



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, February 05, 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 February 05, 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 January 8, 2025 Planning and Zoning Commission meeting

PUBLIC HEARING

- 3. Public hearing, discussion and possible action on amending Chapter 107 Sec. 107-76 (Minimum required depth and width of yards) related to Residential side yard projections

REGULAR AGENDA

- 4. Discussion and possible action on structures in required yards
- 5. Update, discussion and possible action on a report from the Accessory Building and Structures subcommittee and a recommendation for accessory buildings
- 6. Discussion and possible action on clarification regarding CRCRC side yard projection recommendation
- 7. Discussion and next steps regarding consultant review and assessment of proposed segmenting and parallel plane height measurement approaches
- 8. Discussion and possible action on a recommendation for fence construction materials
- 9. Discussion and possible action on an updated recommendation regarding Code Enforcement from Planning and Zoning Commission and CRCRC
- 10. 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 at 5:00 p.m. on Friday, January 31, 2025.

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, January 08, 2025

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 January 8, 2025. 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 6:01 p.m.

Present Members: Chair Dave Bench, Jerry Fleming, Brian Nash, Genie Nyer, and Tony Stein

Also Present: City Administrator Ashley Wayman, Interim City Secretary Makayla Rodriguez, Development Services Manager Nikki Stautzenberger, City Attorney Charles Zech, Council Member Brook Brown, and Council Member Phil McDuffee

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

2. Discussion and possible action on the minutes from the December 4, 2024 Planning and Zoning Commission meeting

Genie Nyer moved to approve the meeting minutes. Jerry Fleming seconded the motion. The motion carried with 5 in favor and 0 against.

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

Chair Dave Bench opened the public hearing at 6:04 p.m.

Christine Whitney, 2803 Hatley Drive, asked if the proposed ordinance amendments would impact her existing address. Chair Dave Bench clarified that the proposed amendments would only apply to new development.

Chair Dave Bench closed the public hearing at 6:06 p.m.

Brian Nash asked Attorney Charles Zech questions regarding the impact of the proposed amendments to existing homes. Attorney Charles Zech stated that the intent is not to change home addresses and that he will review the ordinance and revise if needed.

Michael Rhodes joined the meeting at 6:06 p.m.

The Planning and Zoning Commission asked questions and discussed applicable scenarios with the amended changes.

Genie Nyer moved to approve the draft ordinance as written. Jerry Fleming seconded the motion. The motion carried with 6 in favor and 0 against.

- 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

Chair Dave Bench opened the public hearing at 6:17 p.m.

Chair Dave Bench closed the public hearing at 6:18 p.m.

Chair Dave Bench reviewed the proposed draft ordinance for the Residential Landscape and Tree Canopy Management. Brian Nash expressed concern regarding the effectiveness of the proposed changes.

Jay van Bavel, 5012 Timberline Drive and member of the CRCRC, discussed the CRCRC building height survey results regarding tree protection and the tree canopy. He continued to discuss the proposed changes with the Planning and Zoning Commission.

Attorney Charles Zech discussed special exceptions, variances, and Board of Adjustment involvement.

The Planning and Zoning Commission reviewed and discussed the current tree ordinance as well as the proposed changes of the draft ordinance. They also discussed heritage trees, the critical root zone, and applicable scenarios.

Council Member Brook Brown mentioned that builders are mainly developing on lots and that the ordinance would protect trees from being cleared from the lots.

Michelle Ray, 2 Randolph Place, discussed lots and expressed her thoughts regarding the draft ordinance.

The Planning and Zoning Commission continued discussion on the draft ordinance, fees, and their feedback.

City Administrator Ashley Wayman explained that the citywide notices for the public hearing have already been sent out and recommended that the Planning and Zoning Commission make a recommendation for City Council.

Members of the Planning and Zoning Commission continued to give their feedback on the draft ordinance and discussed tree removal permits. Development Services Manager Nikki Stautzenberger shared that the City processed 7 tree removal permits last year as well as explained the permitting process. The Commission discussed and made amendments to the draft ordinance.

Genie Nyer moved to approve the proposed ordinance with the following recommended changes: change the definition of building footprint to buildable area, review and modify our concerns regarding 107-373 removal of protected trees on section A2, review 107-375 F in the existing ordinance due to concerns regarding penalization for tree deaths beyond their control, and for City Council to address what impact to canopy or critical root zone equal a removal and to codify reasonable language related to that. Michael Rhodes seconded the motion. The motion carried with 5 in favor 1 against (Nash).

- 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

Chair Dave Bench opened the public hearing at 8:02 p.m.

Sandy Keller, 307 Inwood Road, asked for the definition of a fence and discussed the usage of walls. City Attorney Charles Zech provided clarity regarding walls and fences.

Chair Dave Bench closed the public hearing at 8:10 p.m.

The Planning and Zoning Commission discussed the current building code and the proposed section addition. Development Services Manager Nikki Stautzenberger provided clarity regarding fences to the Commission.

The Planning and Zoning Commission and City Attorney Charles Zech discussed the proposed language, special exceptions, and impacts of fence height.

Tony Stein moved to approve the ordinance and recommend changing section 107-81 B on line 26 to “from natural grade necessary to address privacy, safety, or continuity”. Michael Rhodes seconded the motion. The motion carried with 6 in favor and 0 against.

- 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

Chair Dave Bench opened the public hearing at 8:21 p.m.

Chair Dave Bench closed the public hearing at 8:21 p.m.

Members of the Planning and Zoning Commission expressed their concerns in regard to the exterior lighting requirements.

Development Services Manager Nikki Stautzenberger shared instances of light issues between residents and how they were resolved.

Members of the Planning and Zoning Commission discussed enforcement and stated that the proposed amendments should serve as a guideline for lighting and not be enforceable.

Brian Nash moved to disapprove of the ordinance and encouraged City Council to adopt this as written as a set of best practices to publish where appropriate. Michael Rhodes seconded the motion. The motion carried 4 with in favor and 2 against (Bench and Fleming).

Michael Rhodes left the meeting at 8:34 p.m.

REGULAR AGENDA

- 7. Discussion and possible action on structures in required yards

Chair Dave Bench shared the recommendations from the CRCRC regarding structures in required yards.

The Planning and Zoning Commission discussed the recommendation and their feedback.

Chair Dave Bench moved to item 10 at this time.

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

The Planning and Zoning Commission did not discuss this item.

- 9. Discussion and possible action on clarification regarding CRCRC side yard projection recommendation

The Planning and Zoning Commission did not discuss this item.

- 10. Discussion and next steps regarding consultant review and assessment of proposed segmenting and parallel plane height measurement approaches

Chair Dave Bench discussed and reviewed the packet documents with the Planning and Zoning Commission.

Brian Nash moved to approve using document 2 the redline version of the Steps to Tenting Exercise as the guidelines that would be given to the consultant. Genie Nyer seconded the motion. The motion carried with 5 in favor and 0 against.

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

The Planning and Zoning Commission did not discuss this item.

- 12. Discussion and possible action on an updated recommendation regarding Code Enforcement from Planning and Zoning Commission and CRCRC

The Planning and Zoning Commission did not discuss this item.

13. Discussion and update regarding a recommendation for comprehensive drainage

The Planning and Zoning Commission did not discuss this item.

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: February 5, 2025

Submitted By:

Staff

Agenda Item:

Public hearing, discussion and possible action on amending Chapter 107 Sec. 107-76 (Minimum required depth and width of yards) related to Residential side yard projections

Description:

At the December 19, 2024, Rollingwood City Council meeting, the City Council approved a draft proposed ordinance making amendments related to projections into required yards in the residential zoning district. A revision was submitted by Councilwoman Brook Brown to clarify the language. The City Council recommended the revised draft go to the next available public hearing with the following changes:

Mayor Pro Tem Sara Hutson moved to modify the proposed wording of section 107-76 E as previously stated, to move the last sentence to the first of that section and say, “In addition, no building feature” and continue. Council Member Brook Brown seconded the motion. The motion carried with 3 in favor and 0 against.

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 amendment before the City Council can hold their public hearing and take action.

Action Requested:

To hold a public hearing and consider the recommendation from Planning and Zoning regarding an ordinance regarding yard projections in the residential zoning district

Fiscal Impacts:

No fiscal impacts are anticipated at this time.

Attachments:

- Draft Ordinance regarding projections into yards in the residential zoning district

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ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 107 OF THE CITY OF ROLLINGWOOD’S CODE OF ORDINANCES RELATED TO RESIDENTIAL SIDE YARD PROJECTIONS; 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 the height, number of stories, and size of buildings and other structures; and

WHEREAS, the City Council of the City of Rollingwood (“City Council”) finds that residential neighborhoods are often characterized by their scale, form, and spacing between structures and that building projections that extend beyond established building envelopes can alter the aesthetic and functional character of these areas.; and

WHEREAS, the City Council finds and determines that building projections such as balconies, decks, and overhangs can impact the privacy of adjacent properties by overlooking private spaces, such as backyards and windows; and

WHEREAS, the City Council finds and determines that unregulated or poorly managed building projections can potentially affect property values by disrupting the visual coherence of a neighborhood or causing disputes between property owners; and

WHEREAS, the City Council finds and declares that regulating residential building projections is essential for preserving the community's character, protecting residents' privacy, promoting environmental sustainability, and ensuring equitable and sustainable growth. These findings form the basis for the proposed regulations, which will be implemented in accordance with applicable laws and community goals.

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. The following sections of the Rollingwood Code of Ordinances is hereby amended as follows with ~~striketroughs~~ being deletions from the Code and underlines being additions to the Code:

Section 107-76 is amended as follows:

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

(e) Any building feature other than an eave or roof extension may not extend into any required yard more than a maximum of two feet. In addition, no building

37 feature other than an eave or roof extension may be closer than 10 feet from a
 38 property line. Eaves and roof extensions may ~~overhang~~ extend into any required
 39 side yard a maximum depth of 33 percent of the required side yard. Eaves and roof
 40 extensions may ~~overhang~~ extend into any required front or rear yard a maximum of
 41 five feet. ~~All other ordinary projections of building features typically used in~~
 42 ~~residential building construction, may overhang into any required yard a maximum~~
 43 ~~of two feet.~~

44 (f) Projections shall not contain habitable space, except for bay windows ten
 45 feet wide or less.

46 (g) ~~Chimneys may encroach into a required yard a maximum of two feet.~~

47 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with
 48 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all
 49 other provisions of the City of Rollingwood ordinances which are not in conflict with the
 50 provisions of this ordinance shall remain in full force and effect.

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

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

58 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of
 59 Rollingwood, Texas, on the _____ day of _____, 2025

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 Gavin Massingill, Mayor

65 ATTEST:

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68 _____
 69 Makayla Rodriguez, City Secretary

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

Accessory Building/Structure Subcommittee Meeting

Date: Nov. 19, 2024

Time: 9-10am

Attendees: Jerry Fleming, Michael Hall, Brian Nash, Nikki Stautzenberger, Ashley Wayman, Amanda Padilla (Principal Planner)

REPORT

We convened at approximately 9:00am. As a starting point, we reviewed the existing regulations referencing both “accessory structures” and “accessory buildings.”

Ms. Stautzenberger and Ms. Wayman provided background on why the issue was raised to the Planning & Zoning Commission, including that:

- “Structures” can be understood via building code to broadly to include items that are not typically viewed as a structure for minimum yard (i.e., setback) purposes, such as HVAC pads, sidewalks, retaining walls, and playsets/playhouses;
- Prior P&Z focus had been on “accessory building,” as distinct from “accessory structure”;
- Recent playsets/playhouses have raised questions on what restrictions (if any) might exist related to “accessory structures” and whether any are warranted;
- Typical height for playsets/playhouses that are purchased from, for example, Walmart, Sams, Costco, or Home Depot, range from 10 to 14 ft tall;
- No restrictions exist on treehouses, which often exceed 14 ft in height.

We discussed the competing concerns about allowing homeowners to use their yard as they want versus the potential for unreasonable imposition on neighboring properties. We discussed that building a child’s playset/playhouse is typical of our residential setting and to be encouraged, so long as it is a typical playset and not a separate, habitable “accessory building.” We also discussed that a reasonable tool shed is similarly typical of our residential setting and to be encouraged. We also discussed retaining walls and HVAC pads as not imposing on neighbors and traditionally not being treated as “structures” for minimum yard purposes.

We arrived at the following high-level conceptual recommendations:

- “accessory structures” includes structures that may not constitute an “accessory building” but are permanently affixed to the ground in some manner (e.g., with concrete footings), such as playhouses, playsets, tool sheds, green houses, and other similar structures not intended to be habitable.
- “accessory structures” should be permitted within the minimum side yards or back yards, but such structures should be less than 15 feet in height for portions

that are within the minimum yard portions. We debated various heights and arrived at the number to allow a family to assemble a typical playhouse “kit” from Costco/Walmart, which appeared to be between 12ft and 14ft in height. Per city employees, such restrictions would not affect treehouses

- We did not believe restrictions were needed on placing concrete pads (e.g., for HVAC), sidewalks, retaining walls, or other similar structures

The meeting concluded at approximately 10:00am.

My Supplemental report on Playscapes/Playhouse/Equipment in setback areas or required yards.

After further research following the 50 min long subcommittee meeting, I can only support having some playscapes located in residential setback areas or required yards under the following conditions.

1. Height of playscape does not exceed 11 ft. (Tallest playscape found on Home Depot website)
2. The playscape is located no closer than 6 ft 6 in to any fence, building or obstacle.
3. The fall distance does not exceed 8 ft. (Beyond this distance wood mulch or wood chips are not recommended but shredded rubber is per Outdoor Home Playground Safety Handbook and shredded rubber is very bad for the environment. See article below.)

Playscape is defined as an assembly of components sold as a kit and is installed on site. It is characterized as mostly open to the sky, is not installed on a concrete slab and usually will not alter or impede stormwater runoff.

I define a playhouse as a customed built structure and is an accessory building. It may be built using concrete footings or on a concrete slab which along with its' roof, or floor if two level, could alter the site drainage, and cause a problem. Being built of wood like a house they weight more than playscapes and could interfere with access to utilities easement and restrict all the elements for which cities have adapted setback areas or required yards.

Reasons for unrestricted setback areas are to enhance sunlight, air circulation, fire protection, privacy, manage stormwater runoff, as well provide space for trees and shrubs which in turn can increase aesthetics and mental wellbeing. Perhaps most importantly is the probability that the lot's property value will decrease if required yards area are decreased.

Playhouses are currently specifically prohibited from required yards in our city ordinance. As you know, this permitting process is slow and long, involves public hearings, majority approval and as such should not be altered without careful consideration.

I would not advocate for changing the ordinance for one case but would ask building official to see if an alternative location on the site would work and even a slight encroachment (but no closer than 10 feet to property line nor in an easement) would be better than a complete encroachment. It would set a bad precedent to ignore current ordinances.

Equipment such as outdoor a/c units, pool pumps, generators should not be closer than 10 ft to side property lines, screened from public view and not located in front yard which includes nonrequired front yard. They should also not be located in required rear yard. This type of equipment should be shown on building plans for review and approval.

I believe protecting the openness of the required yards, which are becoming the only yards, preserves to the extent it can "Rollingwood's character" which in turn enhances everyone's property values.

Linda Chalker-Scott, Ph.D., Extension Horticulturist and Associate Professor, Puyallup Research and Extension Center, Washington State University

The Myth of Rubberized Landscapes

“Recycled rubber mulch is an environmentally friendly, non-toxic choice for landscapes”

The Myth

Discarded rubber tires are the bane of waste management; according to the EPA, we generate 290 million scrap tires annually. Scrap tire stockpiles can pose significant fire hazards, such as the 1983 Virginia tire fire that burned for 9 months. Obviously finding a market for these slow-to-decompose materials is desirable, and many innovative uses have been developed, including rubberized asphalt, playground surfaces, and landscape mulches. From an engineering standpoint, crumb rubber as a soil amendment has performed favorably in reducing compaction to specialty landscape surfaces such as sports fields and putting greens.

Rubber mulches are touted by manufacturers and distributors as permanent (“doesn’t decay away”) and aesthetically pleasing (“no odor” - “looks like shredded wood mulch” – “earth tones and designer colors” – “special fade resistant coating”) landscape materials. Furthermore, we are told that rubber mulch is “safe for flowers, plants and pets” (though it “doesn’t feed or house insects”) and “dramatically improves landscaping.” It seems to be an environmentally-friendly solution to a major waste disposal problem.

The Reality

Rubber mulches have not proved to be particularly good choices for either horticultural production or landscape uses. In comparison studies of several mulch types, rubber tire mulch was less effective in controlling weeds in herbaceous perennial plots than wood chips. Similarly, sawdust made a better mulch for Christmas tree production in terms of weed control, microbial biomass, and soil chemistry. Another comparative study found rubber to be less effective than straw or fiber mulch in establishing turfgrasses.

Not only do rubber mulches perform less effectively in the landscape, they possess an additional, unwanted characteristic. Compared to a dozen other mulch types, ground rubber is more likely to ignite and more difficult to extinguish. In areas where the possibility of natural or man-made fires is significant, rubber mulches should not be used.

“Permanence” of rubber mulch

Far from being permanent, rubber is broken down by microbes like any other organic product. Many bacterial species have been isolated and identified that are capable of utilizing rubber as their sole energy source. Such bacteria have been found in a variety of environments, including the cavity water of

discarded tires. Although some of the additives used in tire manufacture are toxic to rubber-degrading bacteria, there are white-rot and brown-rot fungal species that can detoxify these additives. While isolating these microbes has been beneficial in developing natural mechanisms to recycle rubber products, it also points out the fallacy of assuming that rubber mulch is “permanent.” Furthermore, it alerts us to the very real possibility that car tires leach toxic compounds into the landscape.

“Non-toxicity” of rubber mulch

Current research at Bucknell University indicates that rubber leachate from car tires can kill entire aquatic communities of algae, zooplankton, snails, and fish. At lower concentrations, the leachates cause reproductive problems and precancerous lesions. A similar study exploring the use of tires as artificial reef substrates also found rubber leachate to negatively affect the survival of various seaweeds and phytoplankton. Marine and other saline environments are less sensitive to tire leachates, however, and the greatest threat of contamination appears to be to freshwater habitats.

Part of the toxic nature of rubber leachate is due to its mineral content: aluminum, cadmium, chromium, copper, iron, magnesium, manganese, molybdenum, selenium, sulfur, and zinc have all been identified in laboratory and field leachates. If rubber products have been exposed to contaminants during their useful lifetime, such as lead or other heavy metals, they will adsorb these metals and release them as well. Of these minerals, rubber contains very high levels of zinc – as much as 2% of the tire mass. A number of plant species, including landscape materials, have been shown to accumulate abnormally high levels of zinc sometimes to the point of death. One USDA researcher who has studied zinc and other metals in soils and plant materials for decades strongly believes that ground rubber should not be used “in any composting, or in any potting medium, or casually dispersed on agricultural or garden soils” because of zinc toxicity. Acidic soils and aquatic systems are particularly sensitive, since heavy metals and other positively charged elements are less tightly bound to the soil and more available to plant and animal uptake.

Rubber leachates are complex solutions. They include not only the minerals and organic building blocks of rubber, but also various plasticizers and accelerators used during the vulcanizing process. In high enough concentrations, some of these rubber leachates are known to be harmful to human health; effects of exposure range from skin and eye irritation to major organ damage and even death. Long term exposure can lead to neurological damage, carcinogenesis, and mutagenesis.

Some of these materials break down quickly, while others are known to bioaccumulate. One of the more common rubber leachates is 2-mercaptobenzothiazole, a common accelerator for rubber vulcanization. In addition to its known human health concerns, it is highly persistent in the environment and very toxic to aquatic organisms: its environmental persistence may cause long-term damage to aquatic environments constantly exposed to rubber leachates. Another family of organic leachates under scrutiny are the polyaromatic hydrocarbons (PAHs). These compounds, used as rubber softeners and fillers, have been repeatedly demonstrated to be toxic to aquatic life. PAHs are released continually into

solution, and after two years in a laboratory test leachates were shown to be even more toxic than at the study's inception.

It is abundantly clear from the scientific literature that rubber should not be used as a landscape amendment or mulch. There is no question that toxic substances leach from rubber as it degrades, contaminating the soil, landscape plants, and associated aquatic systems. While recycling waste tires is an important issue to address, it is not a solution to simply move the problem to our landscapes and surface waters.

The Bottom Line

- Rubber mulch is not as effective as other organic mulch choices in controlling weeds
- Rubber mulch is highly flammable and difficult to extinguish once it is burning
- Rubber mulch is not permanent; like other organic substances, it decomposes
- Rubber mulch is not non-toxic; it contains a number of metal and organic contaminants with known environmental and/or human health effects

For more information, please visit Dr. Chalker-Scott's web page at <http://www.theinformedgardener.com>.

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 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. 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".

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).

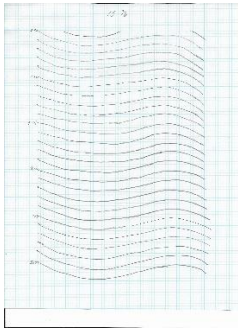


Fig 1

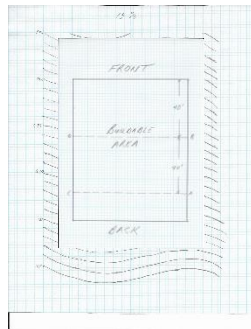


Fig 2

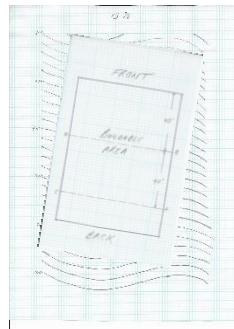


Fig3

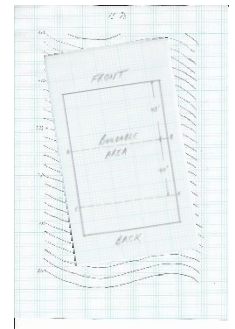


Fig 4

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.

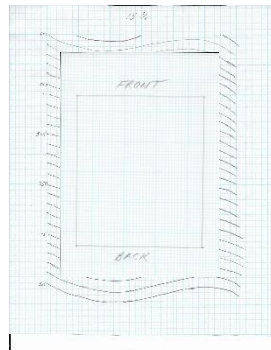


Fig 5

22 January 2025

Dear Tim,

The purpose of this inquiry is to request AlterStudio pricing / assistance with some graphical modeling and consult to assist the City of Rollingwood in its go-forward plan to improve its residential building height ordinance.

Some weeks back, you and I discussed ongoing work involving changes to the City of Rollingwood's residential building height ordinance. Change recommendations were made by a citizens group and are presently being considered by the City's Planning and Zoning Commission (P&Z). We're nearing the end of our discussion but have one consideration yet to cover: comparing a tenting restriction on a parallel surface model against a tenting restriction to a segmented model similar to that of the City of Austin.

Find attached the P&Z path forward; the proposed building ordinance, still in draft; an alternate proposal featuring the segmenting method discussed above and one set of surface contours in dwg format as an example start. Note that we intend to test/compare the two approaches using four dissimilar but representative properties. This dwg file is from one of them. We request pricing for two 3-d projections: one measured from the property line; one measured from the property setbacks using both of the 2 measurement methods for the four properties being considered. The project will total 16 projections.

We recognize the complexity of this request and suggest that a short meeting may be necessary to on-board whoever would create the projections. We also realize that this small request competes with other larger commissions. Should you find it one that AlterStudio would rather not take on, we'll appreciate a recommendation for assistance from an alternate party.

I am at your service to discuss. The City of Rollingwood and I appreciate your consideration and hopeful assistance.

Sincerely,

David E. Bench

City of Rollingwood P&Z Chair

512 720-2171

Alternate Proposal for Tenting and Building Height

3 Stories max unless 4th story is 100% underground on all sides – open only for code required egress (i.e. a real basement)

Tenting – Same as proposed by CRCRC, where you start at a point on the property line that is 15' high and then take a 45 degree angle, so that you are at 25' high at the 10' setback line. However, follow the City of Austin McMansion guidelines, but the high point is taken one on each side instead of the four corners, see attached. Use the same segments of 40, 40 and whatever is left. Rollingwood lots are similar depth generally, so these segments probably work. The few odd shaped and culdesac lots would be handled by using the front façade instead of the Building Line, or in the event the house gets pushed back on a few of the very deep lots. Very few houses, if any, span more than 100' front to back. No rear yard tenting as you already get to 35' at the rear setback. While there could be a portion of a wall within one segment higher than 25' it would only be to the extent that the high point exceeds the low point on that side of the lot. As an example, a 15% slope on the property line (which would be very dramatic over a 40' segment) could result in a 31' wall just at the low point of the segment.

Height - No change to height, except 32' for any roof slope less than 3:12. Once we have some tenting diagrams, a discussion on the datum for measuring height should occur. There probably needs to be one datum line per segment, which could be an average between high and low, or similar to what we have now. This can and should be analyzed in diagrams once the tenting concept is solidified.

Steps to Finalize the Plan

Step 1 – Have outside consultant draw tenting scheme on different lots with varying slope – i.e. front to back, back to front, side to side and diagonally.

Step 2 – Review tenting to achieve number one priority of reducing height at the property line.

Step 3 – Discuss how to measure height and the practicalities of plan review process with city staff/consultants.

Third component of buildable area: SETBACK PLANES

– Creating setback planes on a sloping lot

Building Line or Front of Building

(Figure 7, Page 9)

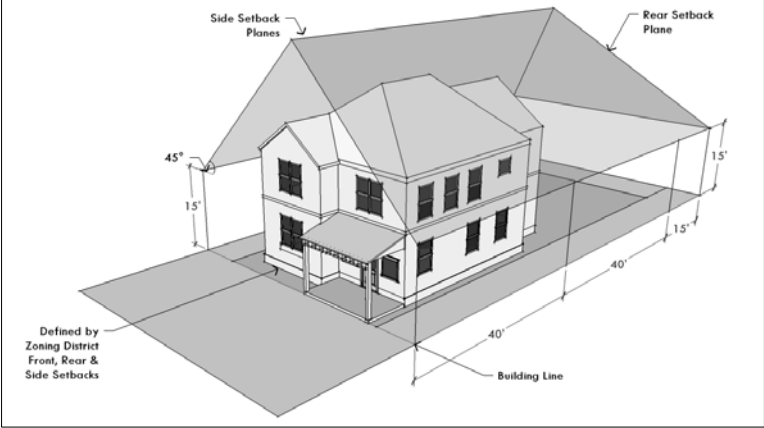
Third component of buildable area: SETBACK PLANES

– Side & rear setback planes on sloping lot

(Figure 9, Page 10)

Third component of buildable area: SETBACK PLANES

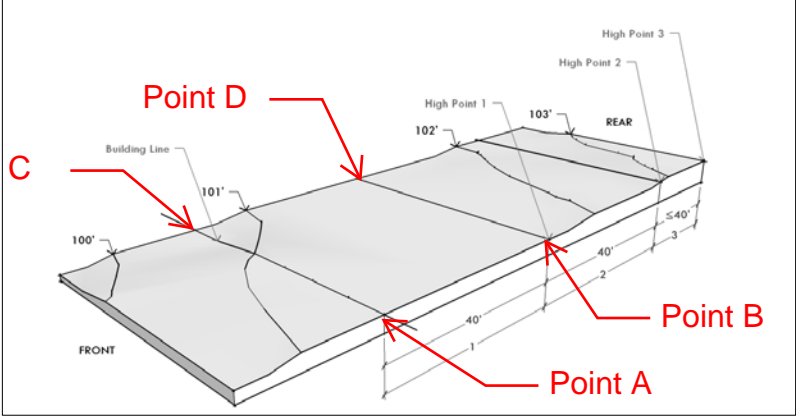
– Side and rear setback planes combined



(Figure 8, Page 10)

Third component of buildable area: SETBACK PLANES

– Determining high points on a sloping lot



(Figure 5, Page 8)

You take the higher of Point A and B on one side and the higher of Point C and D on the other

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

40 Section 107-3 of Definitions is amended to read as follows:

41 Building height, residential, means the vertical distance from the Original
42 Native Ground Surface or finished grade, whichever is lower, to the highest
43 point directly above.

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

48 (1) ~~— The elevation of the highest adjoining original native ground~~
49 ~~surface to the exterior wall of the building when such original native~~
50 ~~ground surface is not more than ten feet above the lowest adjoining~~
51 ~~original native ground surface; or~~

52 (2) ~~— An elevation of ten feet higher than the lowest adjoining~~
53 ~~original native ground surface when the highest adjoining original~~
54 ~~native ground surface described in subsection (1) of this section is~~
55 ~~more than ten feet above lowest adjoining original native ground~~
56 ~~surface;~~

57 (3) ~~— The original native ground surface shall be determined as the~~
58 ~~existing grade on the lot prior to development of the residential~~
59 ~~building as may be shown on approved building plans or survey of~~
60 ~~the property.~~

61 ~~This definition shall apply to all residential buildings or structures within~~
62 ~~the city including residential buildings constructed in the R Residential~~
63 ~~Zoning District (see section 107-71 for Maximum permissible height in R~~
64 ~~Residential Zoning District).~~

65 Original Native Ground Surface means the existing grade on a lot prior to
66 development of the residential building as may be shown on a certified topographic
67 survey of the property.

68 Parallel Plane is an imaginary plane that is thirty-five (35) feet above and parallel
69 to the original native ground surface. No part of a building or structure, exclusive
70 of the exceptions outlined in this chapter may break this plane.

71

72 Section 107-71 is amended to add the following language:

73 **Sec. 107-71. - Maximum permissible height.**

74 (a) No portion of any building or structure (except a chimney, attic vent,
 75 lightning rod, or any equipment required by the city building code) may
 76 exceed thirty-five (35) feet in height. Except as may be required by
 77 applicable codes, no chimney, attic vent, lightning rod or required
 78 equipment may extend more than three feet above the highest point of the
 79 following: the coping of a flat roof, the deck line of a mansard roof, or the
 80 gable of a pitched or hipped roof.

81 (b) The maximum allowable building height is twenty-five (25) feet when
 82 the building is placed ten (10) feet from the property line, as measured from
 83 the existing or finished grade, whichever is lower. For each additional foot
 84 of distance beyond ten (10) feet from the property line, the height may
 85 increase by one (1) foot, up to a maximum of thirty-five (35) feet. The
 86 maximum height of thirty-five (35) feet must be achieved at a distance of at
 87 least twenty (20) feet from the nearest property line.

88 (c) Should a landowner believe the slope of a lot be so severe that the
 89 requirements proposed above have extreme adverse impact on the lot, an
 90 owner may seek relief from these requirements by special exception granted
 91 by the Board of Adjustment.

Commented [AW1]: Legal recommendation is this be by variance.

92 (d) Existing grade may be adjusted graphically as a straight line across
 93 unusual or minor topographic variations including pools, ponds, existing
 94 basements, rock outcroppings depressions and natural drainage ways, with
 95 the intent to approximate original grade without penalty for previous
 96 construction.

97 (e) Building height may be increased below the parallel plane by way of
 98 excavation, when starting a minimum of twenty (20) feet horizontal from
 99 the side or rear property lines, as follows:

100 i. As to the portion of the building above the excavated area: forty
 101 (40) feet above finished floor for uppermost surface of eave/parapet;

102 ii. As to the portion of the building above the excavated area: forty-
 103 five (45) feet above finished floor for ridgeline of sloped roof with
 104 minimum of three over twelve (3/12) roof pitch.

105 The Parallel Plane may not be breached. Any exposed foundation resulting
 106 from this increase may not exceed eighteen (18) inches.

107 (f) Foundation exposure within public view from the right-of-way cannot
 108 exceed six feet. Foundation exposure within public view from the right-of-
 109 way must be screened such that the viewable portion does not exceed two
 110 and a half (2.5) feet.

111 Section 107-81 Special Exception.

112 Should some portion of the buildable area reside on or adjacent to a flood
 113 plain or drainage easement, and it can be shown that such would have
 114 extreme adverse impact on the lot's buildable potential, an owner may seek
 115 relief from these requirements by special exception granted by the Board of
 116 Adjustment. In such cases the Board may grant a special exception for up
 117 to five (5) additional feet of building height.

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

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

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

129 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of
 130 Rollingwood, Texas, on the _____ day of _____, 2024
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 Gavin Massingill, Mayor

137 ATTEST:

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139

_____, City Secretary

141

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.