAS, THAT:**

46
47 **SECTION 1.** All the above premises are hereby found to be true and correct legislative
48 and factual findings of the City Council and are hereby approved and incorporated into the body
49 of this Ordinance as if copied in their entirety.
50

51 **SECTION 2.** The City’s Code of Ordinances Chapter 107, Zoning is amended to add
52 Article 1, Section 107-5 Residential Lighting Manual and Article II, Division 2, Section 107-81
53 Exterior Lighting Requirements as follows:
54

55 **Sec. 107-5. Residential lighting manual**

56 The Residential Lighting Manual is a supporting document to the applicable
57 lighting regulations contained in this Chapter and the Code of Ordinances of the
58 City of Rollingwood and may contain illustrations, graphical representations, and
59 examples. The Residential Lighting Manual may be adopted and updated from time
60 to time by resolution approved by the City Council.
61

62 **Sec. 107-81. Exterior Lighting requirements.**

63 (a) Definitions: As used herein:

- 64 (1) "Shielded" means "installed in such a manner that all light emitted by the
65 fixture, either directly from the bulb or a diffusing element, or indirectly by
66 reflection or refraction from any part of the fixture, is projected below the
67 horizontal plane immediately beneath the fixture's lowest light-emitting part."
68 See exhibit in the Residential Lighting Manual for examples of conforming
69 and nonconforming light fixtures.
- 70 (2) "Footcandle" as used herein shall mean: The illuminance produced on a
71 surface one foot from a uniform point source of one candela and equal to one
72 lumen per square foot.
- 73 (3) "String Lights" means electric lights affixed to a wire, string, or cable,
74 typically used for decorative purposes and often designed for temporary or
75 festive installations, such as holiday lighting, patio ambiance, or special
76 events.

77
78 (b) Applicability.

- 79 (1) The regulations contained in this section are applicable to outdoor lighting
80 fixtures installed on structures within the residential zoning districts of the
81 City.
- 82 (2) All outdoor lighting fixtures existing and legally installed and operating
83 before the effective date of this section, or installed pursuant to a permit
84 approved prior to the effective date of this Section, shall be brought into
85 conformance with this Section upon the earlier of: (1) an application for a site

86 plan or building permit for construction of a new building or modification of
 87 50% or more of an existing structure, or (2) replacement or modification of an
 88 existing non-conforming fixture.

89
 90 (c) Exemptions. The following are exempt from the provisions of this section:

- 91 (1) Publicly maintained traffic control devices;
- 92 (2) Street lights installed prior to the effective date of this section;
- 93 (3) Temporary emergency lighting (fire, police, repair crews);
- 94 (4) Lighting fixtures and illumination requirements imposed by TxDOT within
 95 TxDOT rights of way (ROW);
- 96 (5) Moving vehicle lights;
- 97 (6) Navigation lights (aircraft warning beacons on water towers and wireless
 98 transmission facilities) required by State or Federal law;
- 99 (7) Signs and associated lighting that conform to the city’s sign regulations in
 100 Chapter 24;
- 101 (8) Seasonal decorations with lights in place illuminated no longer than sixty (60)
 102 days; and
- 103 (9) Other temporary uses approved by the City Council (festivals, carnivals, fairs,
 104 night-time construction);
- 105 (10) Unshielded decorative lights meeting the standard (not exceeding .25
 106 footcandle which mimic natural gas flickering lights;
- 107 (11) Uplighting in trees not to exceed 50 lumens from source reflection or support
 108 structures, provided that the light source shall not be visible from the horizontal
 109 plane, i.e. the luminaire must be fully shielded; and
- 110 (12) String Lights provided that the emission of such lighting does not exceed 125
 111 lumens per linear foot of line or square foot of space. These lights must be rated
 112 at or below 3000 Kelvin and can only be turned on between sunset and
 113 midnight; and
- 114 (13) Motion activated security lights that are controlled by a timer that deactivates
 115 after no more than ten (10) minutes.

116
 117 (d) General Standards. The following standards shall apply to all outdoor lighting
 118 installed after the effective date of this section:

- 119 (1) Except for street lighting in public right of way, all exterior fixtures over
 120 1,000 initial lamp lumens must be hooded or shielded so that the light source
 121 is not directly visible from adjacent properties or properties within 250 ft of
 122 light source. As directed by city building official a submittal of exterior light
 123 fixtures shall be included with the building permit plans that includes lumens
 124 output, color temperature and a physical description.

- 125 (2) Lighting must have a color temperature of no more than 3000 Kelvins (K).
- 126 (3) Exterior lighting may not exceed .25 footcandle across the source property
- 127 line.
- 128 (4) No light or illumination that flashes, moves, scrolls rotates, scintillates, blinks,
- 129 flickers, varies in intensity or color, or uses intermittent electrical pulsations
- 130 is permitted other than low voltage lights permitted under item 8 above for
- 131 the limited period allowed in C8. Light fixtures may be controlled by a motion
- 132 detector that deactivates fixtures after no more than 15 minutes.
- 133 (5) Light fixtures shall be controlled by a timer that restricts activation to night
- 134 time use only.
- 135 (6) Private walkway light fixtures shall not exceed 385 lumens each.
- 136 (7) Lighting within Required Yards. No light fixtures shall be installed in any
- 137 required yard area, as defined in Section 107-76 of the Zoning ordinance,
- 138 except for lighting installed in accordance with (6) above and for two light
- 139 fixtures at a driveway entrance.
- 140 (8) Landscape/yard lighting. Light fixtures used for illuminating landscape
- 141 features shall not exceed 530 lumens.

142
 143 (e) Enforcement. The city shall have the power to administer and enforce the
 144 provisions of this Section, as provided in this Chapter. Any violation of this Section
 145 is hereby declared to be a nuisance. A civil penalty of up to \$2,000 for each day a
 146 violation occurs may be assessed when it is shown that the defendant was actually
 147 notified of the provisions of this article and after receiving notice failed to take
 148 action necessary for compliance with this article.
 149
 150

151 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with
 152 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other
 153 provisions of the City of Rollingwood ordinances not in conflict with the provisions of this
 154 ordinance shall remain in full force and effect.
 155

156 **SECTION 4.** Should any sentence, paragraph, subdivision, clause, phrase or section of
 157 this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
 158 affect the validity of this ordinance, or any part or provision thereof other than the part so decided
 159 to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances
 160 as a whole.
 161

162 **SECTION 5.** This ordinance shall take effect immediately from and after its passage and
 163 the publication of the caption, as the law and charter in such cases provide.
 164

165 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas,
 166 on the _____ day of _____ 2024.
 167

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183

APPROVED:

Gavin Massingill, Mayor

ATTEST:

Makayla Rodriguez, City Secretary

DRAFT



City of Rollingwood
Residential Lighting Manual

Adopted: _____

PREFACE

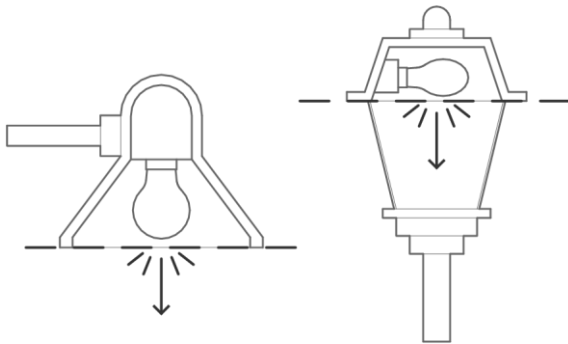
The Residential Lighting Manual is intended as a supporting document to the City of Rollingwood Code of Ordinances, including but not limited to Chapter 107 ZONING. This manual contains illustrations, graphical representations, and examples relating to the regulations found in the Code of Ordinances.

ARTICLE 1: LIGHTING

Section 1 – Shielded Light Fixture.

The following exhibits illustrate examples of a shielded light fixtures, conforming and nonconforming light fixtures as described in Code of Ordinances Chapter 107, Article II, Division 1, Sec.107-39(a)(i), definition of “*Shielded*”:

Shielded Light Fixture Exhibit “A”



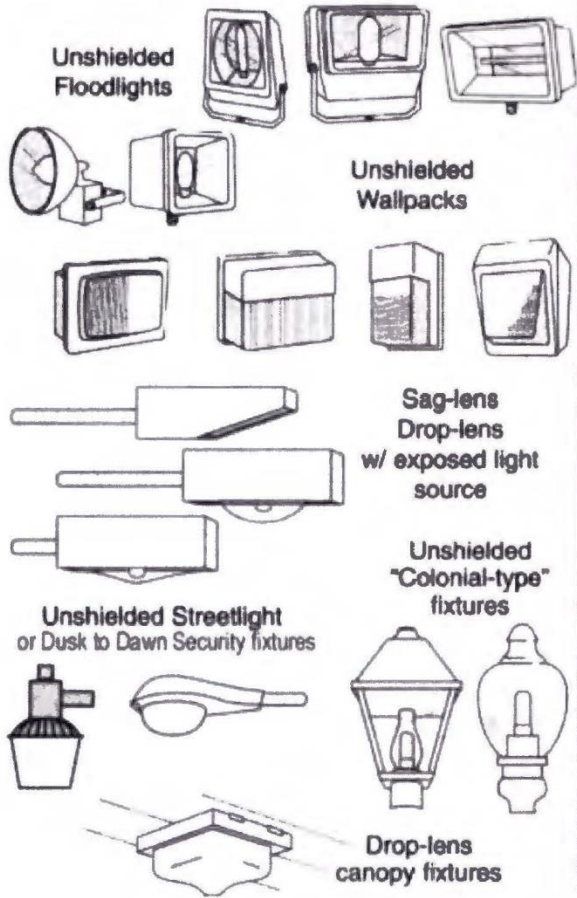
In Exhibit “B” (below), the lights on the left are nonconforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line

may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

Exhibit "B"

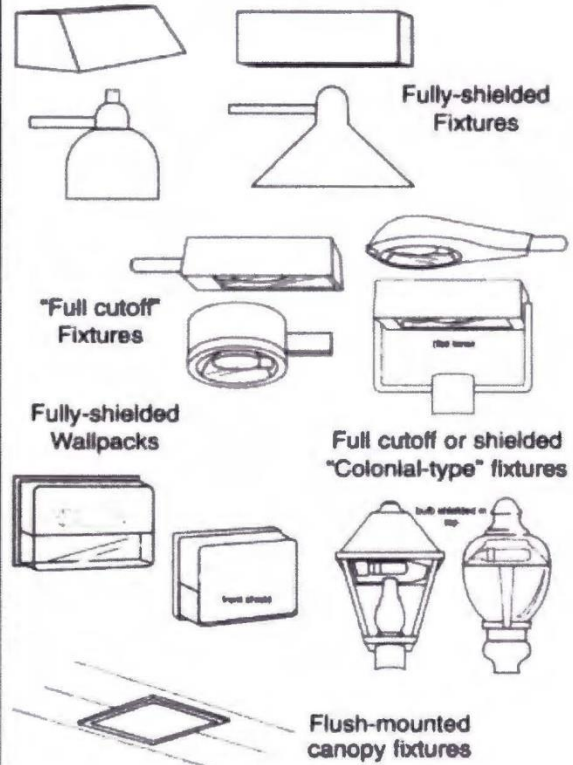
UNSHIELDED FIXTURES

Unacceptable / Discouraged
Fixtures that produce glare and light trespass



Full Cutoff and Fully Shielded Fixtures

Acceptable
Fixtures that shield the light source, to reduce glare and light trespass and to facilitate better vision at night.



Recommended in Sept 10 CRCRC Meeting

Structures in Required Yards

HVAC

Allowed in required side yards with vegetative or structured screening from public view

Not allowed in front required yard

Allowed in required back yard

Generator

Not allowed in required side yard

Not allowed in required front yard

Allowed in required back yard

Pool Equipment Storage

Not allowed in required side yard

Not allowed in front yard

Allowed in required back yard

Steps to Tenting Exercise

- 1) Identify 5 properties with slope characteristics:
 - a. Slopes upward
 - b. Slopes downward
 - c. Slopes side-to-side
 - d. Slopes diagonally
 - e. No slope/low slope
- 2) Obtain permission from owners to use their properties for a tenting/maximum height study
- 3) Conduct a preliminary discussion with one or several architects on the possibility of generating 20 3-dimensional graphical representations of tenting on all 5 properties
- 4) Method *:
 - a. Using properties lines for starting/hinge points beginning with 15 feet of elevation at the property line and increasing the elevation by 1 foot per horizontal distance from the property line resulting in a 45 degree tent enclosure.
 - b. Using setback lines as starting/hinge points beginning with 25 feet of elevation at 10 feet from the side property line and increasing the elevation by 1 foot per horizontal distance from the property line resulting in a 45 degree tent enclosure
 - c. Apply a and b using 40 foot segments from front to back of property (10 tent representations). Cap each segment at 35 feet above segment high point. (may need to divide property into 4 or 5 even segments front to back rather than use a strict 40 foot segment depth).
 - d. Apply a and b using natural grade from front to back of property (10 tent representations). Cap resulting tent structure with parallel surface that is 35 feet directly above natural grade.

* Use "Alternate Proposal for Tenting and Building Height" and "Draft Ordinance – Residential Building Height and Height Measurement" as guides.

Steps to Tenting Exercise

- 1) Identify 5 properties with slope characteristics:
 - a. Slopes upward
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- 4) Method *:
 - a. Using properties lines for starting/hinge points beginning with 15 feet of elevation at the property line and increasing the elevation by 1 foot per horizontal distance from the property line resulting in a 45 degree tent enclosure.
 - b. Using setback lines as starting/hinge points beginning with 25 feet of elevation at 10 feet from the side property line and increasing the elevation by 1 foot per horizontal distance from the property line 10' side setback line resulting in a 45 degree tent enclosure
 - c. Apply a and b using 40 foot segments starting from the front building setback of 30' from the front property line to back of property (10 tent representations). The starting elevation for the tent shall be the higher of the two points forming the corners of each segment on each side. Cap each segment at 35 feet above segment high point. ~~(may need to divide property into 4 or 5 even segments front to back rather than use a strict 40 foot segment depth).~~ This is a concept similar to how the city of Austin handles "tenting", but with each side having a different datum for the tent height – see "Alternate Proposal for Tenting and Height".
 - d. Apply a and b using natural grade from front to back of property (10 tent representations). Cap resulting tent structure with parallel surface that is 35 feet directly above natural grade. This is similar to the City of Westlake Hills but with the addition of "tenting" – see "Draft Ordinance – Residential Building Height and Height Measurement".

~~* Use "Alternate Proposal for Tenting and Building Height" and "Draft Ordinance – Residential Building Height and Height Measurement" as guides.~~

SEGMENTING / PARALLEL SURFACE TENTING EVALUATION ----- DRAFT

Objective: Evaluate two approaches for limiting building height, each using a tenting method whose starting point is governed by property lines as per the following: 30 ft from front property line; 20 ft from rear property line; 10 ft from side property lines. Determine, given the constraints detailed below, if either or both approaches allow for the building of a second story over the entire allowable building area while constraining the height of the building to its allowable maximum and what, if any constraint modifications, would be required to make the approach workable.

Discussion: there is considerable concern among Rollingwood residents about recently built homes that “loom” over their neighbors’ lots. However, a survey revealed that most residents are in favor of maintaining the current 35-foot residential maximum building height, but nothing more. Observation, survey comments and neighbor complaints suggest that “looming factor” concerns increase as the edges of a building get closer to its property line. A technique called “tenting” is used by some cities to mitigate the looming factor by reducing the allowable building height at the edges of the buildable area and gradually increasing it as the distance from the property line increases. In fact, after much consideration, Rollingwood’s Comprehensive Residential Code Review Committee (CRCRC) recommended that the City introduce tenting into the building code. On a perfectly flat lot the application of tenting is fairly simple. However, it becomes significantly more difficult to apply to lots that are not flat. In addition to tenting, the CRCRC recommended using a parallel plane (more properly, “parallel surface”) methodology to regulate building height. However, it’s not clear that parallel surface and tenting are compatible, particularly if applied on uneven or highly sloped topography. The city of Austin uses an approach that breaks the buildable area into smaller segments with the rules of tenting applied to each segment individually thereby making it easier to handle sloped and uneven topography. However, the segmenting approach may introduce opportunity to exceed the 35’ maximum height, at least in a building’s center. These concerns and others are meant to be addressed in this exercise. In any case, it is the CRCRC’s and presumably the Planning and Zoning Commission’s aim to enable new-builds a minimum of 2 stories on each side of the lot’s allowable building area while adhering to the 35’ rule.

Segment Evaluation Method:

- 1) Create a set of contours that approximate a 15% grade with some additional side-to-side sloping (Fig 1).
- 2) Impose a 100’ x 150’ rectangular lot (15000sf) onto the contours. Show maximum buildable area on the lot using currently required yard dimensions: front -30’; back - 20’; and 2 sides - 10’ each (actually 10’ and 15’, but two 10’ yards ensures a proper level of difficulty). Divide the buildable area into 3 segments: 40’, 40’ and 20’(Fig 2)
- 3) Establish a datum for each segment side at the segment high points (e.g. points B and D for the center segment). Using those datum points, construct tenting constraints for each segment starting at 25’ at 10’ from the side lot line and adding 1 foot of height for every additional 1 foot of distance from the lot line to a maximum of 35’.
- 4) Answer these questions:
 - a. Can each segment support a second story at its exterior walls? (assume a 12 foot first floor and a 10 foot second floor)
 - b. Can a second story be extended from one segment into the next one adjacent?

- c. Does the building height ever exceed 35' within the segment plane defined by A,B,C,D and if so, by how much.
- 5) Repeat steps 3 and 4 using segment low points (e.g. points A and C for the center segment) to establish a datum.
- 6) Repeat steps 3 and 4 using the average of points A, B, C and D to establish a datum.
- 7) Skew the buildable area on the contours to the right and repeat steps 3, 4, 5 and 6 (Fig 3).
- 8) Skew the buildable area on the contours to the left and repeat steps 3, 4, 5 and 6 (Fig 4).

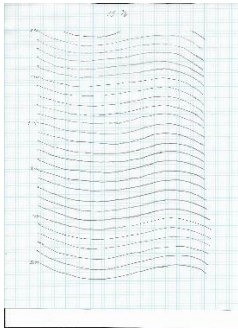


Fig 1

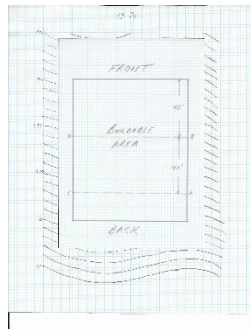


Fig 2

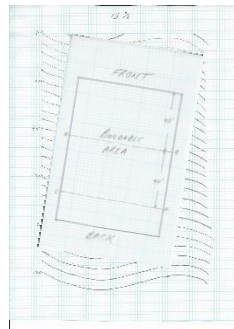


Fig 3

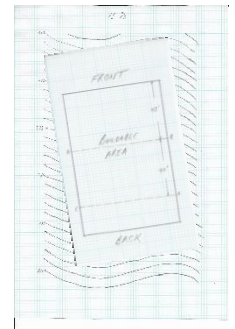


Fig 4

Parallel Surface Evaluation Method:

Using the Fig 1 contours:

- 1) Impose a 100' x 150' rectangular lot (15000sf) onto the contours. Show maximum buildable area on the lot using currently required yard dimensions front - 30'; back - 20'; and 2 sides - 10' each. (Fig 5).
- 2) Construct a continuous set of tenting constraints over the entire buildable area using the intersections of buildable area perimeter and the topographic contours as starting points. Start with 25' at 10' from the side lot line and add 1 foot of height for every additional 1 foot of distance from the lot line to a maximum of 35'.
- 3) Answer this question:
 - a. What is the maximum front to rear distance that will support two unbroken stories at the building exterior perimeter assuming a 12 foot first floor and a 10 foot second floor.
- 4) As in the Segment method, repeat steps 2 and 3 first skewing the buildable area to the left and then to the right.

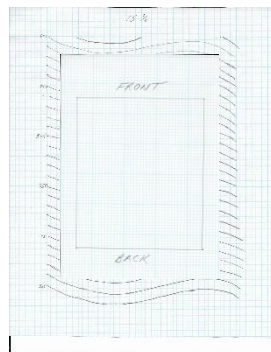


Fig 5

12/4/24 CRCRC AND P&Z RECOMMENDATIONS ON ENFORCEMENT

The CRCRC considered including a question on ordinance enforcement in its late 2023 public survey but collectively decided that enforcement was outside of CRCRC scope even though “Ordinance Enforcement” is one of the items for address listed in the CRCRC charter. Still, various derivations of the word “enforcement” are mentioned unprompted 67 times in the 2023 survey comments spread among 46 of the survey’s 274 respondents. Of those, 14 enforcement comments are in response to the general survey question #2 “Do you think Rollingwood should consider changes to its building codes?”. Here respondents mostly commented on the need to better enforce current ordinances rather than change them or create new ones. Another 14 comments are directed at the common nuisances of construction: working outside of allowable hours; long standing empty houses; contractor parking; etc. Concerns about tree ordinance enforcement are mentioned 6 times. The remaining “enforcement” occurrences are scattered.

Given the number of unprompted comments identifying ordinance enforcement as a potential issue, the CRCRC makes these recommendations:

- 1) Review current resources to ensure that staff is being provided what’s needed to effectively enforce codes and ordinances and if not, take corrective action.
- 2) Ensure that the city contractor/consultants performance meets the requirements for effective and timely code enforcement and if not, take corrective action.
- 3) Set the penalties for ordinance violations to the maximum allowable and enforce them effectively.

We leave it to the mayor and City Staff in conjunction with recommendations from City Council to consider these recommendations and act on them as they see fit.