



**CITY OF ROLLINGWOOD
JOINT CITY COUNCIL, PLANNING AND ZONING COMMISSION AND
COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE
AGENDA**

Wednesday, September 04, 2024

Notice is hereby given that the City Council, Planning and Zoning Commission, and Comprehensive Residential Code Review Committee 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 September 04, 2024 at 6:00 PM. Members of the public and the City Council, Planning and Zoning Commission, and Comprehensive Residential Code Review Committee may participate in the meeting virtually, as long as a quorum of the City Council, Planning and Zoning Commission, and Comprehensive Residential Code Review Committee 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=QmNUUmZBQ1lwUjNjNmM5RnJreIRFUT09>

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 JOINT CITY COUNCIL, PLANNING AND ZONING COMMISSION AND COMPREHENSIVE
RESIDENTIAL CODE REVIEW COMMITTEE MEETING TO ORDER**

1. Roll Call

PUBLIC COMMENTS

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

Citizens who wish to address the City Council, Planning and Zoning Commission, and Comprehensive Residential Code Review Committee with regard to matters on the agenda will be received at the time the item is considered.

REGULAR AGENDA

- 2. Discussion regarding recommendations from the CRCRC regarding residential landscape and tree canopy management
- 3. Discussion regarding recommendations from the CRCRC regarding residential building height and related provisions
- 4. Discussion regarding recommendations from the CRCRC regarding side yard projections in the Residential Zoning District
- 5. Discussion and possible action on a recommendation from the CRCRC that the City Council and Planning and Zoning Commission hold a workshop regarding the proposed amendments related to residential building height
- 6. Discussion and possible action to schedule future public meetings or hearings, which may be joint meetings, or public hearings, regarding topics including but not limited to residential building height, side yard projections, and residential landscape and tree canopy management

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, August 30, 2024 at 5:00 p.m.

Ashley Wayman

Ashley Wayman, City Administrator

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.

Recommended Changes to Rollingwood Tree Maintenance Ordinance from the CRCRC.

These recommended changes are based on the strong support in the survey (question 15) for maintaining the tree canopy in Rollingwood (74% said maintaining the tree canopy had either high or very high priority). When asked whether they thought the current tree ordinance was adequate to this task (question 16), 51% of respondents said “yes”. However, in the comments from those “yes” votes, many were either uncertain what the current tree ordinance stated and/or had not any occasion to refer to the ordinance for recent tree work on their property. There was strong support in all the comments for increasing the protection for “heritage trees”.

Based on these survey results, the CRCRC has the following recommendations to strengthen the current tree ordinance to make it more effective in protecting and maintaining the current tree canopy.

Exact proposed wording or specific change is in green.

1. Change the name of Article II, Division 10, Subdivision 2 to “Residential Landscape and Tree Canopy Management.”
2. Introduce the concept of xeriscape landscaping into the ordinance, with some suggestions to use native and adapted low water use plants, and drought tolerant turf grasses for lawns. (no regulations, only education) “Landscape: Because the city experiences frequent drought conditions, low water demanding landscapes (Xeriscapes) are encouraged by using native and adapted low water use plants from the Austin Grow Green Guide. (Insert link here) Consideration should also be given to planting turfgrass on less than 50% of the total landscaped areas, with that turf grass preferably having summer dormancy capabilities such as Buffalo grass, Zoysia grass, or non-seeding varieties of Bermuda grass.” Section 107-369 (a): Purpose
3. Inserted statement that “the site plan and project design will preserve the existing natural character of the landscape and the retention of protective trees as much as possible” This statement to be inserted into Purpose Section of Sec 107-369.
4. Insert a definition for a “Heritage Tree” category into ordinance for those trees 24 inches in diameter measured 4 ½ feet above natural grade. “Heritage tree” means a tree of a “protected species” defined as 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 would qualify as a Heritage tree. (Sec 107-371 Subdivision b- 2). (see addendum A- list of protected species)
5. Change the criteria for planting alternatives to protected species (from the utility setback tree list) to limit it to only protected trees removed from areas 20 feet from a utility line. In other words, a protected species removed from setbacks, right of way and buildable area must be replaced with a protected species, if not removed from the 20 ft utility setback area.” For protected trees removed from within 20 feet of an above-ground power, cable, or telephone line the following species can be used for replacement: These species cannot be used to replace a protected tree removed from areas that are not 20 feet from an above ground power cable, or telephone line.” Sec 107-369 (c)-2 (see Addendum B Replacement species list for trees planted 20ft from utility lines.)

6. Adding a definition for Critical Root Zone (CRZ), that is area around tree trunk with a radius of one foot for every inch of diameter. "Critical root zone" 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. No construction or disturbance shall occur within an area that constitutes more than (50%) of the total critical root zone, and one half the radial distance of the CRZ for each tree being preserved as a protected tree or heritage tree." Sec 107-369 (g).
7. Change the term "city arborist" used 13 times in the current ordinance indicated to review, approve, and implement all tree removal permits to "City Development Officer". However, a city arborist will be used in those areas of code where the expertise of an arborist is necessary or desired.
8. Remove Sections (d) and (e) of Section 107-372. All protected trees and heritage trees removed from a lot should be replaced on that lot unless a Special Exception is obtained to replant on an adjacent lot with that neighbor's permission. 107-372 (d) and (e).
9. Removal of Heritage trees from setback areas would require a separate "Heritage Tree Removal Permit". 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. 107-373 (a).
10. A Heritage Tree Removal Special Exception will not be required for Heritage Trees removed from the proposed building footprint area but would be subject to the normal tree removal permitting and replacement process.
11. Protected trees (12–24-inch diameter) removed from the buildable area must be replaced by one protected species tree. Replacement of a Heritage Tree removed from setback areas, (with Heritage Tree Removal Special Exception) and proposed building footprint area (which would not require a Special Exception), must be replaced with one tree 6 inches in diameter, or more, for every 12 inches in diameter of the removed tree. For example: 24 inches = 2 six-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 BOA 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. See section 107-375 (h).
12. If a protected or heritage tree straddles the boundary between setback line and buildable area line, it shall be considered removed from the setback area if 25% or more of the trunk diameter is in the setback area. Sec 107-375 (c).
13. An application for a tree removal permit must include a tree survey that shows all trees that are at least 12 inches in diameter 4 ½ feet above natural grade and indicate the Critical Root Zone of these trees as well. Sec 107-376 (a)-1.
14. The maximum number of replacement trees required for trees removed from the buildable area will remain capped at seven. Sec 107-375 (h).

15. Maintain the replacement ratio of protected trees removed from the setback areas at 3 replacement trees for each removed. Sec 107-375 (a).
 16. Development application requirements must include a tree survey indicating the location of all protected and heritage trees together with their CRZ. A protection plan must be submitted for these trees to include evidence that sufficient care must be demonstrated to ensure survival of these protected trees, including adequate watering before, during and after construction until an occupancy certificate is granted. Sec 107-376 (a)-1
 17. All replacement trees must survive for at least three years, and the city development officer shall keep track of these replacements, so that at 3 years post planting, their survival and health can be assessed, consulting with an arborist if necessary. Sec 107-378 (d).
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These items would not require code changes:

18. Section 107-380 requires all vendors doing tree trimming, removal, or demolition, to have an annual permit to do so from the city secretary. The city website should be amended so that residents can easily access the up-to-date list of approved and permitted tree service vendors and how a preferred vendor can obtain a no cost permit from the city. Sec 107-380.
19. The CRCRC supports a program to plant “commemorative trees” on city property, especially parks, where the cost would come through citizen donations. This program is under consideration by the Parks Commission.
20. The CRCRC also supports a proposal that was very strongly supported in the survey (question 17, 85% said “yes”) to consider a plan sponsored by the city, or private donations, to plant additional trees, with owner approval, in public ROW. The CRCRC did not include any proposed changes to the current ordinance, to accommodate this proposal, and may investigate further the practical and legal ramifications of this idea, perhaps presenting it later.

Summary of Recommended Changes to Rollingwood Tree Maintenance Ordinance from CRCRC

These recommendations are based on a careful analysis of the community survey done by the CRCRC in Fall 2023, where 74% of respondents stated that maintaining the current tree canopy was of either high or very high priority.

- Rename ordinance section to “Residential Landscape and Tree Canopy Management”
- Introduce “Heritage Tree” definition
 - One of the protected species and 24 inches or larger in diameter at 4 ½ feet above natural grade
 - May be removed from the building footprint area through normal permitting process.
 - Removal from yard setbacks and unused buildable area is prohibited unless by BOA special exception
 - Ordinance establishes Heritage tree replacement requirements
- Tighten protected tree replacement guidelines
 - Protected trees removed from yard areas (setbacks) must be replaced by protected species trees
 - May be replaced with trees from alternative replacement list if removed from an area 20ft from utility lines.
 - Protected trees removed from a lot must be replaced on that lot unless a special exception is obtained to plant on an adjacent lot with that owner’s permission.
 - Protected tree diameters that are 25% or greater in the yard setback but straddling the line between yard setbacks and buildable areas, are considered removed from the yard setbacks
- Introduce Critical Root Zone (CRZ) and identify such on tree removal permits and add specific CRZ protections
- Add building permit application requirements
 - A protection plan to ensure the survival of all protected trees during construction
 - Survival of replaced trees will be assessed at 3 years after OC obtained; non-surviving trees must be replaced
 - Protection specifics are in the works
- Reassign current code’s “city arborist” tasks not requiring certified arborist expertise to a city building official.
- Include a statement encouraging, but not mandating, xeriscape landscapes and drought tolerant grasses be used on 50% or more of landscape area

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ORDINANCE NO. _____

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

- 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 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.

(g) Removal means an 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.

(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(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 proposed 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.
 - (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.

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

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

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

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

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

258 (1) An agent of the city, a public utility, or another political
 259 subdivision with the authority to install the public facilities
 260 and perform the work necessitating the removal of the
 261 protected tree; or

262 (2) The owner of the property adjoining the site of the protected
 263 tree.

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

267 (d) An application for removal of one or more protected tree(s) must
 268 be submitted to the city secretary and approved prior to removal
 269 of the protected tree. If the application is approved as provided
 270 for in this subdivision, a permit shall be issued indicating each
 271 protected tree that is approved for removal and indicating the
 272 location(s) and size(s) of any required replacement trees and the
 273 dates by which replacement trees must be planted.

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

- 276 (f) An application for removal of a protected tree shall include any
- 277 proposal for type(s) and location(s) of replacement trees on a site
- 278 plan of affected property(s).
- 279 (g) A permit for removal of a protected tree expires on the earlier of
- 280 either two years after its effective date, or upon removal of the
- 281 protected tree except that if any building permit issued for the
- 282 associated property expires or is revoked for any reason, the
- 283 permit for removal of a tree shall be revoked as well. Subject to
- 284 applicable expiration, a permit for removal of tree(s) is
- 285 transferable to a subsequent owner of the affected property,
- 286 provided that any obligation in the permit with respect to
- 287 replacement trees is assumed by the transferee.

Sec. 107-375. Conditions for approval.

- 289 (a) If the protected tree is located within a yard line and property line
- 290 setback area and the total width of the setback area within the
- 291 yard line and the property line is ~~greater than~~ ten feet or greater
- 292 from the edge of a property, the protected tree shall be replaced
- 293 with a total of three replacement trees that may include a selection
- 294 of replacement trees under subsections 107-371(d)(1) and (d)(2),
- 295 and shall include at least one replacement trees under subsection
- 296 107-371(d)(2).
- 297 (b) If the protected tree is not located within an area specified in
- 298 subsection 107-375(a), the protected tree shall be replaced by one
- 299 replacement tree under either subsection 107-371(d)(1) or
- 300 subsection 107-371(d)(2).
- 301 (c) ~~If the protected tree trunk straddles an area specified in subsection~~
- 302 ~~107-375(a), the protected tree is deemed to be in the area~~
- 303 ~~specified in subsection 107-375(a) if more than half of the~~
- 304 ~~diameter of the tree is within the area specified in subsection 107-~~
- 305 ~~375(a). If a protected or heritage tree straddles the boundary~~
- 306 ~~between the yard and buildable area, it shall be considered~~
- 307 ~~removed from the yard area if 25% or more of the trunk diameter~~
- 308 ~~is in the yard area.~~
- 309 (d) If the ~~city arborist~~ City Development Officer determines under
- 310 subsection 107-373(b)(3) that an emergency existed at the time
- 311 of removal that necessitated expedited removal or an applicant
- 312 provides documentation from a ~~certified arborist~~ City
- 313 Development Officer that a protected tree is diseased, dead, or
- 314 poses an imminent or immediate threat to persons or property due
- 315 to natural causes only and the protected tree falls under
- 316 subsection 107-375(a), the city arborist may reduce the
- 317 replacement tree requirement to one replacement tree under either
- 318 subsection 107-371(d)(1) or subsection 107-371(d)(2).

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- (e) 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.
- (f) 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.
- (g) The mayor may act to waive the replacement tree requirement under this subsection 107-374(d) for a storm event, wildfire or other calamity that causes widespread or costly damage to multiple protected trees throughout the city.
- (h) 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) 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.
- (j) Replacement of a Heritage Tree removed from a yard area or a proposed a building footprint area must be replaced with one tree

363 6 inches in diameter, or more, for every 12 inches in diameter of
 364 the removed tree. For example: 24 inches = 2 six-inch diameter
 365 trees, 36 inches = 3 trees, etc. to be replaced. An exception to
 366 these mitigation requirements may be granted by the City
 367 Development Officer, after consulting with the City Arborist, and
 368 with the approval of the Zoning Board of Adjustment if the
 369 applicant demonstrates: (1) the existing tree canopy would
 370 prohibit the growth of these replacement tree(s); or (2) the
 371 required replacement trees to be installed would have to be
 372 planted under the canopy of an existing tree.

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

- 374 (a) An application for a building permit must:
 - 375 (1) Include a tree survey and protection plan of all existing
 376 trees on the property that are at least 12 inches in diameter
 377 measured four and one-half feet above the ground,;
 378 including an indication of the CRZ of these trees.
 - 379 (2) Include a grading and tree protection plan for protecting
 380 all protected trees that are not approved for removal; The
 381 protection plan submitted for these trees to include
 382 evidence that sufficient care must be demonstrated to
 383 ensure survival of these protected trees, including
 384 adequate watering before, during and after construction
 385 until a certificate of occupancy is granted.
 - 386 (3) Demonstrate that the design will preserve the existing
 387 natural character of the landscape as to any protected trees
 388 not approved for removal; and
 - 389 (4) Include a tree removal permit application with required
 390 fees for review of each proposed removal of a protected
 391 tree.
- 392 (b) ~~The building official~~ City Development Officer may not release
 393 or renew a building permit until ~~the city arborist issues~~ a tree
 394 removal permit for each protected tree proposed to be removed
 395 has been issued.

396 **~~Sec. 107-377. Administrative variance.~~**

- 397 ~~(a) The city council may grant an administrative variance from the~~
 398 ~~requirements of this division if the city council determines by a~~
 399 ~~simple majority that owing to special conditions pertaining to the~~
 400 ~~affected property, literal enforcement of the provisions of this~~
 401 ~~division will result in unnecessary hardship, and the granting of~~
 402 ~~the variance will not be contrary to the public interest.~~

- 403 ~~(b) In considering any proposed variance, the following rules shall~~
- 404 ~~be observed:~~
- 405 ~~(1) The applicant for the variance must present to the city council a~~
- 406 ~~set of plans prepared by a certified arborist setting out the~~
- 407 ~~applicant's proposal and the nature of the proposed variance;~~
- 408 ~~(2) The proposed variance may not unreasonably affect any~~
- 409 ~~adjoining property or the general welfare of the community; and~~
- 410 ~~(3) The city council must find that the applicant did not create the~~
- 411 ~~condition necessitating the variance.~~
- 412 ~~(c) If the city council grants a variance under this subdivision, the~~
- 413 ~~city arborist may issue a tree removal permit with terms~~
- 414 ~~consistent with any terms and conditions of the granted variance.~~

415 **Sec. 107-3778. Replacement procedure.**

- 416 (a) Whenever replacement trees are required by the terms of this
- 417 subdivision, the owner shall submit to the ~~city arborist~~ City
- 418 Development Officer for approval a replacement site plan
- 419 showing the locations, species and sizes of all replacement trees
- 420 and vegetation for final approval by the ~~city arborist~~ City
- 421 Development. If during installation, the owner is unable to
- 422 conform to the approved replacement site plan because
- 423 conformance is not feasible due to subsurface conditions that
- 424 could not reasonably have been foreseen that make the viability
- 425 of the tree in the planned location unlikely, then the owner must
- 426 submit an amended site plan to the ~~city arborist~~ City
- 427 Development Officer within seven days of the discovery of
- 428 unforeseen subsurface conditions for approval by the ~~city arborist~~
- 429 City. An amended site plan must provide for no fewer
- 430 replacement trees or cumulative size of replacement trees than
- 431 provided in the originally approved replacement plan.
- 432 (b) Installation of the replacement trees must be completed within
- 433 the time period designated by the ~~city arborist~~ City Development
- 434 Officer in the tree removal permit, however, in no event will the
- 435 time period be longer than one year, however this time period is
- 436 abated while a property is under construction where replacement
- 437 trees are required.
- 438 (c) The owner shall notify the ~~city arborist~~ City Development Officer
- 439 upon completion of the installation. If more than one protected
- 440 tree has been replaced, the city arborist may then inspect for
- 441 compliance with the approved replacement plan.
- 442 (d) All replacement trees must survive at least three years. The City
- 443 Development Officer shall track all replacement trees, so that at
- 444 three years post planting, their survival and health can be

445 assessed, consulting with an arborist if necessary. The city
 446 arborist City Development Officer may contact the owner during
 447 this three year period to arrange for a site visit ~~by the city arborist~~
 448 in order to confirm the replacement trees have survived.
 449 Replacement trees that do not survive for three years must be
 450 removed and replaced with similar species and sized trees.

451 (e) The owner of property from which the removal of one or more
 452 protected trees was permitted shall arrange for the transferee(s)
 453 of such property to submit to the city secretary a written transfer
 454 to and assumption by such transferee(s) of the permit and all
 455 obligations of such permit with respect to required replacement
 456 trees, if all such obligations have not been satisfied at the time of
 457 transfer of the property.

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

461 **Sec. 107-3789. Violations/penalties.**

- 462 (a) It shall be an offense for a person:
- 463 (1) To fail to perform an act required by the provisions of this
 464 subdivision;
 - 465 (2) To fail to timely comply with any term of a permit issued
 466 pursuant to this division, including terms regarding the
 467 planting and maintenance of required replacement trees;
 - 468 (3) To hire, engage, or permit any person engaged in the
 469 business tree planting, maintenance, or removal to perform
 470 such services on property in the city without a permit
 471 issued by the city pursuant to section 18-217 of this Code;
 - 472 (4) Except as expressly allowed pursuant to this subdivision,
 473 to remove or to cause the removal of a protected or heritage
 474 tree without first obtaining a permit therefor;
 - 475 (5) To transfer property from which the removal of a protected
 476 heritage tree has been permitted if all obligations with
 477 respect to replacement trees pursuant to the permit for such
 478 removal are not then fulfilled unless the transferee of the
 479 property agrees in a writing submitted to the city secretary
 480 to assume such permit and all obligations with respect to
 481 the planting and maintenance of required replacement
 482 trees;
 - 483 (6) To fail to submit an application for a permit as required
 484 pursuant to subsection (b) of this section or pursuant to
 485 subsection 107-373(b)(3); or

486 (7) To fail to submit photographs or other documentation to
 487 demonstrate a requisite clear and immediate danger
 488 pursuant to subsection 107-373(b)(3) in connection with
 489 an unpermitted removal of a protected or heritage tree.

490 (b) An offense shall constitute a Class C misdemeanor punishable by
 491 a fine not to exceed \$500.00. An offense committed intentionally,
 492 knowingly, recklessly, or with criminal negligence shall be
 493 punishable by a fine not to exceed \$2000.00 per offense. Each
 494 protected or heritage tree removed in violation of this division
 495 shall constitute a separate offense, and a failure to plant and
 496 maintain each replacement tree shall constitute a separate
 497 offense. Each day a violation continues shall constitute a separate
 498 offense.

499 (c) The owner of affected property and each person who causes or
 500 directs another person to remove a protected or heritage tree
 501 without a permit shall immediately submit an application for a
 502 permit pursuant to this subdivision, including a proposal for the
 503 provision of replacement tree(s) in compliance with this
 504 subdivision.

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

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

513

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

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

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

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

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532

Gavin Massingill, Mayor

533 ATTEST:

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535

536 Desiree Adair, City Secretary

537

DRAFT

CRCRC BUILDING HEIGHT AND ASSOCIATED RECOMMENDATIONS 8-21-24

RESIDENTIAL BUILDING HEIGHT:

CRCRC Approved 3-18-24

Sec. 107-71. - Maximum permissible height - Unchanged - No portion of any building or structure (except a chimney, attic vent, lightning rod, or any equipment required by the city building code) may exceed 35 feet in height. Except as may be required by applicable codes, no chimney, attic vent, lightning rod or required equipment may extend more than three feet above the highest point of the following: the coping of a flat roof, the deck line of a mansard roof, or the gable of a pitched or hipped roof.

RESIDENTIAL BUILDING HEIGHT MEASUREMENT:

Sec. 107-3. - Definitions

CRCRC Approved 8-13-24:

Building height, residential, means the vertical distance from the original native ground surface or finished grade, whichever is lower, to the highest point directly above.

Original native ground surface is the existing grade on the lot prior to development of the residential building as may be shown on certified topographic survey of the property

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

CRCRC Approved 8-20-24

Parallel Plane is an imaginary plane that is 35' above and parallel to the original native ground surface. No part of a building or structure, exclusive of the exceptions outlined below may break this plane.

Building height may be increased below the parallel plane by way of excavation, when starting a minimum of 20ft. horizontal from the side or rear property lines, as follows:
a. As to the portion of the building above the excavated area: 40ft. above finished floor for uppermost surface of eave/parapet;

*b. As to the portion of the building above the excavated area: 45ft. above finished floor for ridgeline of sloped roof with min. 3/12 pitch
 The parallel plane may not be breached. Any exposed foundation resulting from this increase may not exceed 18 inches.*

CRCRC Approved 6-25-24

The maximum allowable building height along the building setbacks, when starting from the 10ft. setback is 25ft. as measured from existing or finished grade, whichever is lower, adding one foot of height to every additional foot of setback, up to 35ft., such that the maximum height of 35ft. is at least 20ft. horizontal from the nearest property line.

SPECIAL EXCEPTIONS

CRCRC Approved 7-23-24:

Extremely Sloped Lots

Should the slope of a lot be so severe that the requirements proposed above have extreme adverse impact on the lot, an owner may seek relief from these requirements by special exception granted by the Board of Adjustment. Although not required, letters of agreement from adjoining neighbors will be given due consideration.

CRCRC Approved 8-20-24:

Flood Plain / Drainage Easements

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

FOUNDATION HEIGHT

CRCRC Approved 8-20-24:

Foundation Height

Foundation exposure within public view from the right-of-way cannot exceed 6'

Foundation exposure within public view from the right-of-way must be screened such that viewable portion does not exceed 2.5 feet (30").

37 **SECTION 2.** Code Amendment. The following sections of the Rollingwood Code of
38 Ordinances is hereby amended as follows with ~~strike-throughs~~ 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:

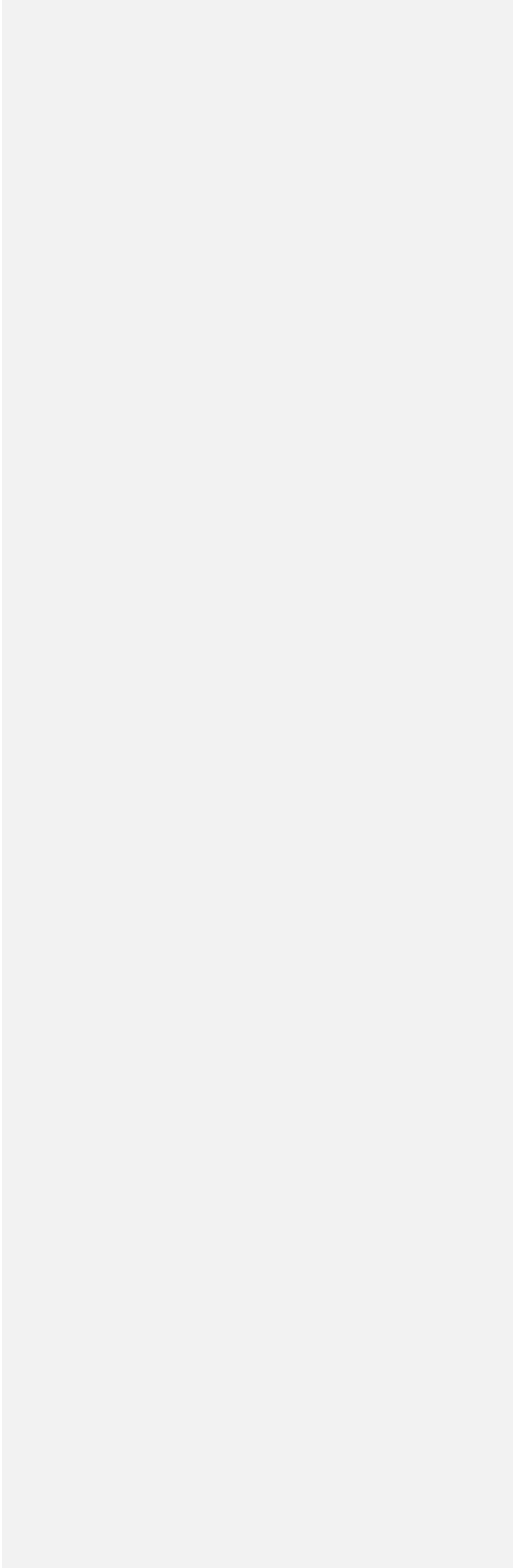
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 _____, City Secretary

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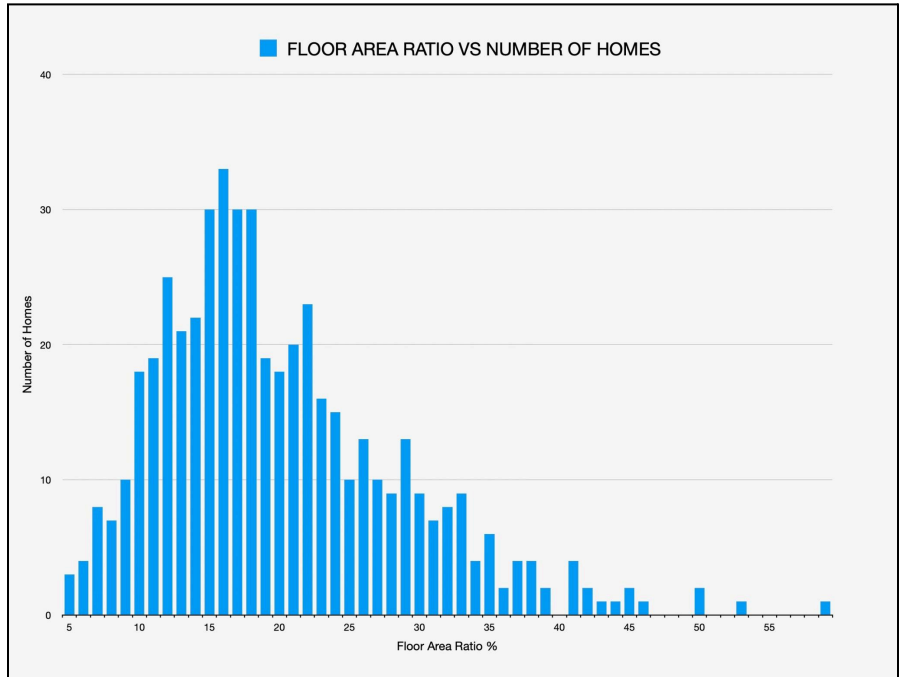
CRCRC SUMMARY OF BUILDING HEIGHT STUDY

Strike Force survey (2021) asked the question, *what do you dislike most about RW and what would you like to see for the future*. A high percentage of responses indicated a negative view towards some overly large or tall homes, particularly when compared to lot size. (See PDF)

Emails and public comment (2023) accumulated regarding new homes under construction that were maximizing height rules to build taller homes, impacting immediate neighbors' quality of life, and a sense among some that the pleasing character of the neighborhood was starting to change. A number of residents also called for a cautious, conservative approach, including those that said "do nothing".

FAR

We took a data-driven approach initially, looking at TCAD to determine FAR, which was notably imprecise, but gave us a general overview. We recognized that lot size in RW is variable, so choosing a percentage, say 40%, was going to unfairly impact some of the smaller lots on Pickwick and Gentry, for example. In order to keep things simple, we didn't feel that creating different rules for different lot sizes was going to be well-received. We were very cautious about use of FAR, keeping in mind the drainage manual and tree ordinance should mitigate some of the concerns, but were yet to be fully assessed.



The response to CRCRC Survey Q6 regarding use of FAR was evenly split, with many residents preferring to use alternate tools to control building size - like height measurement and tenting.

BUILDING HEIGHT

We took inventory of the existing built context in RW, including homes under construction and in-permitting. A high percentage of older and newer homes are single-story, which feel the most impact of much larger homes built along the setbacks, also taking into consideration upslope and downslope relationships.

We noted a pattern of older homes building with the slope, or “terracing”, often locating garages, carports or basements on the lower slope and out of view. More recent homes of varying sizes and styles were also using the slope to build a broad main floor, with a second story above on the upper slope, and a lower story (or third level) on the lower slope. At the same time, there was an uptick in large foundations on sloping lots, up to 10ft., with an additional 35ft. directly above.

The current rules for determining reference datum have caused some confusion, with many residents not realizing that any home can add back the grade change below the highest grade, up to 10ft., yielding a home higher than 35ft. A number of new builds incorrectly used either the entire lot or buildable area to determine grade change, in tandem with the 5ft. radius beyond the building footprint. However, due to the size of many new homes, the building footprint is already starting to match the buildable area.

The objective of the current rules was to provide relief for steeply sloping lots with an additional 10ft. of building height, starting at the lowest grade, when the area under the building footprint has 10ft. grade change. Ideally, this limits the additional height to the lower portion, assuming a lot is uniformly sloping. In the case of lots that may have a small knoll and the rest is gently sloping, the impacts are more notable, thus the “gaming” that many referenced.

In April 2023, we held an early public workshop with 12 posters covering every topic, with graphics, history, options, and feedback to date, hoping to solicit additional feedback and conversations from the public. We presented our findings and analysis graphically in May 2023.

Our interpretation of community input before the survey went out was a reluctance to change the max building height. We also heard before and after the survey to “enforce the rules”. Since the rules say building height maximum is 35ft., we first considered how to enforce 35ft. under our current rules, which on a very basic level meant no portion of the building can exceed 35ft., including on steeply sloping lots - which we observed had been the case until very recently. There were a few exceptions of homes built between 1985-1990, that appear to have a 45ft facade when measured to the ridgeline of a sloping roof.

We noted that 35ft. max height cannot be enforced when the reference datum is set by use of average grade or average of major building corners. It is no different from our current rules that allows additional height below the reference datum, yet we still included each of these options in our survey to see how the community felt in October 2023.

SURVEY

In Q4, we asked the community what they thought of three different options for measuring building height. There has been a lot of discussion about the interpretation of these responses with regard to the percentage of people that selected Option 3. We noted in April 2024, that 75 people wrote some version of “Option 3” in their comments, which amounted to 27% of the people that responded “yes” to Q3 (consider alternate building height measurements): 8% choose Option 1; 9% choose Option 2. We didn’t parse the comments and make assumptions about what people meant that didn’t select an option, yet the comments people included help clarify their answers, or lack of selection. For instance, someone that selected Option 1 commented: **Scenario #1, but step the height with each step in the foundation.** This almost sounds like “terracing”, or “parallel plane”, or “nothing above 35ft”. Based on the comments, it was also clear people did not view this process as “voting”, they were participating in a survey of ideas, the sum of which was our job to find consensus.

Additional comments when “Option 3” was not specifically noted or tallied:

- **Simplify - forget the slope issues. If someone is going to cut a giant flat lot - Max height should be 35 ft from the final buildable surface.**
- **Any of the three scenarios would be preferred to the current RW code.**
- **Would think you can use different calc based on the direction of the slope and the impact a tall facade has on neighboring lots. Especially if facade faces side or backyard of a neighbor.**
- **I believe if we incorporate a sky plane or step back above the 2nd floor (or when 25' above the average existing grade) we might be less intimidated by a 3rd floor.**
- **Height limit from natural existing grade**
- **Whichever forces new houses to more closely “match”**
- **I think 35 feet is too high. I think the maximum height should be limited to 2 stories. Consider using multiple scenarios, but only allow the final height calculation to be based on the most restrictive scenario.**
- **I think there should be a maximum wall height of less than 35' regardless of slope which will require people to build homes into the contour of their lot.**
- **Use the KISS method - simple is better. Look at other surrounding communities to see what works.**
- **Why not do it like the city of austin...the McMansion ordinance... if you wanna go above and beyond you go petition... this is ridiculous. Every builder rolls over RW codes... we have all these problems... put the hammer down**
- **I suggest the method that produces the shortest overall structure**
- **Because of the slopes in the neighborhood, I'd go with a standard height above existing grade (and or a maximum height above the highest existing grade. I think the idea is not to have buildings with imposing heights vs. neighbors. If the land is at X height, having a building Y height above that, seems to make sense to me**
- **I think the option of the parallel lines from existing grade seems most reasonable.**
- **at no point higher than 35' including the foundation**
- **This is confusing to my mind. An example is the house on Riley and Rollingwood. It is too tall.**

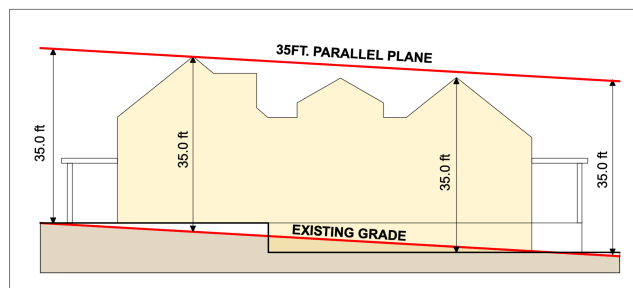
- *These examples are **confusing** and I think difficult for the average lay person to understand. I do agree that building heights should be adjusted within reason on sloped lots.*
- *It's too easy to build a home that's 45' above existing grade if the grade at a single corner of the home is 10' above the minimum grade.*
- *Already new builds are too inconsistent with one another in size and style which **diminishes the beauty** of Rollingwood*
- *If it were up to me, I would be open to having alternate ways of measuring building height that at its core ensures that the primary intent of why we have a height limit on house builds is achieved (e.g. safety, **to not obscure things, minimize impact to surrounding areas**, etc.)...*
- ***Foundations should be considered** in overall height. A 10ft foundation that looks completely out of context and looms over all neighboring homes.*
- *When you walk by a house and it feels **imposing from the street**, it's too tall. Look at the new house on park hills with 3-4 balconies.*
- ***Take foundation height into question** as well as the added dirt to raise the yard that increases the height.*

PARALLEL PLANE

In our research of other cities of similar size, topography, economics, and adjacency to a larger city, we started to see use of “parallel plane”. Even initially we didn’t fully understand how it was implemented. Effectively, it puts an air-space cap on the buildable area (using existing grade as the reference datum) so neighbors who are expecting new construction next door would never see anything higher than 35ft. above existing grade.

We started looking at house plans in RW with a 35ft. “pole” that we ran along the perimeter of the home. We found a high percentage of homes, (old/new, small/large, steeply sloping/flat, modern/traditional) were built within this framework. As architects, we immediately recognized this as a standard method of design when respecting context, scale, and topography. It wasn’t that “parallel plane” was first created and homes began to conform, but rather homes were built instinctively under that method without complaint, until newer homes began to impact neighbors and views. So by the same process of working backwards, planners found a framework that simply codified existing best practices which did not impact neighbors.

At this point we felt we had a solution that could work for all lots, given that 35ft is a generous umbrella under which to build. Council asked us to define a special exception for any outliers.

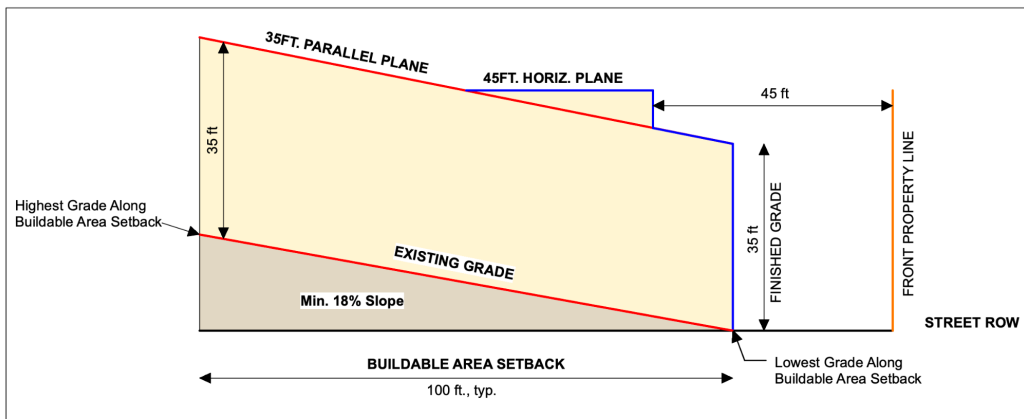
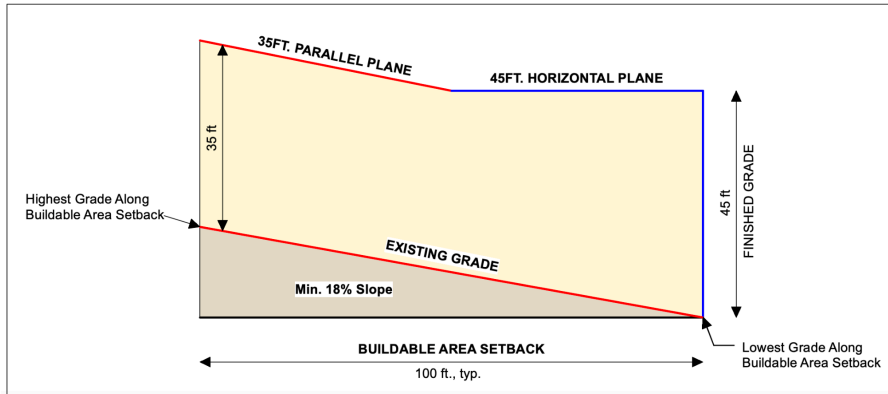


We took the opportunity to again reexamine our current code, as well as dig into our recommendations further. Since current code uses topo height(ft) to determine a reference datum, which doesn't always indicate a steeply sloping lot, we considered using maximum slope(%), measuring rise over run of the entire buildable area, to more accurately represent the true character of the property. From there we looked at other cities to find a % that was often used to distinguish “steeply sloping” in their codes, which we found to be between anywhere from 15-25%.

In order to compare, we made the following assumptions:

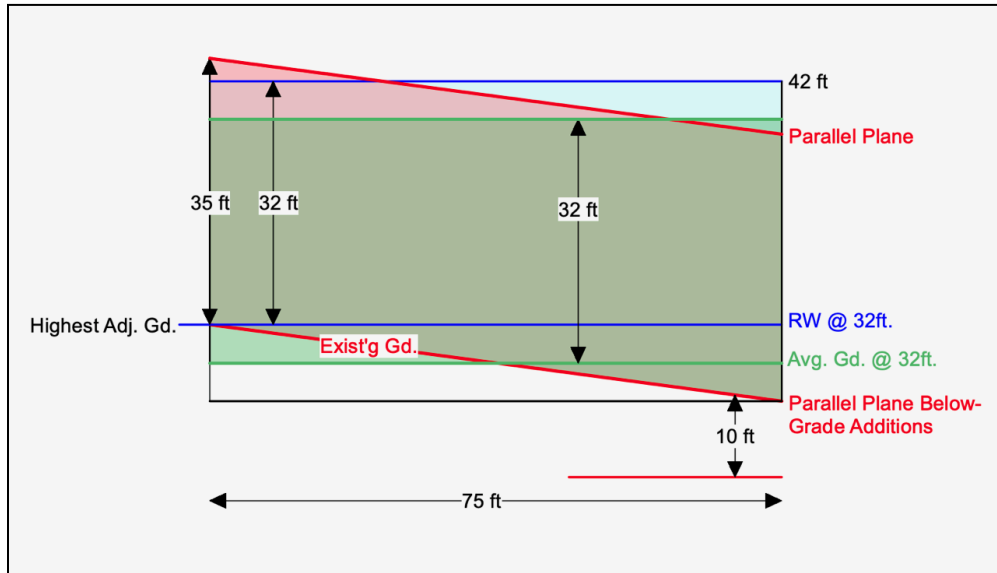
1. average lots in RW are roughly 100' x 150', assume about 75'-100' of buildable area along the setbacks;
2. by observation, a number of RW properties with 10' of slope do not appear “steep”, which is roughly 13% slope (10/75).
3. 20% was the most common number in use, which is equivalent to about 15' of change. We rounded down to 18% to be more lenient, which is about 13.5'.

We presented this option in our next meeting with the following graphics:



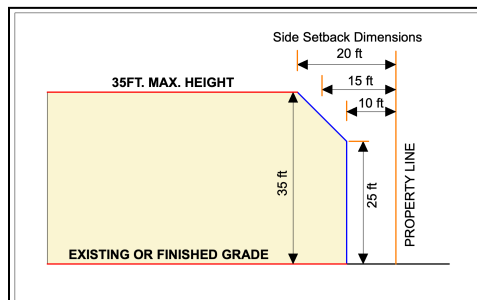
The public response in that meeting was to quickly reject these options entirely.

A few people throughout the process have been very vocal about their concerns for non-conformance and people not being able to build their current homes if the rules were to change. Therefore, lowering the max height was a non-starter, as a very high percentage of RW homes would then be “non-conforming”. However, these same few have ironically suggested lowering building height as a solution, using either our current code (RW in blue) or Average Grade (green), rather than Parallel Plane (red). Parallel Plane is the only method that lops off the top of intentionally tall structures, but allows the same amount of height when building below existing grade when not facing the front, and does not create “non-conformance”. Parallel Plane also limits flat roof structures from looming, providing more leniency for sloping roofs.



TENTING

The graphic above does not address tenting recommendations, which have not changed since being presented to council in April 2024. The dimensions are consistent with Austin, while attempting to simplify their rules, and are consistent with many new builds in RW. The survey indicated tenting was an acceptable tool to mitigate impacts along the setbacks, without necessarily changing the setback dimensions themselves. Another recommendation from recent public input is to keep 35ft. maximum along the setbacks - we do not recommend this approach.



SURVEY COMMENTS FROM 2021 RESIDENTIAL STRIKE FORCE

COMMENTS PERTAINING TO NEW CONSTRUCTION AND CODE-RELATED ISSUES

Q3 What do you dislike the most about Rollingwood? What would you like to see changed as you consider the future of the city?

(One comment per resident response)

All the new big houses that cut down every single tree on the lot

I dislike the McMansion trend occurring

It just seems like the smaller homes are disappearing and the larger lots are getting covered up by the much larger homes that are replacing the homes being torn down.

Nothing needs to change.

Too many homes built too close together (not maintaining large lots)

Development rules that incentivize larger buildings

More house, less green is the way the city is headed.

McMansions with poor aesthetics built by builders who lack aesthetic design.

Would prefer to maintain some of the older character of the city.

More green space in ratio to house footprint

Unanticipated side effects of our building ordinances, enforcement, or lack of ordinances

Houses that are too big for the lot - losing that open, green space

Really dislike all of the McMansions going in -- the huge houses that take up the entire lot with little to no yard. I think the houses are too big for the lots, and they are changing the look and feel of our neighborhood. I saw this happen in my childhood neighborhood in Dallas and the end result is not appealing. It will cause RW to lose its charm. We will just be one large house after another with no space! I would love to see the rules around building changed to keep this from happening more than it already has.

Influx of gaudy McMansions

Some of the houses - new and old - are ugly. We can't do much about the ones that are there - but someone should keep an eye on the new designs. Intrusive decks / viewing platforms on top of people's houses, huge-looking houses on small plots, ugly houses. I like new architecture, I like old architecture, I don't like 'ugly on purpose' architecture, which is the only word for some of the houses.

I dislike the clear cutting of trees from lots

These huge homes are dwarfing the older original ranch properties. They block natural light to the houses near them and too many outdoor lights interrupt the dark sky and produce illumination pollution.

I would like to see building codes that are enforced and reduced the maximum size of homes on a lot.

I dislike the Huge homes being built. I feel that there should be a Build envelope established for Rollingwood to protect the trees. Tiny Ranch style home are being knocked down and replaced with Huge homes which destroy the canopy of trees, it also destroys the quaintness of the neighborhood. It's getting out of control and if something isn't done now we will destroy what has attracts people to this neighborhood, which are the old established tree lined streets. Some of the homes are extraordinarily large and I don't think this is necessary.

Rampant construction of zero-lot line mega mansions

Homes that look like office buildings. Builders have built really ugly homes in recent years.

Slow down mammoth homes

The over cutting of mature, stunning and shady trees for large homes is sad.

Developers taking over our city

Dislike how the high dollar new builds are affecting the property tax of the older homes

More affordable housing.

I really do not like all of the new "McMansion" building and all of the new rules that are being put in place.

The huge houses that are being built lot line to lot line. The trees are one of our greatest assets but they are not being protected enough.

The increasing move to very large homes where the trees are removed and the lot is somehow flattened at the expense of our drainage, privacy and sense of space. Put limits in place to protect the existing homes from out of control development.

I most dislike that there is no tree ordinance, and developers are allowed to purchase a home and clear-cut the lot, eliminating ALL of the historic oak trees. Trees are an important part of the ecosystem, pulling CO2 out of the air, providing homes to all types of birds and critters. I also dislike that the zoning laws (apparently) have extremely modest set-back requirements.

I dislike most that people are starting to want to change things and make our city more like Northwest Hills in Austin.

Dislike seeing homes built from setback line to setback line with tree removal, but very little tree replacement. Too many folks moving to RW that want variances to build even larger homes that encroach into the setbacks. Dislike the homes that have managed to squeeze in a fourth story. Height restrictions are too generous.

That the new houses take up most of the lots so there is no little impervious cover.

Less tearing down of good houses.

Do not like seeing all of the new construction of homes with no character.

Homes that are too big for the size of the lot

I dislike the outlandish and unfavorable building

Drainage concerns and the cave in to builders of new and larger homes.

So much construction all the time - so much traffic related to construction - trucks flying through and parking every where.

Limit size of new construction relative to lot size.

I feel there should be architectural standards for new homes. Two on my street have zero lot lines and one looks like a dental office the other like a bank

Super sized homes and entitled people.

Random growth without consideration for environmental impacts such as storm water management

The amount of ongoing and ever changing construction traffic and noise is a problem.

Radical changes to its character.

Current "extreme gentrification" going on leading to a homogenous very high economic status of residents.

I dislike the new McMansions that clear cut trees.

Current rules and regs that are not enforced.

Rollingwood is amazing.

SURVEY COMMENTS FROM 2021 RESIDENTIAL STRIKE FORCE

COMMENTS PERTAINING TO NEW CONSTRUCTION AND CODE-RELATED ISSUES

Q3 What do you dislike the most about Rollingwood? What would you like to see changed as you consider the future of the city? CONT'D

(One comment per resident response)

The building of lot line to lot line white monster houses that are being built on spec as large as possible with no care for their neighbors. Want to make sure we are building community trust and respect.

The idea that a developer appears to have shown little to no respect for the residents of Rollingwood and how their development would impact the lives of the people who live on Timberline.

New houses that are way too big for their lot size. They literally dwarf houses next to them. We are turning this beautiful city into a McMansionville - ugly.

The building code is crap. You terrorize residents with last minute bullshit requirements when they are trying to build their homes

The size of the new houses - they are more ridiculous by the day. The envelope Austin uses seems like a good way to manage that

The mega mansions. There should be a limit on size. They ruin the peaceful setting of the neighborhood.

Dislike the 6 million dollar white stucco homes

Too many large homes being built with too much impervious cover

Mega home compounds

I do not like the giant homes and rising taxes.

Vacant and abandoned lots.

I think there are things we can change and make the city better to make the money we're paying for our lots more valuable without there being so much resistance

Now as one of the "older" residents I find myself shaking my finger the new houses that are messing up our drainage and cutting down our trees

Maxed out impervious cover is contributing to loss of the charm

Also, there seems to be a disregard for livability as houses are allowed to max out lot sizes for tax or other reasons. It impacts the character of our community.

The unceasing construction of new mega homes. Particularly those that push their structures to the property limits

New houses are enormous.

Some of the new builds are eating up the green spaces and feel like homes that need about a acre more of lot to be proportionate

The emphasis on larger homes, the lack of preservation of trees

I hate the way new buyers are coming in and building something they want, rather than a home hat fits the neighborhood

Huge big box homes and the construction that lingers for an inordinate amount of time.

Houses that are simply oversized - even for these lots. The unnecessary excess is causing awful construction with its traffic. The character of this lovely city is going away with each look-alike mansion so I believe limits on house size and height would be wise.

That most of the homes will be huge without lawns, they appear like blocks without lawns for kids to play on

We really dislike that the city allows 3 story houses. We would love to see the Rollingwood have two story houses only to preserve the architecture quality and design that this neighborhood is known for. Its unattractive to have houses building higher and higher for downtown views.

dislike: the size of the homes being built that cover the largest percentage of the lot and the loss of trees that come with these structures. The residents must have the strongest voice in the decisions made

I would like to see movement regarding land use, specifically regulations on ADUs.

Larger homes are building into setbacks so we have less and less green space

I dislike the trend toward homes which occupy every available inch of their lots, replacing trees with concrete and greatly increasing impervious cover.

Houses taking up most of the lots

The lack of thoughtful development (all of the houses being scraped and replaced with huge houses)

Too much building going on.

Construction. I'm so tired of the construction.

HUGE houses TOO MUCH STUCCO. It's not really masonry.

Overdevelopment of ridiculously large homes.

I wish the new houses would not use up the entire lot with building, so more green space and trees would be present.

6000sq ft white stucco houses with white trim. The repeal or amendment to the masonry ordinance was a mistake.

Bigger houses aren't improving things!

More zoning restrictions - some of the houses are too big for their lots. The houses stretch from one fence to the other

Too large houses being built taking up as much property as possible, ie going to the setback on all property lines, front, back and side and taking down too many trees.

Limit the removal of older heritage homes.

Sometimes it can feel like "us versus them," with a pro-development versus a pro- neighborhood side. I would like to see more effort made to have all decisions made be community focused and citizen centered.

The traffic, noise, and mess that are caused by the nonstop construction of unnecessarily large homes.

Big houses being built with very little yard.

Don't have any notable dislikes

I dislike the anger and bitterness expressed by a minority or residents that are resistant to change.

The noise of all the construction. Hope leaders will consider reducing allowed construction hours and not start before 8 and not on weekends

The amount of ongoing and ever changing construction traffic and noise is a problem.

Permit process, would like for it to be more transparent and fluid.

We are the most highly educated and privileged people on the planet. The fact that we allow 10,000 square foot houses to flood neighbors and threaten the Edwards aquifer(drinking water source for 2million people is selfish. Indefensible. We need impervious cover restrictions.

Height & Imposing Wall Toolkit

A comprehensive review of 118 municipal height-restriction ordinances across the United States demonstrates that there are many options for the City Council to consider when determining whether, and if so how, to alter Rollingwood’s height-restriction ordinance. The purpose of this “toolkit” is to provide policymakers on the Planning & Zoning Commission and City Council with the options available to them in taking on this task. Accompanying this toolkit is a spreadsheet providing summaries of the height ordinances of the 118 municipalities.

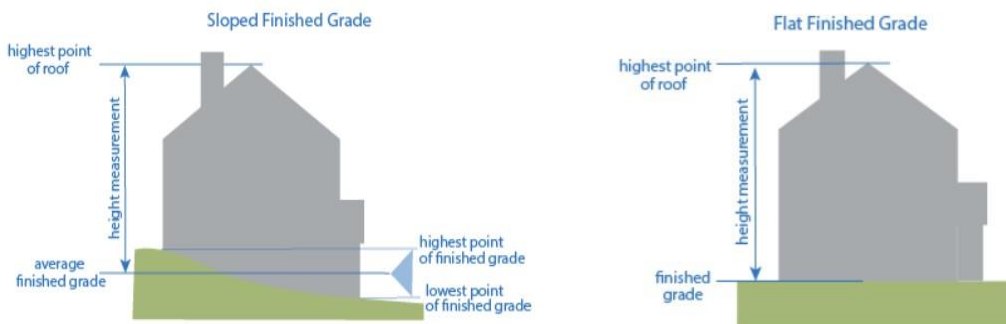
1. Direct Height Restriction Options

The primary tool for regulating residential building heights are direct height restrictions. The overwhelming majority of cities in the United States set their maximum height at 35’. The question, though, is *35 feet from where?* Cities have generally answered that question in three different ways: (1) by defining the measuring point from which height is measured by a single fixed point on a lot; (2) by defining more than one measuring point on a lot; and (3) by defining an infinite set of measuring points on a lot. Option one presents the simplest and easiest to measure and enforce; option two is slightly more complex; option three is the most complex.

A. Fixed Point Options

Fixed-point height ordinances set their reference point as a single point on a lot. This is the easiest to enforce and understand. The location of the fixed point varies depending on a city’s particular ordinance.

The overwhelming majority of American cities use a single fixed-point measurement set to the **average** elevation of the building footprint, which takes into account a lot’s topography mathematically. Charlottesville, VA, for example, defines “height” as “the vertical distance measured perpendicularly from grade to the highest point on such building or structure. Grade means, with reference to a building or structure: the average level of the ground adjacent to the exterior walls of the building.” More examples include Estes Park, CO, Spokane, WA, Sunset Valley and Boerne, TX, Anchorage, AK, Tulsa, OK, Fort Collins, CO, St. Paul, MN, Branson, MO, and Nashville, TN. Bentonville, AR, illustrates its average measurement this way:



Other options for single fixed-point height ordinances include:

- Setting the reference point to the **highest** or highest average elevation of the building area. Examples include Stowe, VT, Lago Vista, TX, Lakeway, TX, New Braunfels, TX, and Hot Springs, AR.
- Setting the reference point to the elevation at the **curb** or **front wall** of the building. Examples include Eureka Springs, AR, Knoxville, TN, Louisville, KY, Boston, MA, Overland Park, KS, and Fort Worth, TX.
- Setting the reference point to the **lowest** or lowest average elevation of the building area. Examples include Abilene, TX and Santa Clara, CA.
- Setting the reference point at the **center** of the building. Examples include Chapel Hill, NC and Little Rock, AR.

Rollingwood's height ordinance is currently a single fixed-point measuring system of one of two options: (1) for lots with less than 10' of slope in the building area, the maximum height is measured from the highest point of natural grade within the building area; or (2) for lots with more than 10' of slope in the building area, the maximum height is measured from ten feet above the lowest point of natural grade within the building area. This means that for lots less than 10' in slope, the maximum height will be set at 35' above the **highest** portion of the building area in a horizontal plane across the entirety of the lot. For lots with more than 10' of slope, the maximum height will be set at 45' above the **lowest** portion of the lot.

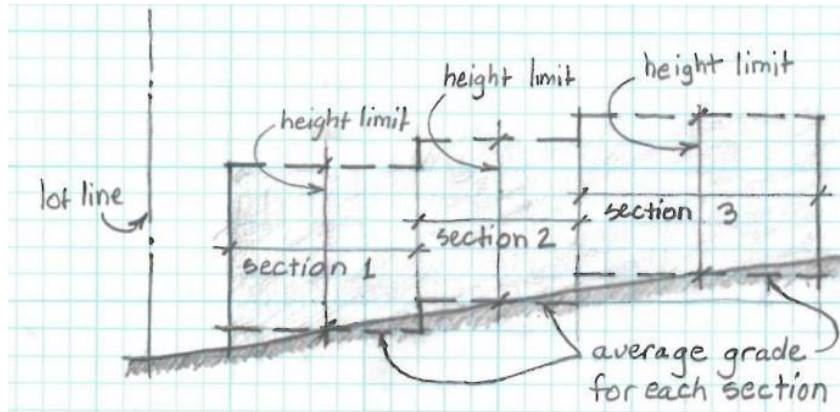
This measuring system does two things. First, it establishes where the base of the house will sit on the lot (assuming the homeowner builds to the 35' height limit). For a lot with a less than 10' slope, the base of the house will roughly sit at the top of the hill. For a lot with more than 10' slope, the base of the house will move downward to roughly sit 10' above the bottom of the hill.

Second, it provides a slope adjustment on a sliding scale. Lots with no change in elevation in the building area do not get any slope adjustment. For lots with 5' of slope in the building area, there is a 5' slope adjustment. For lots with 9' of slope in the building area, there is a 9' slope adjustment. Importantly, this adjustment only permits additional height *beneath* the measuring point. **At no point is a home permitted to exceed 35' above the highest natural grade of the building area.** (Note: this last fact was not always true. A prior version of the ordinance, recently amended by Council, in some circumstances permitted additional "bonus" height to be added *above* the highest natural grade of the building area.)

The moment the buildable area hits 10' of slope, the sliding scale stops and can produce no additional feet of slope adjustment regardless of how steep a lot's slope is. The measuring point, however, shifts to 10' above the bottom of the hill. Those 10' define the available slope adjustment for steeply sloped lots.

B. Multi-Point Options

A few cities have employed a multi-point method in which a building is divided into **segments**, and each segment has its own height limit—typically based on average elevation of the segment. This creates a “terraced” look while also taking into account topography. Cities that use multi-point methods include Fredericksburg, TX, Albuquerque, NM, Colorado Springs, CO and, for sloped lots, Burlington, VT. Raleigh, NC and Seattle, WA give the homeowner the option to select between using the lot-average method or the segment-average method. In Seattle, if the owner chooses the segment-average method, the “maximum height for each section of the structure is measured from the average grade level for that section of the structure, which is calculated as the average elevation of existing lot grades at the midpoints of the two opposing exterior sides of the rectangle for each section of the structure.” Seattle illustrated its method in this diagram:



C. Infinite-Point Option (Parallel Plane)

Another option used by a very small minority of municipalities is an infinite-point height-restriction method, which, as described, independently measures the maximum height at every location within the building area. This method is sometimes called the “**parallel plane**” method because it involves two parallel planes: (1) the natural slope of the lot; and (2) an imaginary plane rising a set number of feet above the natural slope of the lot. The home must be built between the two planes.

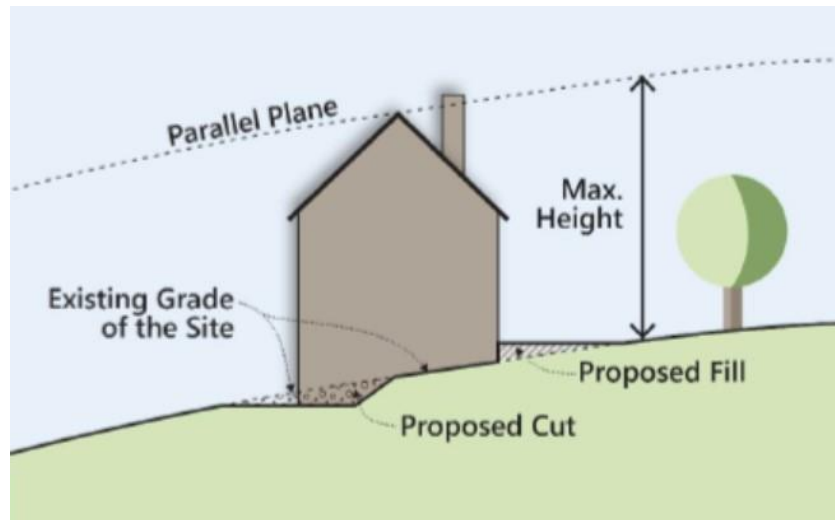
The parallel-plane method has two significant drawbacks. First, the method significantly reduces the buildable area of sloped lots (because one cannot build a sloped floor). As such, it is the most restrictive option for measuring building height. A current member of the CRCRC noted this drawback of the parallel-plane method:

*“Just talking to an architect friend of mine [who] was saying that ... I’m not sure people really understood how restrictive that is, and that **it would be very difficult to build houses on sloped lots.**”*

Second, the method seems to get very complicated, very quickly—as evidenced by cities that have adopted complex and sometimes confounding parallel-plane ordinances. The language is often dense and difficult to understand, and it seems extremely unlikely to be strictly enforced as that would require a building official to be able to accurately determine, after concrete is poured and a home built, how high every inch of the rooftop is relative to the natural grade immediately beneath it. The question ought to be asked to our building official: *how would you determine, once a house is built, whether a particular portion in the middle of a home conforms to the parallel plane?*

Because the parallel-plane method mathematically reduces buildable volume on sloped lots, cities that use the method ordinarily include adjustments for sloped lots. Oakland, CA, provides additional height to sloped lots depending on the particular lot’s slope. Laguna Beach, CA gives 5 additional feet depending on the lot’s slope. Marin County, CA, gives up to 10 additional feet depending on setbacks.

Cities that have adopted the parallel-plane method include West Lake Hills, TX, Laguna Beach, CA, and Oakland, CA. Temple City, CA illustrates the parallel-plane in this diagram:



D. Hybrid/Mixed Options

Unsurprisingly, there are some height-restriction ordinances that do not fall neatly into a single category, but are nonetheless worth understanding and considering.

For example, Honolulu, HI’s ordinance incorporates both the high-point method and the parallel-plane method. A high-point horizontal plane is set at an elevation of 25’ above at the highest point of a boundary of the buildable area. A second plane, the “parallel plane,” is set at 30’ above grade at all locations. If the planes ever cross, the parallel plane governs. If not, the high-point plane governs.

Denver, CO has its own approach. Generally speaking, it creates two independent “base” planes—one providing the height limit to the front portion of the lot and a second providing the height limit for the back portion of the lot. Each is, loosely speaking, based on averaging.

Asheville, NC is another unique approach. Generally, Asheville’s height limit is set at 40’ above the average grade. For sloped lots on mountainsides, however, Asheville lowers the uphill facade to 30’. However, it raises its height limits on sloped lots significantly (in fact, above 40’) if the homeowner uses paint with a low light-reflectivity value or grants a vegetative easement on the downhill side.

Some cities differentiate between lots that slope downhill from the street and lots that slope uphill from the street. San Francisco, CA, for example, provides that for lots sloping away from the street, the measuring point is at the curb at the centerline of the house for the first 100’ deep. For lots sloping upward away from the street, the measuring point is at the curb at the centerline of the house for 10’, but steps upward based on a formula.

2. Additional Height Regulation & Softening Tools

A. Number of Feet

The simplest lever to “pull” when determining height restrictions is the numerical height. The overwhelming majority of communities in the United States use a 35’ maximum height. Some cities are more and a few are less. But, **generally speaking, a 35’ maximum height is the standard maximum height across the entirety of the United States.** Rollingwood’s current code sets the height limit at the standard 35’ height limit.

B. Number of Stories

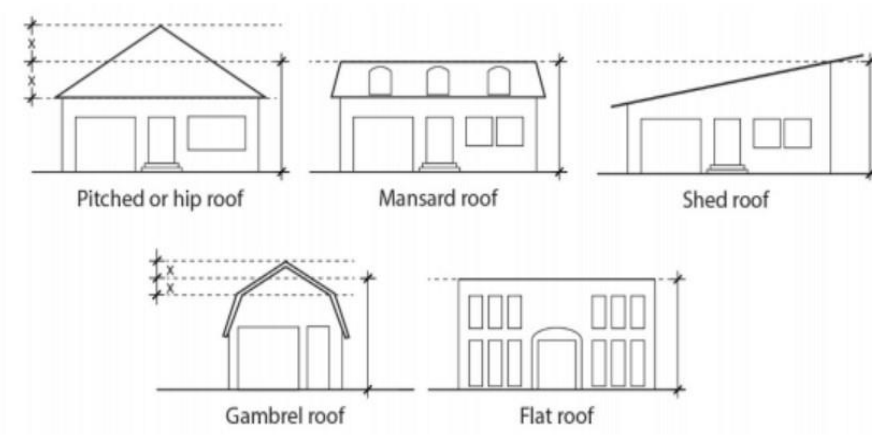
A very large number of cities have a second height limit tied to the maximum number of stories a home can be built. The typical maximum-stories limitation is 2.5 stories. Rollingwood’s current code does not include a maximum number of stories.

C. Roof Differentiation

A third easy lever to “pull” is differentiating between types of roofs. Many cities treat all roofing styles the same such that the maximum height is measured from grade level to the top portion of any style roof.

The majority, however, treat pitched roofs more favorably than flat roofs (because homes with flat roofs are far more bulky than homes with pitched roofs). Some provide two different maximum-height numbers—one for pitched roofs and one for flat roofs. Culver City, CA, for example, has a height limit of 26’ for flat roofs and 30’ for pitched roofs. Most cities that differentiate between roof style provide that the maximum height is measured to either the top of

a flat roof or the midpoint of a pitched roof. Portland, OR, illustrates its differentiation this way:



Rollingwood’s ordinance is in the minority in not differentiating based on roof style. Differentiating between pitched and flat roofs would discourage flat roof designs and encourage less “bulky” home designs.

D. Wall Articulation

Another important and likely non-controversial option for reducing the “imposing” and harsh nature of exterior walls is to require that flat walls be broken up architecturally. This can either be done as a requirement for any exterior wall (like Las Vegas, NV) or it can be done in the form of “bonus” height for walls that are articulated (like Sedona, AZ).

Documents from the March 18, 2024 meeting of the CRCRC include a recommendation to implement side-wall articulation requirements:

SIDE-WALL ARTICULATION - FINAL

If a side-wall of a building is more than **15 ft. high**, the sidewall may not extend in an unbroken plane for more than **40 ft. in length** (CoA is 36ft) along a side lot line without a sidewall articulation that meets the requirements of this section. (Or, every 50 ft. of a first floor wall that is 18 ft. tall or greater.)

A. To break the plane, a sidewall articulation must:

- be perpendicular to the side property line, at least **3 ft. deep** (CoA is 4ft.), and extend along the side property line for at least **10 ft.**; *Include graphic*
- extend the entire height of the first floor of an addition to, or remodel of, an existing one-story building; flat decks and patios are not permissible;
- extend the entire height of the second story of an addition to, or remodel of, a two or more story building.

B. Alternate means of articulation within the same 15 ft. x 40 ft. plane, may include, but are not limited to:

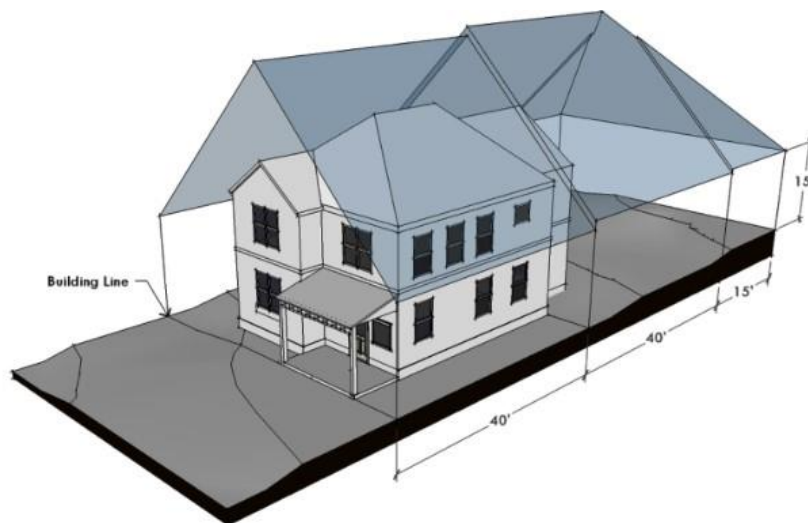
- clear change in building materials for a minimum of 10ft., horizontal and vertical;
- windows that are recessed at least 6 in. as measured from face of veneer to face of glass, and that are a minimum of 30 sq. ft. in area.

Rollingwood’s ordinance does not currently impose wall-articulation requirements.

E. Tenting

Although applied significantly less frequently than other height-restriction tools, employing “bulk planes”--sometimes called “setback planes” or “tenting”--is a way to reduce the “bulk” of buildings by cutting out (in three dimensions) the corners of a lot’s 3D building “envelope.” Cities that have imposed bulk-plane restrictions include Austin, TX, Chapel Hill, NC, and Salt Lake City, UT. Bulk planes, like the parallel-plane method, can get complicated quickly--especially as applied to sloping lots (because the bulk planes too will rise and fall with the slope of the lot).

Austin’s ordinance imposes both side and rear bulk planes in Zoning Code Subchapter F, Section 2-6. The bulk planes effectively remove, from the buildable envelope, a “tent” on top of the structure. Austin’s ordinance includes a diagram of the 3D bulk-plane regulation:



Rollingwood’s code does not currently impose a bulk plane or “tenting” requirement. There is a legal question concerning whether a municipality that is not a home-rule city may impose bulk planes. See Tex. Local Gov’t Code Sec. 211.003 (authorizing only home-rule cities to “regulate the bulk of buildings”). Given the complexity of the “parallel plane” method and how it is often prescribed as providing a 3D envelope between two “planes,” its legality too might be questioned under the Local Government Code.

F. Grade

A direct height-restriction ordinance such as a fixed-point, multi-point, or “parallel plane” limitation inevitably must provide the point or series of points from which the distance to the top of the structure is measured. Some cities tie the measuring point to a point on the natural ground of the buildable area; others tie the measuring point to the finished grade of a building. Tying the measuring point to the natural ground will typically lower the height of a building, as foundations generally sit on top of the natural ground.

Rollingwood’s current code defines the grade to which height is pinned as the “original native ground.”

3. Equity and Exceptions

A. Slope Adjustments

The impacts of height restrictions on flat lots are easy to understand. Where ground is flat (or effectively flat), imposing a 35’ limit measured by the distance between natural ground and a rooftop is simple and predictable: the homeowner gets 35’, no more and no less, and everyone gets to build his or her home within the same buildable envelope. Everything is fair.

The same is not true once slope is factored in. Because one cannot build a slanted floor, a strict 35’ limit on a sloped lot measurably reduces the buildable envelope on the lot—leaving portions of the envelope unbuildable. In this way, a height-restriction tool that may work for all flat lots may work poorly, and unfairly, on sloped lots.

No doubt because of this, **nearly every municipality in America incorporates some form of adjustment for slope into its height-limit ordinance.**

Some height-restriction ordinances adjust for slope automatically. For example, the most typical form of height-restriction ordinance—the single fixed measuring point based on “average” lot elevation—mathematically and automatically provides an adjustment for sloped lots. If a lot slopes an average of 6 feet, for example, the measuring point will be placed at the midpoint of the elevation change, leaving a 3-foot height adjustment. The mathematical calculation of averaging also serves to limit the slope adjustment. A multi-point height-restriction based on the average of each segment would perform the same mathematical calculation for each segment, providing an automatic slope adjustment (and an automatic limitation of the slope adjustment) as to each segment.

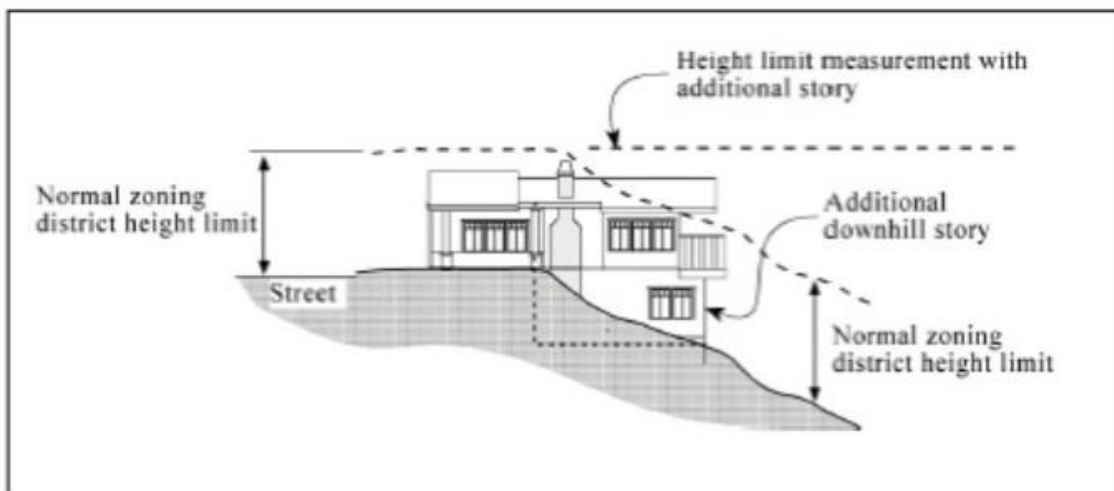
Likewise, a height ordinance that places the measuring point at the highest elevation on a lot automatically provides an adjustment for sloped lots. If a lot slopes 6 feet, the measuring point will be placed at the top of the slope, leaving a 6-foot height adjustment beneath the measuring point. A “highest” elevation measuring point does not automatically limit the slope adjustment. As a result, a large number of communities with “highest” elevation measuring

points also limit the number of stories a building can have—typically 2.5 or 3 stories, maximum. Madison, WI limits the automatic slope adjustment to 15% greater than the defined numeric maximum height. Rollingwood’s current ordinance limits the height adjustment to one foot for each foot of lot slope up to 10 feet.

Because the “parallel plane” method significantly reduces the buildable envelope for sloped lots (but has no impact on flat lots), the majority of the relatively small number of American cities that employ the method also incorporate some form of adjustment for sloped lots. For example:

- Laguna Beach, CA imposes a parallel-plane method with up to 5’ feet of slope adjustment, excludes full basements from the maximum-height calculation, and incorporates an express special exception;
- Los Angeles, CA imposes a parallel-plane method in some areas of the City but increases the height limit 5 to 6 feet for lots with greater than 25% slope;
- Oakland, CA imposes a parallel-plane method but increases the height for sloped lots by 6, 8, or 10 feet depending on slope;
- Salt Lake City, UT imposes a parallel-plane method with a mathematical formula to calculate the slope adjustment: the downhill exterior wall height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building;
- Sedona, AZ imposes a complicated method that includes a parallel plane but adds 5 feet for pitched roofs and adds another 5 feet for wall articulation and light-reflectance mitigation; and
- Tacoma, WA imposes a parallel-plane method on its view-sensitive district but increases the height limit on the downhill side of the slope at the rate of one foot for each 6 percent of slope.

Chico, CA imposes the parallel-plane method but allows for the building of an entire additional story on the downside of a qualifying sloped lot as illustrated in its zoning code in this diagram:



B. Exceptions for Walls Facing Non-Residential Areas

Another potential exception is for those walls that do not face other residential buildings given that height regulations on walls facing non-residential areas do not present the same problems as those facing other homes. Maple Ridge, British Columbia, for example, has a bulk-plane (“tenting”) ordinance that excludes from regulation those walls facing dedicated parkland.

C. Screening/Greenbelt Easements

Finally, an option for mitigating the impact of residential building walls on downhill neighbors is to require—or reward—vegetative buffers or easements. Asheville, NC’s hillside building-height rules provide significant slope adjustments for property owners that grant the City a vegetative easement on the downslope side of a hill.

City & State	Max. Height	Primary Type of Height Restriction	Secondary Height Restrictions (If Any)	Slope Adjustment (If Any)	Sloped Roof Adjustment (If Any)	Sources	Additional Notes/Context
Abilene, TX	35	Fixed Point (Lowest): The height shall be measured from the highest parapet or roof ridge to natural grade or finish grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.				Measurement: 2.5.1.2 Height: Table 2-2	
Albuquerque, NM	26	Fixed (Average) or Multi-Point (Average Terraced): The vertical distance above the average finished grade, unless specified otherwise in this IDO, at each façade of the building, considered separately, to the top of the coping or parapet on a flat roof, whichever is higher; to the deck line of a mansard roof; or to the average height between the plate and the ridge of a hip, gable, shed, or gambrel roof. On a stepped or sloped project site, the maximum height is to be measured above average finished grade of any distinct segment of the building that constitutes at least 10 percent of the gross floor area of the building, unless specified otherwise in this IDO.		Yes. Inherent in height measure.	Yes. Measured to midpoint of highest roof surface.	Height: Part 14-16-2 Measurement: Part 14-16-7	
Anchorage, AK	30	Fixed Point (Average w/ downslope adjustment): Building height for most building types shall be measured as the vertical distance from grade plane to the midpoint (median height) of the highest roof surface. The grade plane for determination of structure height shall be the average of existing or finished grade, whichever is lower, abutting the structure at exterior walls. Where the grade slopes away from the exterior walls, the grade plane shall be established by the lowest points within the area between the building and the lot line, or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.		Yes. Inherent in average fixed point.	Yes. Measured to midpoint of highest roof surface.	Height: TABLE 21.06-1 Measurement: 21.06.030 Drawings: https://mcclibrary.blob.core.usgovcloudapi.net/codecontent/12717/45474/7/21-06-030GradePlane.png	

Arcadia, CA	30-35	<p>Less than 20% grade: Fixed Point (Average): Structure height shall be measured from the average level of the highest and lowest existing grade elevation points of that portion of the site covered by the building, to the highest portion of the roof.</p> <p>More than 20% grade: Parallel Plane: For lots with an average slope of 20 percent or greater, structure height shall be measured from the adjacent existing grade to the topmost point of the roof . The maximum allowable height shall be measured as the vertical distance from the existing grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade.</p>	2 Stories	Yes for less than 20% slope; no for more than 20% slope.		<p>Height: 30 for Residential; up to 35 for mountain residential (Table 2-2)</p> <p>Measurement: 9103.01.050</p>	Note: Underground portions not counted (9103.01.020).
Asheville, NC	40	<p>Fixed Point (Fire Access Point): Vertical distance between ceiling of highest occupied floor to primary level of fire department access.</p> <p>Steep-slope (Mountain ridge and side) rules: Max. 30' at uphill facade and 40' at downhill facade on 15%+ mountainside slopes. Roof adjustment for sloped vs. flat roofs. Additional 12' uphill side and 20' downhill side if paint with light reflectivity value of 25% or less on downhill side plus 50' vegetation easement.</p>		Yes for lots sloping downward. Also see definition.	Yes. Max height is measured to ceiling (not roof)	<p>Height: 7-8-2 (SF Low Density)</p> <p>Measurement: 7-2-5 ("Building Height")</p> <p>Steep-Slope: 7-12-4</p>	
Aspen, CO	25	<p>General rule: Parallel Plane: vertical distance from top of building to natural grade w/in interior of building and lower of natural or finished grade at perimeter of building.</p> <p>For central business district with slopes 3 feet or less: Fixed Point: maximum height is measured at highest point of lot extended horizontally across entire lot.</p> <p>For lots with 10% or more slope downward from street, maximum height of building's front facade may extend horizontally for the first 10 feet of the building's depth.</p>		Yes. See height rule.	Yes. Measurement height changes based on pitch of roof.	<p>Max height: 26.710.080</p> <p>General rule: 26.104.100 (definitions); 26.575.020(f) ("Measuring Building Heights")</p> <p>Sloped-lot adjustment: 26.575.020(f)</p> <p>Roof: 26.575.020(f)(2)</p>	

Atlanta, GA	35	Fixed Point (Average Elevation): Building height: The vertical distance from grade to the mean level between the lowest and highest points of the roof of the highest story. The height of a building shall be the average building height based on the measurement of all elevations. The height of a building on each elevation shall be measured from the point of the average finished grade level of each elevation to the mean level between the lowest point on the edge of the eave of said elevation and the highest point of the roof over the highest story facing that same said elevation without regard to any intervening roof peak. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of a building.		Yes. Inherent in average.		Measurement: 16.29.001 Height: 16-03.009	
Augusta, GA	45	Fixed Point (Front Elevation): the vertical distance measured from the level of the established grade at the middle of the front of the building, to the highest point of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.	2.5 stories	Yes if lot slopes downward.	Yes. Adjustment upward for pitched roof.	Measurement: Appx. B, Sec. 2 Height: Appx. B, Sec. 8-6	
Austin, TX	32	Fixed Point (Average Elevation): Vertical distance between roof measurement and average of highest and lowest grades adjacent to the building.	Setback Planes	Yes. Inherent in average. Plus 3 feet for floodplain.	Yes	Height: Sec. 2.2 Setback Planes: Sec. 2-6 Roof & Measurement: Sec. 3.4.1	
Bakersfield, CA	35	Fixed Point or Multi-Point: "Building height" is the vertical distance above grade to the highest point of the coping of a flat roof, to the declline of a mansard roof or to average height of the highest gable of a pitched or hipped roof, whichever is applicable. The height of a stepped or terraced building is the maximum height of any segment of the building. Grade is lowest finished adjacent surface.		Yes. Inherent in measuring method.	Yes. Adjustment upward for pitched roof.	Height: Table 17.10-2 Measurement: 17.04.090	
Baltimore, MD	35	Fixed Point (Front of Building): Height is measured from average elevation of front-facing wall to highest point of flat roof or mean height of pitched roof. Rooftop decks excluded.		Yes if lot slopes downward.	Yes. Adjustment upward for pitched roof.	Measurement: 15-301 Height: 8-401	
Bee Cave, TX	35	Fixed (Average): height is midpoint of highest and lowest grade adjacent to building to highest point of building.		Yes. Inherent in average.	No.	Measurement: 3.4.1(g) Max. height: 3.4.1(g)	
Bellevue, WA	35 (pitched roof) or 30 (flat roof)	Fixed Point (Average): The vertical distance measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or to the ridge of a pitched roof.		Yes. Inherent in average.	Yes. 5 feet higher for pitched roof.	Height: 20.20.010(44) Measurement: 20.50.012	

Bentonville, AR	36	Fixed (Grade or Average): Building height shall be measured as the vertical distance from the elevation of the finished grade level to the highest point of the roof line or parapet wall. For sloped sites, building height is measured as the vertical distance from the elevation of the average of the highest and lowest finished grade level to the highest point of the roof line or parapet wall.		Yes. See height definition.		Height: 401.07(d) Measurement: 401.03(c) Diagram: https://bentonville.municipalcodeonline.com/book?type=ordinances#name=Sec 401.03 Calculations And Measurements
Birmingham, AL	35	Fixed (Average): The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.		Yes. Inherent in average fixed point.	Yes. Measurement to average height of fixed roof.	Measurement: Appx. D, Tit. 1, Art. 4, Sec. 1. Height: Appx. D, Tit. 2, Art. 1, Sec. 3.
Boerne, TX	36	Fixed (Average): height is average elevation of finished grade at front of building to top of building.	2.5 stories max.	Yes. Inherent in average fixed point.	Yes. Measurement to average height of fixed roof.	Height: 3-5 Measurement/Roof: Appendix A (Definitions)
Boston, MA	35	Fixed (Average Front): Building Height (or Height of Building) means the vertical distance from grade to a certain point at the top of the building. grade shall be the average elevation of the ground between the building and: (i) the Lot line, or (ii) a line twenty (20) feet from the building, whichever is nearer; but in no event shall the average elevation of such ground be taken to be more than five (5) feet above or below the average elevation of the ground immediately contiguous to the building.	2.5 stories	Yes. Inherent in fixed point for lots sloping downward	Yes. Measurement to average height of fixed roof.	Height: Article 13, Table B Measurement/Roof: Art. 2-1
Boulder, CO	Varies (see height restriction definitions)	General rule: Fixed Point: 35' maximum distance between uppermost point of structure and measuring point. Measuring point is lowest natural grade within 25' of the lowest portion of the building (lowest point may be off property). Sloped lots rule: Modified Parallel Plane: for lots sloped greater than 20 degrees within buildable area, 25' maximum above natural grade below, provided that no part of building exceed 55 feet above the measuring point of the general rule.		Varies depending on fixed point or parallel plane.		General measurement rule: 9-7-5(b)(1) General max. height: 9-7-1 Sloped lots rule: 9-7-5(b)(2). Drawing: https://boulderrealestatenews.com/wp-content/uploads/2014/05/How-high-can-i-build.jpg

Branson, MO	35	<p>Fixed Point (Average grade): Building height means the vertical distance from the grade to the highest point of the roof. For purposes of this definition, grade shall mean the average of the finished ground level at the center of each wall of a building containing ten percent or more of the combined perimeter length of all walls of the building, measured either ten feet away from the building, or at the property line if the building is less than ten feet from the property line.</p>		Yes. Inherent in average.		<p>Measurement: 94-5 Height: 94-38; 94-39</p>	
Buckeye, AZ	30 or 35	<p>General Rule: Fixed Point (Average): Building Height. The vertical distance of a building as measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the coping or parapet of a flat roof, or to the mean height level between eaves and ridges for gable and hip or gambrel roofs.</p> <p>Sloped (greater than 15%) lots: Parallel Plane With Exceptions: No part of any structure shall penetrate an imaginary plane (the "sloping plane of measurement"), the height of which is 30 feet measured vertically from the highest ridge or parapet of the building to the existing natural grade directly beneath that point. Minor topographic variations may be excluded from those measurements if those areas are less than 25 feet in width. Exposed building walls measured in a vertical plane shall not exceed a height of 30 feet measured from the lowest point of the wall to the top of the wall. In addition, the overall projected height will be measured from the lowest wall improvement attached to the main structure to the highest ridge or parapet, and be limited to 45 feet. Exceptions to the maximum height requirements are allowed for architectural features that are less than ten percent of the entire roof area.</p>		<p>Yes.</p> <p>Inherent in average for less than 15% sloped lots.</p> <p>In addition, for sloped lots: (1) exclude topographic variations less than 25 in width; and (2) exception for up to 10% of roof area.</p>	Yes. Upwards for pitched roof.	<p>Height: TABLE 4.1-1 Measurement: 10.3 Hillside measurement: 5.2.3.</p>	
Burlington, VT	35	<p>Flat Lots: Fixed Point (Street): height is measured from public way where front wall is within 50 feet of street.</p> <p>Sloped Lots: Interval Averages: Building height shall be measured from the average grade along the street-facing façade at intervals of no less than 32-feet or more than 65-feet along the entire length of the street-facing façade(s).</p>		Yes. Inherent in definition.	Yes.	5.2.6	

Cedar Rapids, IA	35	Fixed Point (Average): Height in feet is measured as the vertical distance from the finished grade to the uppermost point of the structure. Finished grade is the final elevation of the average ground level adjoining a building at all exterior walls after development		Yes. Inherent in average fixed point.		Height: 32.02.03 Measurement: 32.04.05	
Chapel Hill, NC	40	Fixed Point (Centerpoint): Maximum Core Height: The core height provides additional allowable height on the interior of a zoning lot based on the horizontal distance measured away from the perimeter setback line of the lot. The allowable core height increases with the distance interior to the lot	Tenting (29 at setbacks; up 1 foot in height for each 2 feet in horizontal distance)	Yes. Inherent in definition.		Height: Table 3.8-1 Measurement: 3.8.2	
Charleston, SC	35	Fixed Point (Curb): The vertical distance measured from the curb line to the highest point on the finished roof, including appurtenant parts and mechanical penthouses, of the structure. Elevator shaft penthouses set back from the side lines of the building a distance equal to the height of such shafts shall be excluded for the purpose of measuring height.	2.5 stories	Yes. Inherent in fixed point for lots sloping downward		Height: Table 3.1 Sec. 54-120 Measurement: 2-020	
Charleston, WV	35	Fixed Point (Average Front): The vertical distance of a building measured from the average grade level at the front line of the building to the highest point of the roof if the roof is flat or mansard, or to the average level between the eaves and the highest point of the roof if the roof is of any other type.	2.5 stories	Yes. Inherent in fixed point for lots sloping downward	Yes. Average level of pitched roof.	https://www.charlestonwv.gov/sites/default/files/documents/2022-01/Zoning%20Ordinance%20Amended%20to%2012-20-21.pdf	
Charlotte, NC	35 or 40	Fixed Point (Average): The vertical distance between the average grade at the base of a structure and the highest part of the structure. The average grade is calculated by adding the lowest point and highest point along the base of the structure and dividing the total by two. Each building elevation along a building line will have an average grade. The average grade along a building line may also be calculated by adding all points, at five-foot intervals, starting at the corner along the base of the building and dividing the total by the number of points.		Yes. Inherent in average fixed point.		Measurement: 2.201 Height: Table 9.205(1)(j)(A)	

Charlottesville, VA	35	Fixed Point (Average): The term "height," when applied to a building or structure shall refer to the vertical distance measured perpendicularly from grade to the highest point on such building or structure. Grade means, with reference to a building or structure: the average level of the ground adjacent to the exterior walls of the building. In a case where walls are parallel to and not more than fifteen (15) feet from a sidewalk, the grade may be measured at the sidewalk.		Yes. Inherent in average fixed point.	Yes. Adjustment upward for pitched roof.	Measurement: 34.1100 Grade: 34.1200 Height: 34.353	
Chattanooga, TN	35+	Fixed Point (Front): the height shall be measured starting from the average finished grade at the front of the building and measured vertically to the highest point of a roof surface of a flat roof, the deck line of a mansard roof or to a point one-half (½) the height of a gable, hip or gambrel roof. No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except that a building may exceed these height regulations provided that for every one (1) foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.	2.5 Stories	Yes. Inherent in fixed point for lots sloping downward	Yes. Adjustment upward for pitched roof.	Measurement: 38.64 Height: 38.44	
Cincinnati, OH	35	Fixed Point (Front): Building height is measured from the established grade in the front of the lot or from the average natural grade at the building line, if higher to the top of the cornice of flat roofs, or to the deck line of a mansard roof, or to the mid-height of the highest gable or dormer in a pitched or hipped roof, or, if there are no gables or dormers, to the mid-height of a pitched or hipped roof.		Yes. Inherent in fixed point for lots sloping downward	Yes. Adjustment upward for pitched roof.	Measurement: 1400-27-H Height: 1403-07	
Cleveland, OH	35-50	Fixed Point (Average): "Building height" means the vertical distance measured from the grade level to the average height of the coping of the street or outside wall for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, gambrel or hip roofs.		Yes. Inherent in average fixed point.	Yes. Adjustment upward for pitched roof.	Measurement: 325.34 Height: 353.01, 353.02	Height can be increased above 35, with height limit rising one foot for each foot away from setbacks, up to 50 feet max.

<p>Colorado Springs, CO</p>	<p>35</p>	<p>Fixed Point (Average or Segment Average): The vertical distance measured from the average finished grade adjoining the building to the highest point of a gable, hipped, or gambrel roof. If a flat roof, height would be measured to the highest point of the building, excluding the parapet. The average elevation of the finished grade adjoining the building shall be the average of the exposed exterior elevations of all major corners of the building. The height of a stepped or terraced building is the average of the highest and lower height of any segment of the building.</p>		<p>Yes. Inherent in average fixed point.</p>	<p>Yes. Adjustment upward for pitched roof.</p>	<p>Measurement: 7.6.204 Height: 7.2.203 Drawings: https://codelibrary.amlegal.com/code/s/coloradospringsco/latest/coloradosprings_co/0-0-0-56026</p>	
<p>Columbia, SC</p>	<p>40</p>	<p>Fixed Point (Average): The height of a building shall be determined by measuring from the average finished ground elevation at the base of the structure to the highest point of the roof of the structure.</p>		<p>Yes. Inherent in average fixed point.</p>		<p>Height: 17-3-2 Measure: 17-9.2</p>	
<p>Columbus, OH</p>	<p>35</p>	<p>Fixed Point (Higher of Curb or Finished Grade at Center): is the perpendicular distance measured in a straight line from the curb level, or from the finished grade line of the lot where such grade is higher than the curb, to the highest point of the roof beams in the case of flat roofs, and to the mean between the point of the gable and the eaves in the case of high pitched roofs, the measurements in all cases to be taken through the center of the facade of the house.</p>		<p>Yes. Inherent in definition.</p>	<p>Yes. Adjustment upward for pitched roof.</p>	<p>Measure: 3303.08 Height: 3332.29</p>	
<p>Culver City, CA</p>	<p>26 (Flat roof) or 30 (pitched roof)</p>	<p>Parallel Plane w/ Average Grade Pad: The maximum allowable height shall be measured as the vertical distance from the existing grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. "Existing Grade" shall be established by the Director, consistent with parcels in the immediate vicinity, and shall not be, nor have been, artificially raised to gain additional building height. When a property is located in a residential zone along a sloping street of 5% or greater elevation of the new building pad construction shall be consistent in rise along the street and shall be the average elevation of the adjoining lots calculated as the sum of the adjoining lot elevations divided by two, unless otherwise prescribed by the Building Official.</p>	<p>2 stories</p>		<p>4 feet higher for pitched roof.</p>	<p>Height: 2-3 Measurement: 17.300.025 Grading: 17.300.045</p>	

Dallas, TX	30	Fixed Point (Average Grade): Height is vertical distance from grade to top of structure. Grade "means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure."		Yes. Inherent in average fixed point.		Height: 51A-4.112 Measure: 51A-2.102
De Moines, IA	42		3 Stories; Maximum 14' per story.			Height: 135-2
Denver, CO	30-35	Fixed Point (Front & Rear Base Planes): Height is measured from two base planes, front and rear portions of lot, based loosely on average grade for each plane.	Tenting	Yes. Inherent in fixed points loosely based on averaging.		Height/Tenting: 3.3.3.3
Dripping Springs, TX	40	Parallel Plane: height is vertical distance between highest point of structure and lower of natural or finished grade at any point.	2.5 stories			Height: 3.3.3 Measurement: 4.3.4.1
El Paso, TX	35	Fixed Point (Average at Curb): "Height of building" means the vertical distance measured from the mean elevation of the top of the street curb, within the lot limits, to the highest point of the structure, exclusive of chimneys, ventilators, air conditioners and ducts, elevator equipment, flagpoles, communication antennas, church spires, belfries, water towers, or other similar vertical projections.		Yes if downward slope.		Measurement: 20.02.156 Height: Table Appendix B.
Estes Park, CO	30	Fixed Point (Average): Height means vertical distance from average finished grade to top of building.		Yes, inherent in average.		Height: Table 4-2 Measurement: 1.9(e) (Rules of Measurement)
Eureka Springs, AR	35	Fixed Point (Street): Height is distance above primary street frontage.	2.5 stories visible from primary street frontage.	Yes. Inherent in fixed point for lots sloping downward.		Height/Measurement: 14.08.010
Fayetteville, AR			3 Stories			Height: 161.06
Fort Collins, CO	28	Fixed Point (Average): building height shall be measured from the average of the finished ground level at the center of all walls of a building or structure to the highest point of the roof surface or structure.		Yes. Inherent in average fixed point.		Height: 4-4
Fort Worth, TX	35	Fixed Point (Curb or Front Average): the height of a building shall be the vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.		Yes. Inherent in fixed point for lots sloping downward.	Yes. Measurement to average height of fixed roof.	Height: 4-702 Measurement: 6.100 Drawing of roof measurement: https://codelibrary.amlegal.com/codes/ftworth/latest/ftworth_tx/0-0-0-38192#JD_App.A6.100

Fredericksburg, TX	28	Fixed (Average by Segment): height is measured from average of highest and lowest grade to highest point of structure. Note: Each defined building "segment" gets its own separate average height measurement.	2.5 stories max.	Yes. Inherent in average fixed point.	Yes. Measurement to average height of fixed roof.	Height: 3.100 (Single Family Residential) Measurement/Roof/Segment: 7.510
Fresno, CA	35	Fixed Point (Average): Building height is measured from the average level of the highest and lowest points where the vertical plane of the exterior walls would touch the natural grade level of the site to the highest point on the roof.		Yes. Inherent in average fixed point.		Measurement: 15-305 Height: TABLE 15-903-2
Grand Rapids, MI	35	Fixed Point (Average at Exterior Walls): When measured in feet, building height shall be measured as the vertical distance from the finished grade adjacent to the structure to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the eave and ridge of the highest roof section for a gable, hip or gambrel roof. When the terrain is sloping, the finished grade shall be the average of the elevation of the ground for each side of the structure, as measured six (6) feet from the exterior walls of the structure. Where specified in stories, building height shall be measured in the number of stories entirely above the finished grade for any elevation fronting on a public street, including habitable attics, half-stories, and at-grade structured parking.	2.5 stories	Yes. Inherent in average fixed point.	Yes. Upwards adjustment for pitched roof.	Measurement: Sec. 5.2.06. Height: Table 5.5.07.A. Drawings: https://mcclibrary.blob.core.usgovcloudapi.net/codecontent/12116/439806/5-2-06.png
Granite Shoals, TX	35	Fixed Point (High Front). Height = means the vertical distance from the highest point of the property to the highest point of the structure. / No building shall exceed two stories in height, and no building shall exceed a maximum of 35 feet in height measured from the highest terrain elevation on the front side of the building.	2 stories	Yes. Inherent in high fixed point.		https://ecode360.com/40172259#40172396
Greensboro, NC	50	Fixed Point (Average): Building height is the vertical distance measured from the average elevation of the finished grade to the topmost section of the highest roof surface of any flat roof or the highest point of the highest pitched roof.	3 stories	Yes. Inherent in average fixed point.		Measurement: 30-7-1.7 Height: Table 7-1, R-3
Harrisburg, PA	36	Fixed Point (Average): The vertical distance from the grade to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof. Grade is average of ground adjacent to exterior walls.		Yes. Inherent in average fixed point.	Yes. Upward adjustment for pitched roof.	Height: 7-307 Attachment 1 Measurement: 1-302

Honolulu, HI	Varies	Hybrid Approach: The maximum height of structures is determined by the building envelope created as the result of the intersection of two planes. The first plane is measured horizontally across the parcel at 25 feet above the high point of the buildable area boundary line. The second plane runs parallel to grade, as described in § 21-4.60(b), measured at a height of 30 feet. If the two planes do not intersect, then the building envelope is determined by the first plane.	Tenting.	Varies		Measurement/Height: 21-3.70-1	
Hot Springs, AR	35	Fixed Point (High Point): Maximum height is 35 feet measured at high side of the lot.	3 stories max.	Yes. Inherent in fixed high point.		Height/Measurement: 16-2-28	
Indianapolis, IN	35-45	Fixed Point (Front): the vertical distance from the grade level abutting the façade measured to the highest point		Yes. Inherent in fixed point for lots sloping downward.		Height: Table 744-201-1 Measurement: 740-202; 740-303	
Jackson, MS	35	Fixed Point (Street): The vertical distance measured from the base point of measurement to the highest point of the parapet or coping of a flat roof, or the deck line of a mansard roof, or one-half the distance between the eave and the ridge line of the highest gable of a pitch or hip roof. When the building is within fifty (50) feet of a street right-of-way, base point of measurement shall be defined as the average elevation of the street crown on that of street occurring between the end lines of the building when projected perpendicular to the street right-of-way. When the building is more than fifty (50) feet from a street right-of-way, base point shall be defined as the average elevation of grade or paving surrounding the building.		Yes. Inherent in fixed point for lots sloping downward.	Yes. Upward adjustment for pitched roof.	Measurement: 202.24 Height: 602.02.03	
Jacksonville, FL	35+	Height of building or building height means the vertical distance from the required finished floor to the peak of the roof or parapet; provided, however that height may be measured from up to three feet above the required finish floor elevation or up to three feet above the existing grade				Height: 656.305 Measurement: 656.1601	Measuring point at grade or one foot above floodplain, whichever is higher.
Kansas City, MO	35+	Fixed Point (Average to Top of Wall): The height of the proposed residential building shall be measured from the average grade at ground level to the top of the main wall below the roofs eave. For buildings with dormers on the front façade, the top of the wall below the eave of the dormer shall be included in the height if the dormer exceeds 50% of the width of the façade.	Stories limited to those of adjacent homes.	Yes. Inherent in average fixed point.		Height: Table 110-2 88-110-07-D	

Knoxville, TN	35	Fixed Point (Front): Maximum building height is measured as the vertical distance from grade at the front building line or, when on the Tennessee River, measured from the elevation of 813 feet above sea level to: a.The top of a flat roof, including structures designed with a decorative mansard roof concealing a flat roof. b.The deck line of a mansard or gambrel roof. c.The midpoint height between the eaves and the ridge in the case of a pitched roof.		Yes. Inherent in high fixed point.	Yes. Upwards adjustment for pitched roof.	Measurement: 2-4 Height: Table 4-2	
La Crosse, WI	35	Fixed Point (Average Front): The vertical distance from the mean elevation of the finished grade along the building line at the front of the building to the highest point of a flat roof, or the deck line of a mansard roof, or to the highest point of a gable, hip, and gambrel roofs.	2.5 stories	Yes. Inherent in average fixed point.		Measurement: Sec. 115-1 Height: Sec. 115-143	
Lago Vista, TX	35	Fixed Point (High): The vertical distance measured from the highest undisturbed natural grade of the applicable lot to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the height of the highest gable of a pitched or hipped roof.		Yes. Inherent in high point.		https://lagovista.municipalcodeonline.com/book?type=ordinances#name=EXHIBIT_A_ZONING_ORDINANCE	Flood plain adjustment: Special consideration may be given to the condition encountered when the highest point in elevation of the building lot is at or below the federally designated 100-year flood level. In an area below the elevation of the 100-year flood level, the first floor elevation will be one (1) foot above the federally designated flood level. In these cases, the maximum roof height of the building may be measured from one (1) foot above the federally designated flood level.

Laguna Beach, CA	25-30 depending on slope	<p>Infinite (Parallel-Plane-like) with Height Adjustments for Slope and Exception by Design Board: "Height, building" means one or more of the following: (a) The vertical distance from any point on the finished roof surface to the finished floor surface of the lowest floor measured directly below or to the natural or finished grade, whichever is more restrictive or lower. If the entire lowest floor, measured from the finished floor surface of the floor above, is located completely below natural or finished grade, whichever is more restrictive, then the building height shall be measured to the top of the finished floor of the next level directly above that subterranean level; (b) For purposes of measuring the height above the front lot line, an applicant may have the option of measuring by one of the following two options: (1) The vertical distance from the curb, street centerline or property line to the highest point of the roof, whichever is the applicable measurement as required under the specific chapters of this title. The elevation of the curb shall be taken on top of the curb at a point created by the intersection of the curb and a line perpendicular to and intersecting the midpoint of the front lot line. In the event, there is no curb, height shall be measured from the centerline of the street to the top of the roof. The elevation of the centerline of the street shall be taken at a point created by the intersection of the centerline and a line perpendicular to and intersecting the midpoint of the front lot line; or (2) At every point along the curb or street center line. (c) For purposes of measuring the height above the rear lot line, the elevation of the rear lot line shall be taken at every point along the rear</p>		<p>Up to 5 additional feet depending on slope of lot. Sec. 25.10.008</p> <p>Full basement is not counted.</p>		<p>Height and slope adjustment: 25.10.008</p> <p>Measurement: 25.08.016</p> <p>Design Board Exception: The above height requirement may be modified by the design review board when it is determined that the unique topography and/or site conditions make such modifications unavoidable and when the proposed development preserves and maintains viewsheds, air, light, privacy, and neighborhood character, minimizes building mass and bulk and, where applicable, is consistent with the City's Design Guidelines for Hillside Development as adopted by Resolution No. 89-104 or as amended thereafter.</p>	
Lakeway, TX	32	Fixed (High Point): Maximum height is 32 feet above the highest natural grade under the slab.		Yes. Inherent in high point.		<p>Rule: 30.03.002(b) (Maximum height)</p> <p>Measurement: 19.18.020</p>	
Las Vegas, NV	35	Fixed (Front): Building height refers to the vertical distance between the average finished grade along the front of a building and either 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.	2 Stories	Yes. Inherent if sloping downward.	Yes. 35' to top of flat roof or mid-point of pitched roof.	<p>Height: 19.06.065</p> <p>Drawings: https://online.encodeplus.com/regs/asvegas-nv/doc-viewer.aspx#secid-374</p>	Facade articulation required

Little Rock, AR	35	Fixed (Center): Distance in central axis of building between elevation of lowest finished floor to high point.		Yes. Inherent in fixed point.	Yes. For flat roof, high point is ceiling of top story. For pitched roof, high point is mean height between eaves and ridge.	Height: 36-253(c) Measurement/Roof: 36-2 ("Building Height")	
Los Angeles, CA	Gen. rule: 45	<p>General Rule: Fixed (Low Point): Height is the vertical distance above grade measured to the highest point of the roof, structure, or the parapet wall, whichever is highest. Grade is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. Hillside Area Grade shall be defined as the Elevation, at the perimeter of a Building or Structure, of the finished or natural surface of the ground, whichever is lower, or the finished surface of the ground established in conformance with a grading plan approved pursuant to a recorded tract or parcel map action.</p> <p>Limited Rule: Some height-limited districts use parallel plane: Envelope height (otherwise known as vertical height or "plumb line" height) shall be the vertical distance from the Hillside Area Grade to a projected plane at the roof Structure or parapet wall located directly above and parallel to the Grade. Measurement of the envelope height shall originate at the adjacent Hillside Area Grade at the exterior walls of a Building or Structure. At no point shall any given section of any part of the proposed Building or Structure exceed the maximum envelope height</p>		Yes for limited-rule height districts with parallel plane: for homes with slopes of 25% or less, height is 28 or 30 (depending on zone). In those same zones, for homes with slopes of greater than 25%, height rises to 33 or 36, respectively (depending on zone).		Measurement: 12.03 Height: 12.21.1 Limited Rule 12.21 (Figure 12.21 C.10.(d)(1)(i))	
Louisville, KY	35	Fixed Point (Average Front): height of principal structures shall be measured from grade at the front and street side of the building or structure to the highest point of the coping of a flat or mansard roof; or to the mean height level between eaves and ridge for gable, hip or gambrel roofs; or to the mean height level between highest and lowest portion of a rooftop parapet wall.		Yes. Inherent in fixed point for lots sloping downward.	Yes. Upward adjustment for pitched roof.	Height: Table 5.2.2 Measurement: 5.1.7J	

Lubbock TX	35	Fixed Point (Average Front or High): The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher; or if no street grade has been established, to the highest point of the roof's surface if a flat surface, to the deck line of mansard roofs, and to the mean height level between eaves and ridges for hip or gable roofs.	2 Stories	Yes. Inherent in fixed point.	Yes. Upward adjustment for pitched roof.	Height: 40.03.210 Measurement: 40.01.003
Macon, GA	35	Fixed Point (Average Front): The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the mean height level between the eaves and ridge for gable, hip, and gambrel roofs, and to the deck line for a mansard roof.		Yes. Inherent in average fixed point for lots sloping downwards.	Yes. Upward adjustment for pitched roof.	Measurement: 1.02 Height: 9.07
Madison, WI	35	Fixed Point (Average With Limit): For principal buildings and structures, height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.	2 Stories	Yes. Inherent in average fixed point, up to 15%.		Height: 28.035 Measurement: 28.134
Marin Co, CA	30 to 40	Parallel Plane With Up to 10-Foot Bonus: Maximum height shall be measured as the vertical distance from grade to an imaginary plane located the allowed number of feet above and parallel to the grade. Dwellings may be increased in height without Variance approval by a maximum of 10 feet when side setbacks of 15 feet or greater are provided.		See height definition.		Measurement: 22.20.060 Height (30): TABLE 2-5 Extra 10: 22.20.060
Milwaukee, WI	45	Fixed Point (Average): Building height shall be measured from finished grade to the highest point of the building. Where a building is located on a sloping lot, the building height shall be the average of the building height on each building elevation, measured at the mid-point of the elevation.		Yes. Inherent in average fixed point.		Height: 295-205

Minneapolis, MN	28-33	Fixed Point (Front): The vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the structure, unless otherwise exempted or defined in this ordinance. Where the roof is the highest point of the structure, height is measured to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eave edge and the ridge level for gable, hip and gambrel roofs.	2.5 stories	Yes. Inherent in fixed point for lots sloping downward.	Yes. Rule is 28 maximum but up to 33 for pitched roof.	Measurement: 565.90 Height: Table 540-7	
Missoula, MT	30 (flat) or 35 (pitched)	Fixed Point (Low): Building height is measured as the vertical distance from the lowest point where the building line meets existing grade to the highest point of the subject building. The highest point of the building is the coping of a flat roof, the top of a mansard roof or shed roof, or the peak of the highest gable of a gambrel or hip roof.			Yes. Inherent in height rule.	Height: Table 20.05-3 Measurement: 20.110.060	
Montgomery, AL	35		2 stories			Article VII, Sec. 2	
Nashville, TN	45	Fixed Point (Average Elevation): Distance between average elevation of four exterior corners to eave or roof deck. If exposed basement no more than 7 feet above finished grade, measure from ceiling of basement.	3-stories max	Yes. Inherent in average fixed point.		Height/Method: 17.12.060	
New Braunfels, TX	35	Fixed Point (Average Elevation): height means vertical distance between average elevation of finished grade surrounding structure to highest point of structure. Average uses midpoints of exterior walls.		Yes. Inherent in average fixed point.		Measurement: 144-1.4 Height: 144.3.4-2	
North Salt Lake, UT	35	Fixed Point (High): Maximum height is distance between measuring point (foundation of highest finished grade) to highest point of building. Buildings on sloped lots may add a basement of up to 10 feet between lowest finished grade and measuring point.		Yes, inherent in fixed point. Max 10 extra feet.		Height: 10-10-3 Measurement: 10-1-25 (includes drawing: https://codelibrary.amlegal.com/codes/northsaltlakeut/latest/northsaltlake_ut/0-0-0-16717	

Oakland, CA	Varies (see height restriction definitions)	<p>Parallel Plane: Vertical distance between top of building to horizontal line at finished grade of perimeter.</p> <p>General Rules: 25 max wall height; 30 maximum pitched roof height. For lots with 20-40% slope: 32 wall height; 36 pitched roof. For lots with 40-60% slope: 34 wall height; 38 pitched roof height. For lots with greater than 60% slope: 36 wall height; 40 pitched roof height.</p>		Yes. See height restriction rule. Upward adjustment for sloped homes.	Yes. Significant height adjustment for pitched roof.	Measurement: 17.09.040 ("height") Heights: 17.15.050 (Property development standards)	
Oklahoma City, OK	35	Fixed (Center Front): The vertical distance from grade to the highest point of coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.	2.5 stories	Yes. Inherent in fixed point for lots sloping downward.	Yes. Height adjustment for pitched roofs.	Measurement: 59-2150 Height: Table 540-7	
Omaha, NE	35	Fixed (Average Adjacent): The vertical distance from the established grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height between eaves and ridge for a gable, hip, shed or gambrel roof. Where a building is located on a slope, height shall be measured from the average grade level adjacent to the building.		Yes. Inherent in fixed point.	Yes. Adjustment for pitched roof.	Measurement: 55-21 Height: Sec. 55-126	
Overland Park, KS	35	Fixed Point (Average Front): the distance shall be from the average ground level at the front of the residence to the highest point of a flat roof, the deck line of a mansard roof, or the average height between the plate and ridge of a gable, hip, shed or gambrel roof.	2.5	Yes. Inherent in fixed point.	Yes. Adjustment for pitched roof.	Height: 18.180.030 Measurement: 18.110.310	
Peoria, IL	35	Fixed Point (Curb): The vertical distance measured, in the case of flat roofs, from the curb level to the level of the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs, from the curb level to the mean height level of the gable. Where no roof beams exist or where there are structures wholly or partly above the roof, the height shall be measured from the curb level to the level of the highest point of the building.		Yes. Inherent in fixed point.	Yes. Adjustment for pitched roof.	Measurement: 10.3 Height: 4.2.4	

Philadelphia, PA	38	Fixed Point (Average): the vertical distance from the average ground level at the base of the structure to the top of the structure, provided, that if height is measured on a gable wall of a building, the top of the building shall be considered to be the midpoint height between the eaves and the ridge.		Yes. Inherent in fixed point.	Yes. Adjustment for pitched roof.	Height: Table 14-701-1 Measurement: 14-202	
Phoenix, AZ	30	Fixed Point (Average): The vertical distance measured from the higher of the natural grade level or the finished grade level established by the Planning and Development Department pursuant to the Floodplain or Grading and Drainage Regulations of the City to the highest level of the roof surface of flat roofs; or to the mean height between eaves and ridge of gable, gambrel, or hip roofs. Grade is average elevation of ground adjoining structure.	2 stories	Yes. Inherent in fixed point.	Yes. Adjustment for pitched roof.	Measurement: Sec. 202 Height: Sec. 609	
Pittsburgh, PA	40	Fixed Point (Average at Front): When measured in feet, building height refers to the vertical distance between the average finished grade along the wall facing the front street yard at the base of the building and: 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.	3 Stories Max.	Yes. Inherent in average.	Yes. Adjustment for pitched roof.	Height: 903.03.A.2 Measurement: 925.07.A	
Portland, OR	30	Fixed Point (high/low): Distance between highest portion of building and reference point. Reference point either (1) lowest grade within 5' of building if lowest grade is not more than 10' below highest grade within 5' of building; or (2) 10' above lowest grade within 5' of building if lowest grade within 5' of building is more than 10' below highest grade within 5' of building. Sloped Lots: If lot slopes downward away from street with 20% or greater slope, height limit is 23' above average grade of the street or fixed point (high/low), whichever is greater and front setback is reduced 5-10'. If lot slopes upward away from street with 20% or greater slope, front setback is reduced 5-10'. Tenting applies to reduced setback areas.		Yes. See primary height restriction.	Yes.	Fixed point, roofs: 33.930.050 (Measuring Height) Sloped Lots Setback Reductions: 33.110.220.D. Sloped Lot Height Adjustments: 33.110.215.D. ("Alternative height limits for steeply sloping lots.") https://www.portland.gov/ppd/residential-infill/measuring-height	

Poulsbo, WA	35	Multi-Point (Segment Average): Building height is the vertical distance measured from the average elevation of the finished grade at an exterior building wall or building segment to the highest point of the building wall or building segment. The overall building height shall be calculated as the average of all building sides. A building segment is when a break in the roof line, change in number of stories, or break in finished grade occurs.		Yes. Inherent in average measurements.	Measurement: 18.150.050 (drawing available) Height: 18.70.050	
Raleigh, NC	40	Fixed or Multi-Point (Average or Segment Average): Building height is measured from average grade to the top of the highest point of a pitched or flat roof, not including a maximum parapet wall encroachment. Building height must be met for the entire building, unless the multiple module height method is used in which case building height must be met for each module. Average grade shall be determined using one of the following methods: a. Single Building Height Method i. Average grade shall be considered to be average post-development grade above sea level along the building elevation most parallel and closest to the primary street setback. b. Multiple Module Height Method i. As an alternative option to the single building height method, measurement of height for a building can be broken down into two or more building modules each with a separate average grade for the purposes of determining the height in feet and number of stories for the individual modules. ii. Average grade for each module shall be considered to be average post-development grade above sea level along the building module elevation most parallel and closest to the primary street setback.	3 stories	Yes. Inherent in averaging.	Measurement: 1.5.7. Averaging method drawings: https://user-2081353526.cld.bz/UnifiedDevelopmentOrdinance/28/	

Reno, NV	35 or 45	<p>General Rule: Fixed Point (High/Low) Terraced: Multi-Point (High of Segment)</p> <p>The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:(1)The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.(2)An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in a. is more than ten feet above lowest grade.(3)The height of a stepped or terraced building is the maximum height of any segment of the building.</p>	2.5 or 3 stories	Yes. Inherent in measure.	Yes. Adjustment for pitched roof.	Height: 18-02-203 and 18-02-204 Measurement: 18.09.207
Richmond, VA	35	Fixed Point (Average): Building, height of, means the vertical distance from mean grade level to the highest point of a flat roof; to the deck line or highest point of the coping of a mansard roof; or to the mean height level between the eaves and the ridge of a gable, hip, shed or gambrel roof.		Yes. Inherent in average.	Yes. Adjustment for pitched roof.	Height: 30-402.7
Roanoke, VA	35					Height: Sec. 36.2-312
Rollingwood, TX	35	Fixed Point (High/Low): Vertical distance between reference datum and highest point of building. Reference datum is (1) elevation of highest adjoining native ground of exterior wall if no more than 10 feet above lowest adjoining native ground; or (2) elevation of 10 feet above lowest adjoining native ground of exterior wall if elevation of highest point is more than 10 feet above lowest adjoining native ground.		Yes. Inherent in measurement. Limited to 10'.	No	Max. height: 107-71 (Maximum permissible height) Building height: 107-3 (Definitions)
Salt Lake City, UT	20 or 28	Parallel Plane With Height Adjustment: the downhill exterior wall height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building.	Tenting to 20 on side setbacks.	Yes: see height restriction.	Yes. 28 for pitched roof. 20 for flat roof.	21A.24.050
San Antonio, TX	35	Fixed Point (Average): The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deckline of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.	2.5	Yes. Inherent in average.	Yes. Upward adjustment for pitched roof.	Measurement: 35-A101

San Francisco, CA	Varies	Varies. For lots sloping away from street, height is measured above curb at centerline of house for first 100' deep. For lots sloping upward away from street, height is measured above curb at centerline of house for 10 feet, then stepping up based on formula from ground level.		Yes.	Yes. Adjusted upward for pitched roof to average height of pitched roof.	Sec. 260	
San Jose, CA	35	<p>Parallel Plane (Grade at Property Lines): The "height" of a structure at any point is the vertical distance between its top surface and the "grade" immediately below it. For purposes of this section, "grade" shall be determined as follows:</p> <p>A. For any point on the top surface of a structure, "grade" is the intersection of the vertical line, through said point, with a straight line which passes through:</p> <ol style="list-style-type: none"> 1. The vertical line, and 2. The nearest point of the property line nearest to the vertical line, and 3. A point on a second property line opposite to the first property line. <p>Said property lines shall be property lines of the same lot on which the structure being measured is constructed or installed and said property lines shall be assumed to lie on the surface of the finished ground elevation.</p>	2.5			<p>Height: Table 20-60</p> <p>Measurement: 20.200.510</p>	

<p>San Luis Obispo, CA</p>	<p>30 plus 30" for pitched roof.</p>	<p>Flat Lots (less than 16% slope): Fixed Point (Average): For flat lots and lots with an average (cross-parcel) slope of less than sixteen percent, the height of a building or structure shall be measured as the vertical distance from the average level of highest and lowest existing grade of that portion of the site covered by the building to the topmost point of the roof, including parapets but excluding features outlined in subsection C of this section. The average level of the ground is determined by adding the elevation of the lowest point of the part of the lot covered by the building to the elevation of the highest point of the part of the lot covered by the building and dividing by two. Sloped Lots (more than 16% slope): Parallel Plane (Adjacent Grade): For lots with an average (cross-parcel) slope of sixteen percent or greater, the height of a building or structure shall be measured as the vertical distance from the adjacent existing grade to the topmost point of the roof, including parapets but excluding features outlined in subsection C of this section. The maximum allowable height shall be measured as the vertical distance from the existing grade of the site to an imaginary plane located at the allowed height above and parallel to the grade. Average Cross-Slope Calculation. Average cross-slope is the ratio, expressed as a percentage of the difference in elevation to the horizontal distance between two points on the perimeter of the area for which slope is being determined. The line along which the slope is measured shall run essentially perpendicular to the contours. 1. Where a site does</p>				<p>Height: Table 2-4 Measurement: 17.70.080 Slopes: 17.70.090</p>	
<p>San Marcos, TX</p>	<p>35</p>	<p>Fixed Point (Average): Height is vertical distance between average grade to top of building. Average grade is average of highest and lowest pre-development elevation at front setback. Sloped Lots: Where lot slopes downward from front property line, one additional story may be built beneath building. Basement: A basement with 50% or more of its perimeter wall area surrounded by finished grade is not counted as a story.</p>	<p>Two Stories</p>	<p>Yes, inherent in average measurement, plus extra floor for sloped downwards lots.</p>	<p>Yes. Additional height permitted above average of pitched roof.</p>	<p>Measurement: 4.3.4.1 (Measuring Height) Max height: 4.4.1.3 (Single Family - 6) https://user-3vpeqil.cld.bz/San-Marcos-Development-Code-Effective-10-17-23/</p>	

Santa Clara, CA	25 or 32	Fixed Point (Lowest finished grade): Height is a vertical distance from the "grade" to the highest point of the coping that defines the volume of the building of a flat roof, or to the deck line of a mansard roof, or to the highest gable of a pitched or hipped roof. Grade is the lowest point of elevation of the finished surface of the ground between the exterior wall of a structure and a point five feet distant from such wall.				Height: Table 2-3 Measurement: 18.60.080 (height) 18.60.070 (grade)	
Scranton, PA	35	Fixed Point (Average Perimeter): The maximum height of a building and/or structure measured from the average finished grade at perimeter of the base of the building and/or structure to the highest point of such building and/or structure		Yes. Inherent in average.		Measurement: 2.2 Height: 3.4	
Seattle, WA	30	Fixed Point (Average): Height is calculated as distance above average grade. Owner has option to calculate average grade over entire building area or by segments of the building. Averaging by section creates a terraced look.		Yes. Inherent in average.	Yes. Additional 5 feet for pitched roofs.	Height rules: https://www.seattle.gov/dpd/Publications/cam/cam220.pdf Averaging method: 23.86.006 https://www.seattle.gov/dpd/codes/dr/DR2012-4.pdf	
Sedona, AZ	It's complicated	Three-plane height rules with many exceptions. (1) An overall height limit plane of 40 feet from lowest grade adjacent to building to highest portion of roof; (2) a fixed-point (high) plane of 22 feet above highest natural grade of building area; and (3) a parallel plane of 22 feet above grade at all points plus 5 feet for pitched roof plus up to 5 more feet for wall articulation and light reflectance.		Yes. See height rules.	Yes. See height rules.	2.24E	
Spokane, WA	40	Fixed Point (Average Perimeter): Building height is the vertical distance from the average grade to the highest point of the roof or structure		Yes. Inherent in Average.		Measurement: 17C.111.230 Height: TABLE 17C.111.205-2	Note: underground portions are not counted in height calculations.
Springfield, MO	35 or 45	Fixed Point (Street or Average): The vertical distance of a structure measured from the average established grade at the street lot line or from the average natural ground level, if higher; or if no street grade has been established to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for hip or gable roofs.	2.5 stories or 3 stories	Yes. Inherent in Average.	Yes. Upwards adjustment for pitched roof.	Measurement: 36-321 Height: 36-380	

St Paul, MN	35	Fixed Point (Average): The vertical distance measured from the established grade to the highest point of the roof surface for flat and shed roofs; to the break line of mansard roofs; and to the average height between eaves and ridge for gable, gambrel, and hip roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.		Yes. Inherent in Average.	Yes. Upwards adjustment for pitched roof.	Measurement: 60.203 Height: 66.231	
St. Louis, MO	45	Fixed Point (Average Front): The vertical distance measured from the curb grade or its equivalent established grade at a point midway between the two side lot lines to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof excluding church spires, except that, where buildings are set back from the street line, the height on the building may be measured from the average elevation of the finished lot grade at the base of the front of the building.	3 stories	Yes. Inherent in Average.	Yes. Upwards adjustment for pitched roof.	Measurement: 26.08.080 Height: 26.20.050	
Stowe, VT	28	Fixed Point (Average or High Side): Vertical distance measured from the average elevation of the proposed finished grade at the front or rear of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the highest ridge and its contiguous eave for other types of roofs. On sloping sites the height will be measured on the uphill side.		Yes. Inherent in Average and high point.	Yes. Upwards adjustment for pitched roof.	Measurement: 16.23 Height: Table 6.2	
Sunset Valley, TX	35	Fixed Point (Average): Height shall be measured vertically from the undisturbed natural grade at the mean elevation of the building pad to the highest point of the building or structure, excluding spires, dish antennas, ventilators, chimneys, or other similar appurtenances. Chimneys, spires, dish antennas, ventilators and other appurtenances shall not extend over six feet above the building on which they are located.		Yes. Inherent in average.		https://codelibrary.amlegal.com/code/s/sunsetvalley/latest/sunsetvalley_tx/0-0-0-14157	Min lot size of 1 acre

Tacoma, WA	35	<p>For View-Sensitive Overlay District: Multi-Point (Parallel w/ Grade Adjustments for Each Segment): 1. The height limit shall be the vertical distance between existing grade and a plane essentially parallel to the existing grade. The corners of such plane shall be located above the base points. 2. The base points shall be located at the four corners of the foundation or, if the foundation of the structure does not form a rectangle, at the four corners of the smallest rectangle which surrounds the foundation. 3. The base points shall be located on existing grade, unless determined otherwise by the Director in accordance with the provisions of Section 13.05.010.B. 4. Additional height at the rate of one foot for each 6 percent of the slope shall be allowed. This additional height shall not be allowed on the uphill portion of the structure. For the purpose of this provision, the slope shall be the difference between the elevation of the highest base point and the elevation of the lowest base point divided by the distance between those two base points.</p>		Yes. See height definition.		<p>Height: p. 13-195 Measure: 13.01.060.B</p>	Note: Unable to locate general definition.
Tempe, AZ	30	<p>Fixed Point (Curb): Building height means the vertical distance measured from grade (as defined herein) to the highest point of the roof, including any parapet. Grade means the top of curb, or top of crown of a street where no curb exists, as established at the midpoint of the front of the lot used for establishing building heights.</p>		Yes for down-sloping lots.		<p>Height: Table 4-202A Measure: 7-108, 7-109</p>	

Temple City, CA	32	Parallel plane to natural grade: The maximum allowable height will be measured as the vertical distance from the existing grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade not including rooftop appurtenances.		Below-grade not counted. 9-1N-4. Design board exception: architectural elements that are approved through the Site Plan and Design Review may exceed the maximum height limit provided that no such structures will be for the purpose of providing additional living or floor space.		Measure: 9-1A-12 Height: Table 9-1G-3	9-1G-13: Wall articulation required: For any new residential structure or addition, all sides of the building(s) visible from the street or other public areas and where the space between two (2) houses or structures is greater than twenty feet (20') should be fully articulated and have elements that contribute to visual interest and neighborhood character. This includes variation in massing, wall planes, and roof forms as well as surface articulation such as window and door treatments and windows. No linear wall of a second story may extend more than twenty-four feet (24') without architectural articulation or an offset of at least two feet (2') for not less than eight feet (8').
Toledo, OH	35	Fixed Point (Average): The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs. Grade is average elevation at exterior walls.		Yes. Inherent in averaging.	Yes. Upwards adjustment for pitched roof.	Height: 1106.0101 Measure: 1106.0206 Grade: 1116.0138	
Tulsa, OK	35	Fixed Point (Average): Building height is measured as the vertical distance from the average ground elevation along the exterior building wall to the highest point of the subject building. For purposes of measuring height:a. The average ground elevation is the mid-point between the highest and lowest ground elevations along the exterior building wall; andb. The highest point of the building is the coping of a flat roof, the top of a mansard roof or shed roof, or the peak of the highest gable of a gambrel or hip roof. For buildings without a roof, height is measured to the highest point of the structure.		Yes. Inherent in averaging.		Height: 5.030 Measure: 90.160 Drawing: https://library.municode.com/ok/tulsa/codes/code_of_ordinances?nodeId=CD_ORD_TIT42ZOCO_CH90ME_S90.160BUHE	
Tuscon, AZ	25	Building height is the vertical distance measured from the design grade elevation to the highest point of a flat roof; to the deck line of a mansard roof; or to the middle (between the eave and ridge) of the highest gable of a pitched or hipped roof.			Yes. Upwards adjustment for pitched roof.	Meaure: 6.4.4 Height: TABLE 6.3-2.A	

Waco, TX	35	Fixed Point (Average): Height of a building shall mean the vertical distance from the grade to: (1)The highest point on a flat roof;(2)The deck line of a mansard roof; or(3)The mean height between eaves and ridge for gable, hip and gambrel roofs. Grade means the average level of the finished surface of the ground adjacent to the building.	2.5 stories	Yes. Inherent in averaging.	Yes. Upwards adjustment for pitched roof.	Measure: 28-1 Height: 28-300	
West Lake Hills, TX	30 or 32 depending on slope	Parallel Plane: No part of any principal structure shall rise more than the maximum height shown on the schedule of regulations contained in section 22.03.281, above natural ground grade or original grade directly below. If the average natural slope in the area directly below the foundation of the principal structure is 25% or greater, than no part of any principal structure shall rise more than 32' above natural ground grade directly below.		Yes. 2 feet adjustment for greater than 25% slope.		Height: 22.03.281 Measurement: 22.03.279	Note: minimum 1 acre lots.
Wichita, KS	35	Fixed Point (Average front): Height, Building means the vertical distance between the average finished grade along the front of a Building and: (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; or (3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.		Yes. Inherent in averaging.	Yes. Upwards adjustment for pitched roof.	Height: Art. III, Sec. B.3.	
Wimberley, TX	35 (pitched) or 28 (flat)	Height: the vertical distance between the existing or finished grade under the structure, whichever is lower, to the highest point of the structure, including chimneys. For a stepped or terraced building, the height of each segment of the structure is determined individually.	Two Stories		Yes, 28' for flat roof, 35' for sloped roof	Height: 9.03.073	
Winston-Salem, NC	40	Fixed Point (Average): The vertical distance measured from the average elevation of the finished grade of all sides of a building, measured at the midpoint of each side, to the topmost elevation of the roof or to the topmost projection of the building above any roof, including parapet walls		Yes. Inherent in averaged point.		Heght: 4.5.5	

Building Height Summary

August 30, 2024

Introduction:

The purpose of this presentation is to provide alternative concepts for use in measuring and limiting residential building heights in Rollingwood, in lieu of the CRCRC's parallel plane methodology. The proposed concepts are the best options for the community to achieve the collective goal of limiting overall height and bulk while mitigating unintended consequences. Additionally, these options represent simpler solutions to understand and implement within our current code. These alternative proposals provide sufficient height and bulk limitations to meet the goals of our city residents, but also provide for topographical relief for lots with changes in elevation in the buildable footprint. The CRCRC's proposed parallel plane concept, combined with tenting and no topographical relief for sloped lots, is by far the most stringent policy we could adopt and does not have widespread community support. If passed, Rollingwood would immediately have one of the most, if not the most, restrictive and inflexible building height ordinances in the United States.

Agenda:

1. Proposed Concept for Additional Consideration:
 - A. Restrict Number of Stories, Leave Max Height As-Is, Decrease Relief (*vs. current code*) and Apply Tenting
 - B. Restrict Number of Stories and Measure from Average Elevation to Defined Roof Point and Apply Tenting
 - i. This is the most common solution found within the 118 cities researched by Ryan Clinton

Proposed Concepts for Additional Discussion

Section 1

Concept #1: Fixed Point / High Point

Overview:

- Restrict the Number of Stories to 3 Full Levels Stacked
- Leave Max Building Height at 35' (Fixed Point / High Point)
- Reduce the Topographical Relief for lots from 10' to 7'
- Apply Roof Differentiation and Tenting Concepts
- This is the easiest methodology to restrict building heights and meet the residents goals. There are minimal required changes to our current building code, and, equally important, it will be easy for the city staff to understand and implement

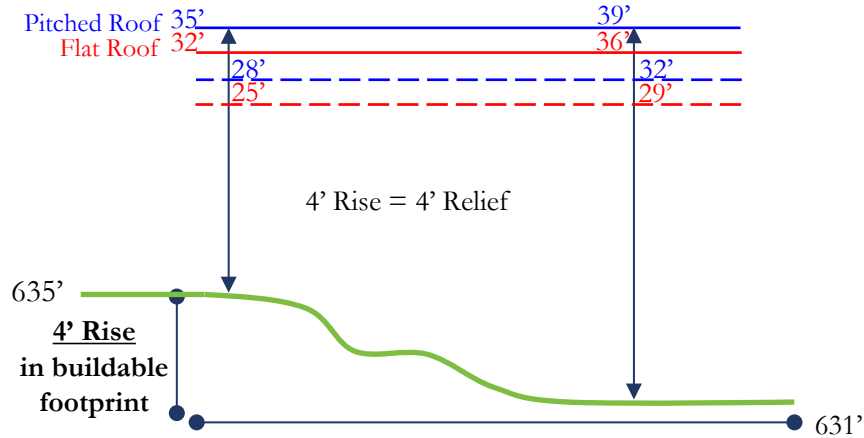
Interpretation and Application:

- Do not allow more than three (3) floors stacked vertically
 - This would not be intended to limit the number of total combined stories for homes that are split level
- Building Height / Roof Differentiation:
 - Max Building Height is 35', but reduced 3' for flat roof homes. Flat roof homes have a more visually imposing feel than a pitched roof home. This principle complements the tenting concept and will bring down the mass across the neighborhood without punishing those who prefer a pitched roof home.

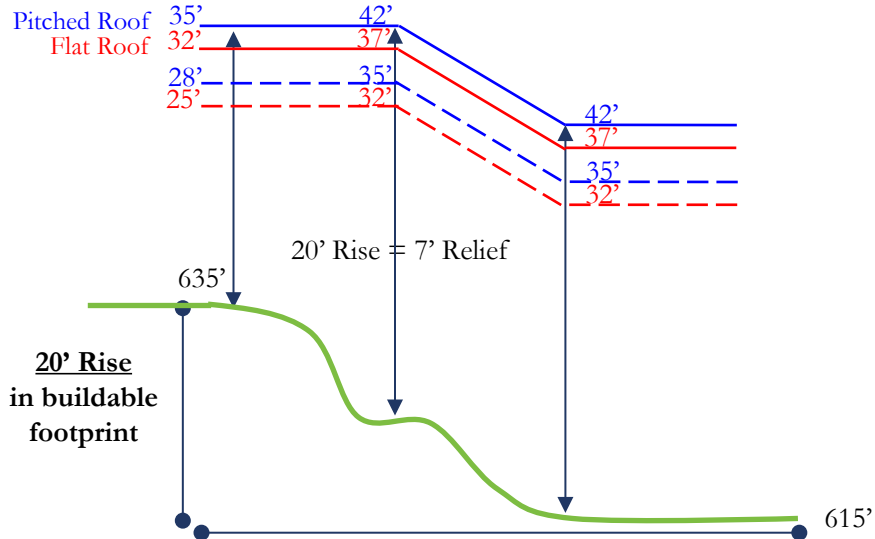
	Pitched Roof	Flat Roof
Max Building Height	35'	32'

- Reduce the Topographical Relief for lots with changes in elevation in the buildable footprint from a maximum relief of 10' to 7'.
 - This would still allow those with topographical hardship in their lots the ability to retain architectural and design flexibility and maintain equity amongst all lots, but also bring down overall height and bulk
- Apply a tenting concept that begins with a 28' limitation (*25' for flat roof homes*), plus any calculated Topographical Relief (*capped at 7'*), at the 10' side yard and then increases vertically for each 1' in additional horizontal distance from the property line up the Max Building Height
 - This tenting concept will bring down the side-wall height, depending on the slope and roof type, between 7' – 10' from the current allowable heights. This equates to a 16.7% - 28.9% reduction in height at the side wall on every lot compared to the current rules.
 - The CRCRC's tenting proposal will result in a 10' – 20' (28.6% - 44.4%) reduction in height at the side wall on every lot compared to the current rules.

Roofing Height Diagrams (Concept #1: Fixed Point / High Point)



-- Tenting Max Height @ 10' Side Yard
 --- Tenting Max Height @ 10' Side Yard



Change in Elevation in the Buildable Footprint	Existing Allowable Max Height @ 10' side yard	Pitched Roof	
		Max Height w/ Tenting at Existing Grade (@ 10' side yard and w/ relief)	% Reduction from Current Allowable Height @ Sidewall
0.00'	35.00'	28.00'	20.0%
1.00'	36.00'	29.00'	19.4%
2.00'	37.00'	30.00'	18.9%
3.00'	38.00'	31.00'	18.4%
4.00'	39.00'	32.00'	17.9%
5.00'	40.00'	33.00'	17.5%
6.00'	41.00'	34.00'	17.1%
7.00'	42.00'	35.00'	16.7%
8.00'	43.00'	35.00'	18.6%
9.00'	44.00'	35.00'	20.5%
10.00'	45.00'	35.00'	22.2%

Change in Elevation in the Buildable Footprint	Existing Allowable Max Height @ 10' side yard	Flat Roof	
		Max Height w/ Tenting at Existing Grade (@ 10' side yard and w/ relief)	% Reduction from Current Allowable Height @ Sidewall
0.00'	35.00'	25.00'	28.6%
1.00'	36.00'	26.00'	27.8%
2.00'	37.00'	27.00'	27.0%
3.00'	38.00'	28.00'	26.3%
4.00'	39.00'	29.00'	25.6%
5.00'	40.00'	30.00'	25.0%
6.00'	41.00'	31.00'	24.4%
7.00'	42.00'	32.00'	23.8%
8.00'	43.00'	32.00'	25.6%
9.00'	44.00'	32.00'	27.3%
10.00'	45.00'	32.00'	28.9%

Concept #2: Fixed Point / Average Elevation

Overview:

- Restrict the Number of Stories to 3 Full Levels Stacked
- Leave Max Building Height at 35', but measure from the Average Elevation of the buildable footprint (Fixed Point / Average Elevation)
- Apply Roof Differentiation and Tenting Concepts
- This concept's implied support from the community is 47%+ as it is utilizing Option 1 and 2 for measuring max height. Plus, the 28% who supported parallel plane would also prefer something less restrictive vs. no change at all

Interpretation and Application:

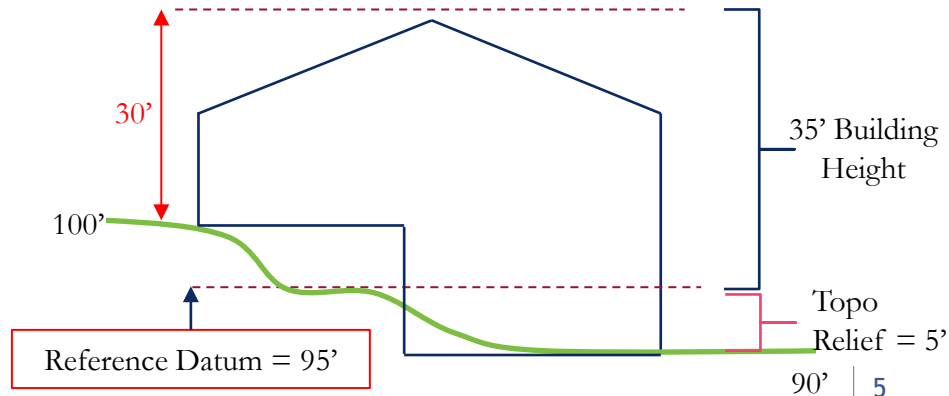
- Do not allow more than three (3) floors stacked vertically
 - This would not be intended to limit the number of total combined stories for homes that are split level
- Three foot (3') reduction in Max Building Height for flat roof homes
- Measure Max Building Height from the Average Elevation (Reference Datum) of the buildable footprint, defined as follows:
 - Average Elevation shall be calculated as the average of 1.) the average elevation of the existing grade at the four corners of the buildable area, or 2.) the average elevation of the existing grade at the high point and low point of the to-be built home's building footprint.
 - Once the Average Elevation is established the homeowner can build up to 35'
- Apply a tenting concept that begins with a 28' limitation (*25' for flat roof homes*) at the 10' side yard and then increases vertically for each 1' in additional horizontal distance from the property line up the Maximum Building Height

Restrictive



Concept	Survey Support
Average of High and Low	8.76%
Average Elevation @ 4 Corners	10.22%
Parallel Plane	28.47%
Total Support	47.45%

Most Restrictive



*Max Building Height would be 32' for a flat roof home

Recommendations for Regulating Building Heights & Reducing the Visual Impact of Tall Homes and Exterior Walls

- Roof differentiation. Because flat-roof homes are more bulky and visually imposing than pitched-roof homes, a large number of cities have adopted a lower maximum height for flat roofs than for pitched roofs. Rollingwood currently treats both roof styles the same way, which incentivizes flat roofs to maximize living space. Rollingwood should lower the maximum height for homes with flat roofs to 32' (from 35').
- Eliminate fourth stories. A large number of cities have limited residential building heights to no more than 2.5 or 3 stories. Rollingwood does not currently limit the number of stories in a home. Rollingwood should limit the number of stories in a home to 3 (subterranean should not count).
- Wall articulation. Some cities limit the visual impact of vertical walls by requiring or encouraging the use of architectural features to visually “break up” flat walls, which can be visually harsh and imposing. Rollingwood does not currently require or encourage wall articulation. Rollingwood should adopt rules to require or encourage articulation of exterior walls to break up “imposing” facades.
- Vegetative barriers. Some cities encourage vegetative barriers between steeply sloped lots to enhance privacy and reduce visual impact. Rollingwood does not currently require or encourage vegetative barriers. Rollingwood should adopt rules to require or encourage vegetative barriers between steeply sloped lots.
- Exterior wall height limits. Some cities impose limits on the heights of exterior walls (where height is most visually imposing) while allowing for height adjustments between exterior walls (where height has less visual impact). Rollingwood does not currently limit exterior wall height. Rollingwood should adopt rules to limit exterior wall height to 35' at any portion of the lot, with “stepped up” heights from the exterior wall to maximum heights adjusted for slope, if any.

Home located near Riley Road & Rollingwood Drive



1. The high point of this home is located at the NE corner of the house, which is where the yellow star is located on the picture (*top left*)
 - The max roof height at this point is 40.46', but the height to the top of the home excluding the roof is 34' 11"
2. Graphic (*top right*) is from a CRCRC member email dated August 9, 2024 to Planning and Zoning:
 - a) The parallel plane “lops off the top of this home in the areas of light blue circles”. Lopping off the top does not solve the problem. I believe this example exposes blind spots in their proposal and brings into question how thoroughly they even understand their proposal and the unintended consequences. In fact, due to the parallel plane restrictions, I think two things would have likely occurred:
 - i. That the builder would build the same home, but use a flat roof or a different pitch roof in order to stay beneath the parallel plane, or
 - ii. The builder would have increased the footprint and pushed the home down the lot, which would have brought the home closer to the rear setback and closer to the downhill neighbor.
 - Footprint expansion requires additional impervious cover, could lead to more trees being cut down and further negatively impact the downhill neighbor as the 35' of height at the setback creates less privacy than 40.46' over twenty (20) linear feet from the setback
 - b) Question: Would either of the provided Alternative Proposals fix this problem?

Answer: No, both alternative proposals would yield a similar result to the parallel plane, but unlike the parallel plane, it would allow:

 - The homeowner to retain roof type flexibility vs. being incentivized into a certain roof (*e.g. – flat roof home*). This flexibility will maintain and encourage architectural diversity in our neighborhood
 - The homeowner could build up vs out, which could save trees from being cut down and reduce impervious cover
 - Most importantly, if the parallel plane cannot solve the problem at the subject property any better than the current code or alternative proposals, than we as a city should not introduce overly restrictive rules that adversely impair our friends and neighbors that own sloped lots. The alternative proposals, which are equally effective and both utilize a tenting concept, provide relief to all sloped lot homeowners in the neighborhood and materially improve privacy for adjacent neighbors.

“You can't go back and change the beginning but you can start where you are and change the ending.”

CRCRC SIDE YARD PROJECTIONS RECOMMENDATIONS 8-21-24

CRCRC Approved 8-20-24:

Side Yard Projections

Amend setback rules Sec. 107-76 as follows:

In a side yard of 12.5 feet or greater, other ordinary projections of building features typically used in residential building construction may extend into the required yard a maximum of two feet. Roof overhangs are excluded.

In no event shall any projection extend into a side yard of 10 feet or less excluding roof overhangs.

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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 Comprehensive Residential Code Review Committee (the “CRCRC”) was appointed, among other issues, to study the effect of residential building projections; 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:

37 Section 107-76 is amended as follows:

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

39 (f) Projections shall not contain habitable space, except for bay windows
40 ten feet wide or less. Except as to roof overhangs, in a side yard of 12.5 feet
41 or greater, other ordinary projections of building features typically used in
42 residential building construction may extend into the required yard a
43 maximum of two feet. In no event shall any projection extend into a side
44 yard of 10 feet or less excluding roof overhangs

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

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

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

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

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Gavin Massingill, Mayor

64 ATTEST:

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66 _____

67 _____, City Secretary

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