



**CITY OF ROLLINGWOOD
COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE
AGENDA**

Tuesday, June 25, 2024

Notice is hereby given that the Comprehensive Residential Code Review Committee (CRCRC) 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 Tuesday, June 25, 2024 at 5:00 PM. Members of the public and the CRCRC may participate in the meeting virtually, as long as a quorum of the CRCRC 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=QmNUbmZBQ1lwUjNjNmM5RnJreIRFUT09>

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 dadair@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 COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MEETING AND PUBLIC WORKSHOP TO ORDER

1. Roll Call

PUBLIC COMMENTS

Citizens wishing to address the 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 Committee is restricted from discussing or taking action on items not listed on the agenda.

Citizens who wish to address the Comprehensive Residential Code Review Committee with regard to matters on the agenda will be received at the time the item is considered.

CONSENT AGENDA

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

- 2. Discussion and possible action on the minutes from the June 11, 2024 CRCRC meeting

REGULAR AGENDA

- 3. Discussion and possible action on emails and letters to the CRCRC from June 7, 2024 to June 18, 2024
- 4. Discussion and possible action on CRCRC Building Height recommendations
- 5. Discussion and possible action of Residential Lighting recommendations
- 6. Discussion and possible action on Residential Landscape and Tree Canopy Management recommendations
- 7. Discussion and possible action on future meeting dates and agenda topics for discussion

ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP

CERTIFICATION OF POSTING

I hereby certify that the above Notice of Meeting was posted on the bulletin board at the Rollingwood Municipal Building, in Rollingwood, Texas and to the City website at www.rollingwoodtx.gov at **5:00 PM on June 21, 2024.**

Desiree Adair
Desiree Adair, City Secretary

NOTICE -

The City of Rollingwood is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact the City Secretary, at (512) 327-1838 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

The City Council will announce that it will go into executive session, if necessary, to deliberate any matter listed on this agenda for which an exception to open meetings requirements permits such closed deliberation, including but not limited to consultation with the city's attorney(s) pursuant to Texas Government Code section 551.071, as announced at the time of the closed session.

Consultation with legal counsel pursuant to section 551.071 of the Texas Government Code;
discussion of personnel matters pursuant to section 551.074 of the Texas Government Code;
real estate acquisition pursuant to section 551.072 of the Texas Government Code;
prospective gifts pursuant to section 551.073 of the Texas Government Code;
security personnel and device pursuant to section 551.076 of the Texas Government Code;
and/or economic development pursuant to section 551.087 of the Texas Government Code.
Action, if any, will be taken in open session.



CITY OF ROLLINGWOOD COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MINUTES

Tuesday, June 11, 2024

The CRCRC of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on June 11, 2024. Members of the public and the CRCRC were able to participate in the meeting virtually, as long as a quorum of the CRCRC and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MEETING AND PUBLIC WORKSHOP TO ORDER

1. Roll Call

Chair Dave Bench called the meeting to order at 5:05 p.m.

Present Members: Chair Dave Bench, Jay van Bavel, Thom Farrell, and Brian Rider

Also Present: City Administrator Ashley Wayman, Development Service Manager Nikki Stautzenberger, and Assistant to the City Administrator Makayla Rodriguez

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

2. Discussion and possible action on the minutes from the May 28, 2024 CRCRC meeting

Thom Farrell moved to approve the minutes as submitted. Brian Rider seconded the motion. The motion passed with 4 in favor and 0 against.

REGULAR AGENDA

3. Discussion and possible action on emails and letters to the CRCRC from May 11, 2024 to June 6, 2024

The CRCRC discussed a letter received during the timeframe.

4. Discussion and possible action regarding Tree Subcommittee recommendations following the May 8, 2024 Planning and Zoning meeting

Jay van Bavel gave a recap on the recommended changes to the Tree Ordinance that were passed by the CRCRC and sent to the Planning and Zoning commission for discussion on May 8th. Mr. van Bavel stated that the tree subcommittee made edits to the recommendations after receiving feedback from Planning and Zoning. He would like to review the recommendations and send them back to Planning and Zoning.

Jay van Bavel reviewed item 1 that would change the name of the ordinance to Residential Landscape and Tree Canopy Management. Mr. van Bavel presented item 2 that would introduce xeriscape landscaping into the ordinance.

Jay van Bavel explained that item 3 inserts a definition for Heritage Tree in the ordinance. The CRCRC discussed the definition, multitrunked trees, and the tree ordinance.

Mr. van Bavel stated that no changes were made to item 4. The CRCRC discussed utility service lines.

Jay van Bavel discussed the changes for item 5 that would add a definition for critical root zone. Thom Farrell discussed scenario's with the recommendation. Development Services Manager Nikki Stautzenberger and the CRCRC discussed the definition.

Jay van Bavel reviewed item 6 that would change the term to "city arborist" in the code to "city development officer" for reviewing, approving, and implementing tree removal permits. He continued to say that Planning and Zoning recommended to not change the term in areas of the code where a city arborist is necessary or desired. Jay van Bavel stated that the CRCRC would have to review the code with the city to determine where each term will be.

Mr. van Bavel stated that no changes were made to item 7.

Jay van Bavel presented item 8 that would create a separate heritage tree removal permit for removing heritage trees. He continued to say that removing a heritage tree is prohibited unless a special exception is granted by the Board of Adjustment.

Jay van Bavel moved to item 9 that explains that a heritage tree removal special exception will not be required for heritage trees removed from the buildable area and will go through the regular tree removal and replacement process. The CRCRC discussed the item and feedback from Planning and Zoning.

Mr. Van Bavel discussed item 10 detailing replacing heritage trees that are removed from the setback and buildable area. The CRCRC discussed the item and changing the definition of buildable area.

Jay van Bavel presented item 11 that states if a protected or heritage tree are between the setback and buildable area than it shall be removed if 25% or more of the trunk diameter is in the setback area.

Jay van Bavel reviewed item 12 that will require a tree survey to indicate the critical root zone of trees when completing a tree removal permit.

Jay van Bavel discussed item 13 that inserts a statement that says site plans and project design will preserve existing natural landscape and the retention of protective trees.

Mr. van Bavel discussed item 14 that changes the maximum number of replacement trees from 7 to unlimited no matter the size of the lot. He continued to say that Planning and Zoning proposed an exception to the item if approved by the development officer after consulting with a city arborist and with approval from the board of adjustment.

Jay van Bavel discussed item 15 that changes the requirement of protected trees removed from the setback to 2 replacement trees for each removed. He stated that the current ratio for replacement is 3:1.

Mr. van Bavel presented item 16 that states a required protection plan with evidence must be submitted to ensure survival of protected trees. He continued to item 17 that states replacement trees must survive for at least three years and the city development officer will keep track of replacements and will consult with an arborist if necessary.

Jay van Bavel explained that item 18, 19, and 20 would not require code changes. He explained that item 18 requires tree vendors to obtain an annual permit and that the city website will be updated to reflect permitted vendors as well as show how to obtain the no-cost permit. Mr. van Bavel discussed item 19 that states the CRCRC supports a program to plant trees in the park. City Administrator Ashley Wayman stated that the Park Commission has not made a recommendation to City Council. The CRCRC agreed to keep item 19 as is. Jay van Bavel moved on to item 20 that states the CRCRC supports a proposal that was highly favored from the survey to consider planting trees in the public right of way with donations. The CRCRC discussed right of ways, corner lots, trees, and agreed that they will keep item 20.

Thom Farrell requested feedback from Amy Pattillo on the tree ordinance recommendations.

Amy Pattillo, 3 Rock way Cove, expressed her lack of understanding on item 15 that changes the ratio of replacement trees in the setback. She expressed that the 3:1 ratio was intentional and she is concerned that there will be a loss of privacy between neighbors. The CRCRC and Amy Pattillo discussed the tree ordinance. Ms. Pattillo stated that she believes The 3:1 replacement ratio will incentivize residents to replant trees.

Jay van Bavel and Amy Pattillo discussed the tree ordinance and how the recommendation would affect the community. The CRCRC continued to discuss the ordinance with Amy Pattillo.

Jay van Bavel stated that the CRCRC is working to make change to preserve the tree canopy.

Wendy Hundley, 401 Vale Street, shared her experience when she drafted the tree ordinance. She also discussed trees planted near powerlines and that the 3:1 ratio for tree replacement was an incentive for residents to conserve trees in the setback.

Thom Farrell moved to submit the recommendations as written with the exception of item 7 and change that to read that unless a special exception is obtained to replant on an adjacent lot with the owner's permission. Item 8 and 10 would be changed to read the on the building site plan/building footprint as opposed to the buildable area, and the CRCRC would change the definition of buildable area to building site plan/building footprint. On item 14, Jay van Bavel will change the wording after meeting with Nikki Stautzenberger and Amy Pattillo to find the error in the ordinance. On Item 15, the ratio would remain as 3:1. Brian Rider seconded the motion. The motion passed with 4 in favor and 0 against.

The CRCRC thanked Amy Pattillo, Wendi Hundley, and Sara Hutson for their work and would like to receive more input throughout the process.

5. Discussion and next steps regarding Building Height recommendations following the April 17, 2024 City Council meeting Building Height discussion

Thom Farrell requested to discuss item 5 and 6. Mr. Farrell would like to have a work session with the city engineer to review the proposed parallel plane ordinance with plans to ensure the plans would work under the proposed ordinance. The CRCRC discussed their availability for the work session.

Chair Dave Bench discussed a document he created and shared that details a summary and explanation of the recommendations in relation to the survey. He discussed the CRCRC's progress with building height as well as feedback from the public from the survey. Chair Dave Bench would like the CRCRC to think about a height limitation as well as measurement method for the next meeting. Thom Farrell discussed that the CRCRC should have multiple proposals to ensure residents are not restricted to a specific building type. He stated that the CRCRC's effort is the most comprehensive approach that has been done in Rollingwood history.

Jay van Bavel would like Chair Dave Bench's document be the basis for the workshop.

6. Discussion and possible action on future meeting dates and agenda topics for discussion

This item was discussed in item 5.

ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP

The meeting was adjourned at 7:17 p.m.

Minutes adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Desiree Adair, City Secretary

Note: I was asked to add these first 2 emails to the cache of emails by Dave Bench on June 14, 2024.- City Secretary Desiree Adair

From: "Brian Rider" [REDACTED]
To: "Dave" [REDACTED]
Sent: Sunday, May 5, 2024 11:58:13 AM
Subject: Fwd: City of Rollingwood Commercial Ord changes question

Forwarded Conversation
Subject: City of Rollingwood Commercial Ord changes question

From: [REDACTED]
Date: Sun, May 5, 2024 at 11:25 AM
To: Brian Rider [REDACTED]

Brian,

Are you in town? I recall now you have a trip planned. No need to reply to below if you are.

As a member of Rollingwood Community Development Corporation Commercial Exchange (RCDCE), are you aware of any objections to, criticism of or complaints about the proposed changes to CoR's commercial zones or nonresidential zones ordinances from members of Rollingwood Community Development Corporation Commercial Exchange ?

This Wednesday a vote by Planning and Zoning Board is planned on the proposed changes with some revisions.

As a new member of P & Z, I would like to be as fully informed as possible on all points of view.

I only heard one comment from a commercial building owner during the joint public hearing. It was "Does any proposed change effect existing properties?" Brook Brown replied "no, except replacing existing light fixtures shall be in compliance with new ordinance." Or words to that effect. Owner did not voice a compliant about that or anything else.

Your input will be most welcomed.

Thanks.

Jerry Fleming

BTW: Next week construction may be starting on the Nixon/Pleasant Dr drainage project which should begin from bridge over dry creek and proceed up stream. They probably will be chainsaw cutting trees.

 From: Brian Rider [REDACTED]
 Date: Sun, May 5, 2024 at 11:55 AM
 To: [REDACTED]

I am in The Netherlands (Den Haag or The Hague to be precise) visiting grandkids for a few days, then to Ireland for a group trip, returning late night the 16th, if the airlines cooperate, which did not happen on the way here. So I will miss the meeting.

I have not been involved at all on the proposals with respect to the commercial areas. My involvement with CRCRC has been entirely focused on residential matters. I think that there has been some overlap between those working on the exterior lighting parts of the commercial and residential, but I have just been put on a subcommittee to deal with the residential exterior lighting and have been told that some concepts from the commercial should come over to the residential such as how lighting is aimed so as not to encroach onto a neighbor's property, use of "cut off" fixtures to focus the light down and not horizontally, etc., but I really have not dug into that, other than a conversation with you, for which I thank you for furthering my education about lighting matters.

I attended the same meeting you did about the commercial zoning changes, and heard the same questions. I also heard Alec say that his email had blown up with people sending in messages, but he did not really reflect on the content. In the similar meeting about the interim status of the building height matters on the residential side, similar comments were made about there being lots of comments -- but I took the podium to say that while I have been on the CRCRC we have had no one show up at our public and announced meetings to talk to us about what we are doing.

I'm afraid that in the case of the residential matters, what I can tell you is that the usual course of these committee workings has been that we gathered and studied a lot on the responses to a whole community questionnaire which got 2200 responses, some with clear statements of opinion, some with ambiguous responses, and then used our experience and judgment about what we were proposing. But while we had no public participation during our work sessions, we got, I think (I got none directly), lots of questions and comments sent to the council members at the last minute.

So I suggest that you try to get the people who are sending in last minute thoughts (good or bad or whatever) out of the woods and see what they have to say, then use your judgment about how to respond. You will likely have to make that kind of call on the fly, so to speak, but given our neighbors' behaviors, I don't see an alternative.

I hope that helps.

Brian Rider

Dave: If this needs to be put in the public record, send it along to our committee site.

B. Rider

From: [REDACTED]
 Sent: Tuesday, June 11, 2024 8:00 PM
 To: CRCRC <CRCRC@rollingwoodtx.gov>
 Cc: Ashley Wayman <awayman@rollingwoodtx.gov>; Desiree Adair <dadair@rollingwoodtx.gov>
 Subject: Role of the Comprehensive Residential Code Review Committee

Dear Comprehensive Residential Code Review Committee Members,

I hope this message finds you well. I am writing to address a couple of concerns regarding comments made by the Chair of the committee in tonight's discussions on building height, and the direction of our committee's efforts. I had my hand raised to comment on the last agenda item but was not called on before the meeting was adjourned.

Firstly, I would like to clarify that when Chair Bench stated that the "only" reason the CRCRC is in existence is to address building height, I believe this does not fully encompass the broader scope of your responsibilities. This is not the residential building height review committee. Our City has Comprehensive Plan, and it is essential that the CRCRC reviews the residential code comprehensively.

Additionally, I have concerns regarding the characterization of the summary provided in the packet by Chair Bench. I believe that such summaries are better left to the minutes of the meeting for accuracy and context. For instance, my attendance at the last few meetings was not to see if the proposed height restrictions would work for my house specifically. Instead, I used my house as an example to try and understand how the proposal would function, because I found the language unclear and confusing.

Furthermore, I don't think that the CRCRC needs to "stand by the principles" that were voted on months ago that do not include recent public participation and feedback. I find the idea that the committee is "losing momentum and is out of control" for considering public comments and concerns offensive. Public input is crucial for ensuring that our codes serve the community effectively and fairly.

I appreciate the committee's hard work and dedication. I very much appreciate the committee members who have listened and incorporated public feedback, have advocated for consideration of broader perspectives, and have advocated for public workshops. Thank you for your work to align our committees efforts with the comprehensive needs of our city's residents.

Thank you for your time and consideration.

Best regards,

Wendi Hundley

From: Dave [REDACTED]
Sent: Wednesday, June 12, 2024 12:12 PM
To: Wendi Hundley [REDACTED]
Cc: CRCRC <CRCRC@rollingwoodtx.gov>; Ashley Wayman <awayman@rollingwoodtx.gov>;
Desiree Adair <dadair@rollingwoodtx.gov>
Subject: Re: Role of the Comprehensive Residential Code Review Committee

Dear Wendi

Thanks for reaching out. It is regrettable that we missed your raised hand at the end of last evening's meeting. I assure you that it was unintentional.

Regarding my "only reason" comment: it needed broader context to be clear. While it is true that the CRCRC is charged to be comprehensive, it was public concern over residential building heights that started the conversation that ultimately led to the committee. If there were no perceived public concern over the height of recent builds, I doubt that the CRCRC would have been commissioned.

Regarding principles: I think that principles are important as they are what got us to the place we are today. If we abandon them, then we abandon much of the good CRCRC work that has happened to date. And while there was no audience in the room when we established those principles, they were built on and have the strong support of our 2023 survey responses. To me, that's "public participation".

Finally: we are a volunteer group of citizens asked to review Rollingwood's residential ordinances. We are not a governing body but we are expected to make recommendations that will be considered by such. One of the pleasures of this committee has been our comfort with speaking freely in public. I believe that that freedom and candor has resulted in a more thoroughly vetted and higher quality set of recommendations. If you find my comments about momentum or control offensive, sorry about that. They were not directed at any person or group. They were directed at process. And yes, our process has slowed.

Thanks again,

Dave

CRCRC RECOMMENDATION ON RESIDENTIAL BUILDING HEIGHTS AND HEIGHT MEASUREMENT

MAXIMUM RESIDENTIAL BUILDING HEIGHT

Survey Results Analysis on 274 Respondents:

Q3: Is Rollingwood’s maximum residential building height of 35 feet:

Too high:	71	26%
Not high enough:	21	8%
About right:	175	64%
Blank:	7	2%
Comments:	109	40%

Maximum height: Austin - 32ft Westlake Hills - 30ft Lakeway - 32ft

CRCRC RECOMMENDATION:

Sec. 107-71. - Unchanged: *Maximum permissible height - 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.*

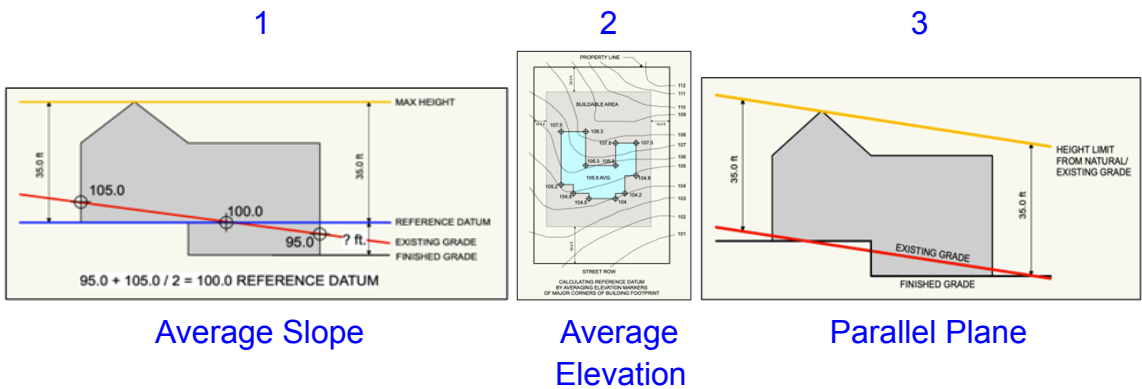
RATIONALE

The polling numbers show strong support for “About right” and to a lesser degree “Too high”. Comments on this question are varied, but primarily focus on the challenges of sloped lots; how new homes should fit into the existing neighborhood; and concerns that the current system is being “gamed”.

RESIDENTIAL BUILDING HEIGHT MEASUREMENT

Q4: Should we look at alternate ways to measure building height?

Yes:	171	65%
No:	89	32%
Blank:	14	5%



If so, which of the ways listed above would you prefer?

Scenario 1: Average Slope	25	9%	15% of yes
Scenario 2: Average Elevation	24	9%	14% of yes
Scenario 3: Parallel Plane	78	28%	46% of yes
Comments:	170	62%	

Discussion: This question pair could have been designed better. While it does a pretty good job determining if alternate measurement methods should be considered (65% yes), the scenario selection and comments shouldn't have been combined into a single field. So, the responses include various combinations of scenario selection and comments that support it or some other view. Most of the responses are "1", "2", or "3". Some are "1 or 2". Many comments do not include a scenario preference but do make a statement. Statements range from, *"I'm not sure, I'd have to see what 35 feet high looks like,"* to, *"the problem is not the height, but the scamming that goes on in measuring the height,"* to, *"35ft is so close to perfect, it's not worth changing"*. For reasons discussed below, the popular scenario, *parallel grade*, was likely preferred because its description featured this statement: "This method does not provide height forgiveness".

There are also likely several reasons why there are fewer scenario selections than "yes" responses. One is because the question features complex geometries whose features and differences might have been confusing to the respondent. Another is that the respondent didn't feel qualified to choose and so thought that the decision was better left to those who'd really studied the issue. Finally, the scenarios as posted were not labeled "1, 2, 3", or "A, B, C", instead, the respondent was left to recognize that the order in which they were presented established how the question needed to be answered: first, second, or third. Again, an issue of flawed question design.

Height measurement: Austin - AS Westlake Hills - AE Lakeway - varied

CRCRC RECOMMENDATION:

Sec. 107-3. - Definitions

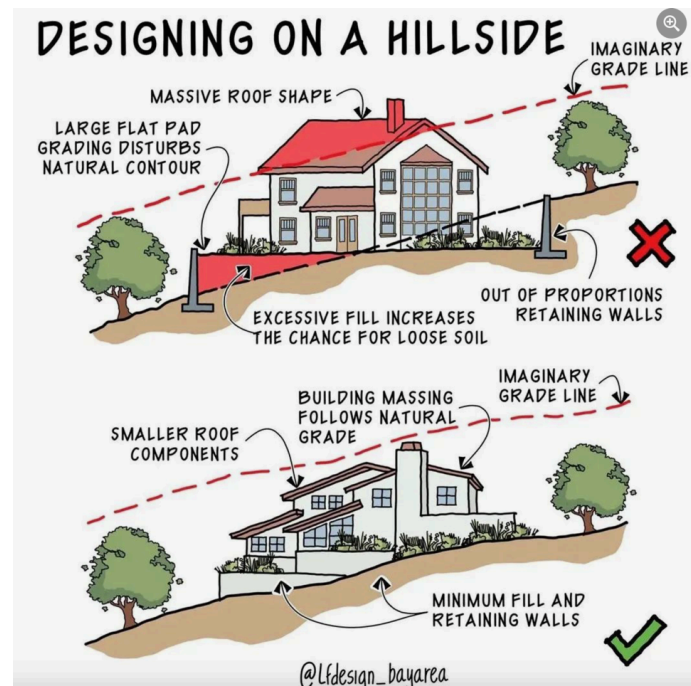
Building height, residential, means the vertical distance above any point on the surveyed existing grade.

RATIONALE: The combined "About right" (175) and "Too high" (71) responses to the 35 foot maximum building height question above suggests a strong Rollingwood preference for no more than 35 feet (90% of responses altogether). Both the datum calculated by *average slope (AS)* and the datum calculated by *average elevation (AE)* approaches allow for recovery of some maximum height loss to even the slightest grade change. This means that the maximum allowable is not really 35', but rather 35' plus half of the elevation difference within a buildable area + or -. For example: if across the buildable area there is 6 feet of relief (a fairly common relatively flat lot in Rollingwood), a maximum allowable building height on the lower side of the

buildable area would likely be 38': $(35' + (\frac{1}{2} \cdot 6')) = 38'$. The current method would have allowed recovery of the full 6' of relief, so the averaging method does provide some improvement over the current one. However, given the strong preference for a 35' maximum, and the many CRCRC survey comments that discuss height "gaming" and "better enforcement", the CRCRC recommends adoption of a method that does not calculate from a datum average, but rather uses the existing grade survey to establish the maximum allowable building elevation.

It works like this: consider a survey of a lot's buildable area that is complete with contours. Now add 35' to each of those contours to create a parallel contour surface or plane that is directly above the existing survey. The space between those two surfaces represents the maximum height allowable at any point within the buildable area. No part of the planned building may penetrate the 35' surface, and therefore no part of the building may exceed 35' in height. The big difference in methods is that the existing grade calculation moves up and down with the topography. Conversely, both datum averaging methods create a buildable-area-wide maximum that is represented by a perfectly horizontal line or plane that is not sensitive to the topography. There are caveats to each that are discussed later, but that's the basic principle.

In a nutshell: Datum averaging = changing the topography to conform to the building design;
Native grade = designing the building to conform to the topography

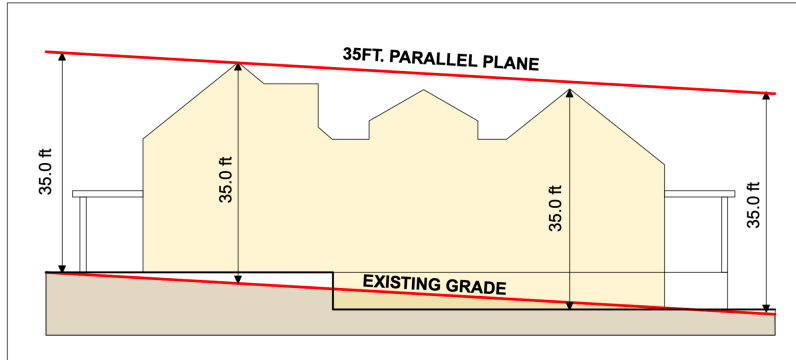


EXECUTION

Maximum Allowable Height by Parallel Plane:

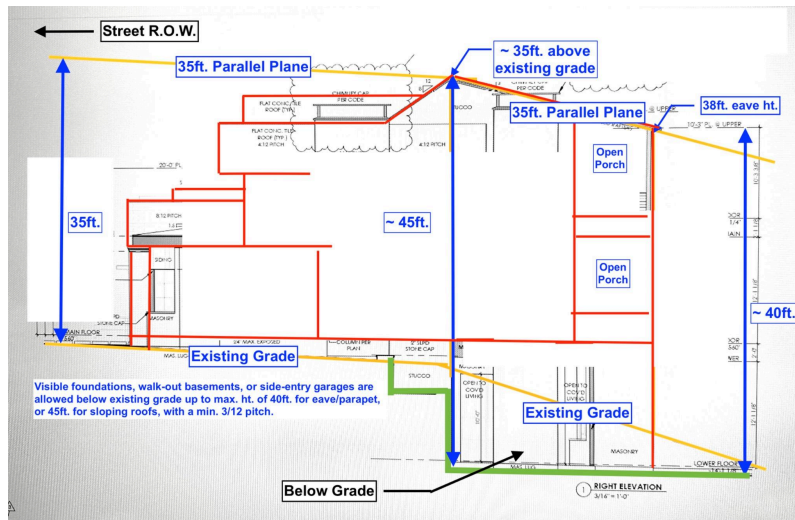
1. Start with an existing grade survey complete with contours within the buildable area limits.
2. Reconcile the existing survey across the footprint of a knocked-down house by straight-line interpolation between like-elevation contours that are adjacent to the heritage footprint. Other minor topographic variations, including pools and ponds, should be handled the same way with the intent to approximate the original grade without penalty due to previous construction.

- 3. Create a plane directly vertical to the existing survey by adding 35 feet to the reconciled existing survey contours. This is the Parallel Plane.
- 4. The maximum building elevation is 35ft. measured vertically from the finished grade to the highest point of roofing surface or parapet and may not penetrate the Parallel Plane.
- 5. Building areas fully concealed beneath the finished grade are not included in height calculations.



- 6. Maximum building height may be increased below existing grade, by way of excavation, when starting min. 20ft. horizontal from side or rear property lines, or from the 30ft. front setback, as follows:
 - a. 40ft. above finished grade for uppermost surface of eave/parapet;
 - b. 45ft. above finished grade for ridgeline of sloped roof with min. 3/12 pitch.

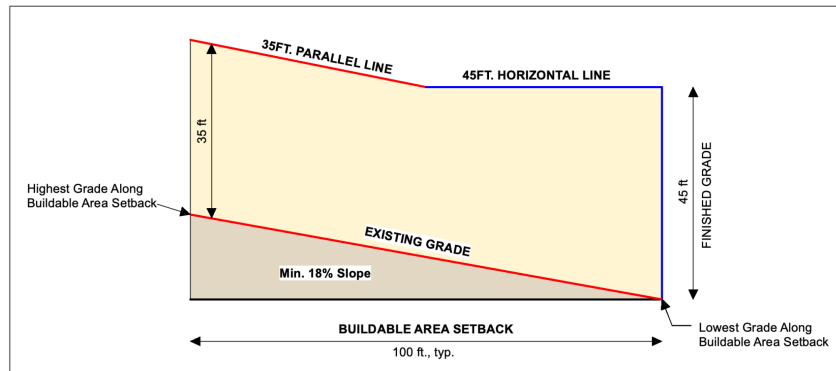
Recent build on highly sloped lot conforms to parallel plane proposal:



Alternate / Opposing Views

The first City Council reading of CRCRC recommended building heights proposal occurred on April 17, 2024. Over the course of nearly 2 hours, a number of concerned citizens came to the podium to express alternate views on the way building height should be measured, and questioned the CRCRC process. City Council instructed members of the CRCRC to invite more citizen input at its May 14 and May 28 meetings; consider using that input to find a compromise set of solutions and possibly use a special exception as a tool to address difficult cases.

The May 14 CRCRC meeting had 5 citizen speakers: one concerned about the way last year’s CRCRC survey was interpreted; one concerned that lots with drainage easements were not being given special consideration; one didn’t understand how the proposed height changes would affect their property; one suggesting that an average elevation approach is more in line with young family’s needs; and one praising the CRCRC for its efforts. A lot of the discussion centered on how highly sloped lots were unfairly treated by the parallel plane proposal. In response, the CRCRC building heights subcommittee met and worked up the “Maximum Building Height for Highly Sloped Lots” recommendation, seen below, to accommodate the 10% or so of Rollingwood building lots whose buildable area grade is 18% or greater.



Four of the five citizens mentioned above returned to the May 28 CRCRC meeting. The CRCRC presented its addendum for highly sloped lots, but it was not well received. Comments included that the CRCRC recommendations make for “winners” and “losers” and force a “split level” design on sloped lots, and would not help their particular situations. The CRCRC motioned to table an approval vote until at least the next meeting.

MAXIMUM HEIGHT ALONG BUILDING SETBACKS

Q10: Should we develop a set of “tenting” rules for Rollingwood that restrict building height along a setback?

Yes:	143	52%
No:	112	41%
Blank:	19	7%
Comments:	68	25%

The comments around this question were evenly split - about half saying “Yes, please,” and the other half saying, “they do this in Austin and it’s awful”.

CRCRC RECOMMENDATION:

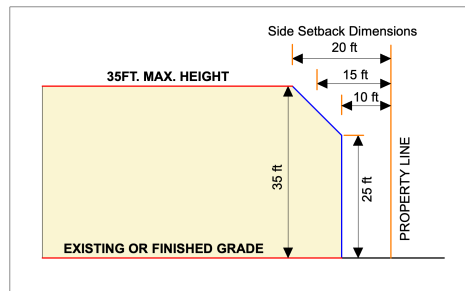
Adopt a set of tenting rules that restricts exterior wall heights incrementally by distance from the lot line.

RATIONALE: The survey asked several questions about different ways to reign in “bulk”, that is, how a house sits relative to the size of the lot. These Included questions about Floor Area Ratio (132 yes; 125 no), flat roofs vs pitched roofs (100 yes; 165 no), tenting (143 yes; 112 no), and the number of allowable stories limitation (104 yes; 166 no). All can have some positive effect on a building’s “bulk”, but it’s “tenting” that has the most measurable impact and the most public

support. We've looked hard at the Austin tenting guidelines and agree that they are overly ambitious and even onerous. Our recommendation is to keep it as simple as possible.

EXECUTION

Side Setback: The maximum 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.



Setback Intrusions: No portion of any structure can overhang any setback above 25ft., as measured from adjacent finished grade, with the exception of uninhabitable roof projections. (per RW code)

SPECIAL EXCEPTIONS

CRCRC RECOMMENDATION:

Should the slope of a lot be so severe that the requirements proposed above would render the lot unbuildable, 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.

ADDITIONAL NOTES:

1. Establishing an imaginary parallel plane above the existing grade helps maintain the broader context of the highly variable topography in the city, and protects the sanctity of the surrounding neighbors. Its strength lies in its simplicity and dependence on a certified document required for all building permits, namely a survey. Recent changes in the way Rollingwood “ground truths” its surveys, that is, anchoring them to manhole cover elevations, makes establishing the imaginary parallel plane as simple as adding 35’ to any existing elevation contour.
2. In comparing this approach to recent and previous builds, we find that most fall within the new constraints, while a few of the outliers could have met the new constraints with minor adjustments.
3. There is some public interest in allowing houses built alongside a drainage easement some additional height consideration. The CRCRC will look at this when it gets to its drainage / impervious cover work, not yet started. We expect to find this issue as one that is not common and best worked through a special exception.

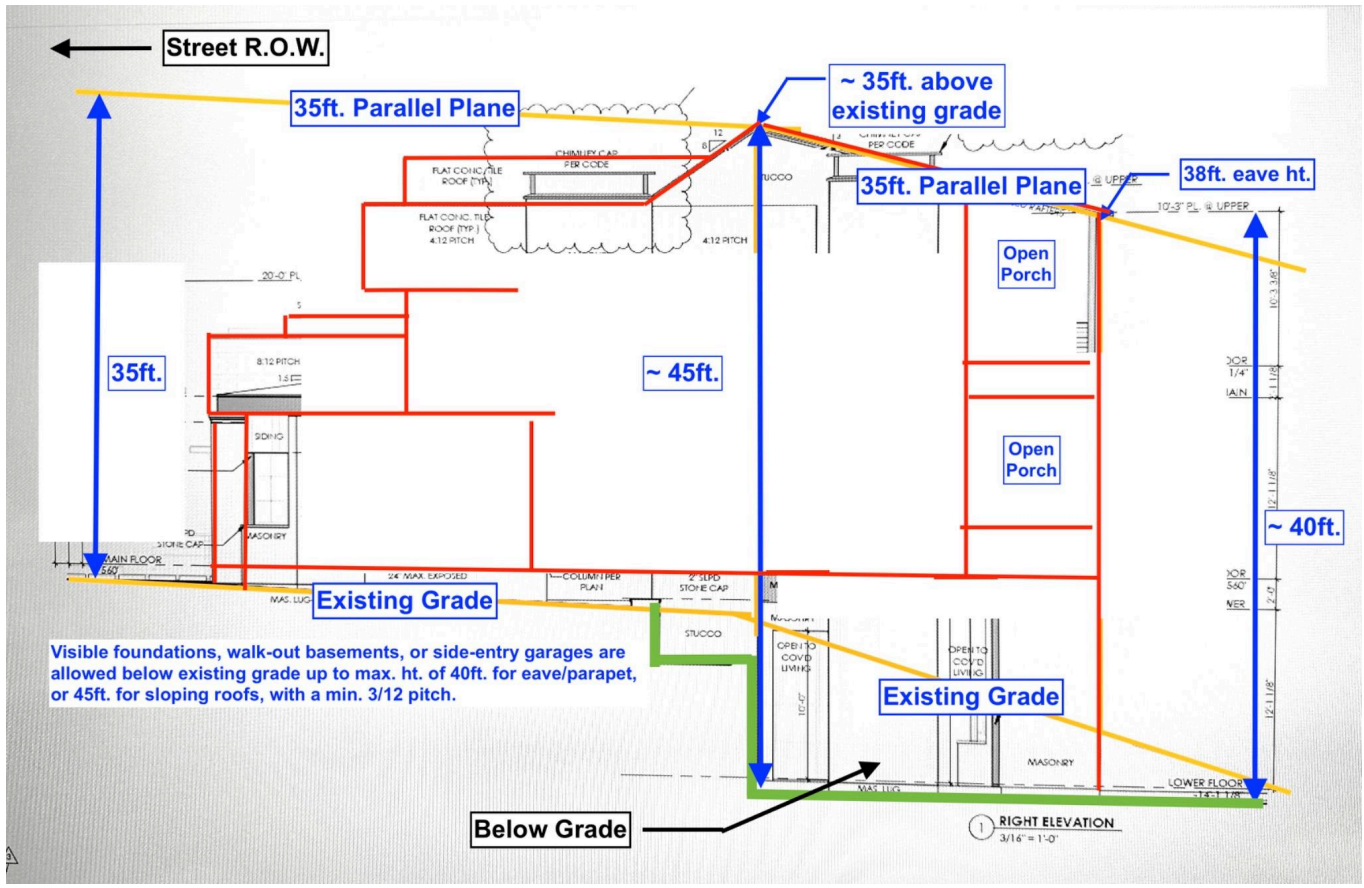
uggested Rules:

1. Parallel plane at 35ft. above existing grade - nothing can exceed this. Same as calculating the difference between the highest points on any roof surface, and the existing contour elevation directly below.
2. Max. building height is 35ft, as measured vertically from existing or finished grade, whichever is lower, to uppermost roofing surface.
3. Max. building height along 10ft. setback is 25ft. from existing or finished grade, whichever is lower, increasing one foot in height for every one foot of distance from the setback, such that max height @ 15ft. is 30ft, @ 20ft. is 35ft, @ 30ft. is 35ft.
4. In accordance with #1 and #3 above, max. building height may be increased below existing grade, by way of excavation, when starting min. 20ft. horizontal from side or rear property lines, or from the 30ft. front setback, as follows:
 - a. 40ft. above finished grade for uppermost surface of eave/parapet;
 - b. 45ft. above finished grade for ridgeline of sloped roof with min. 3/12 pitch.

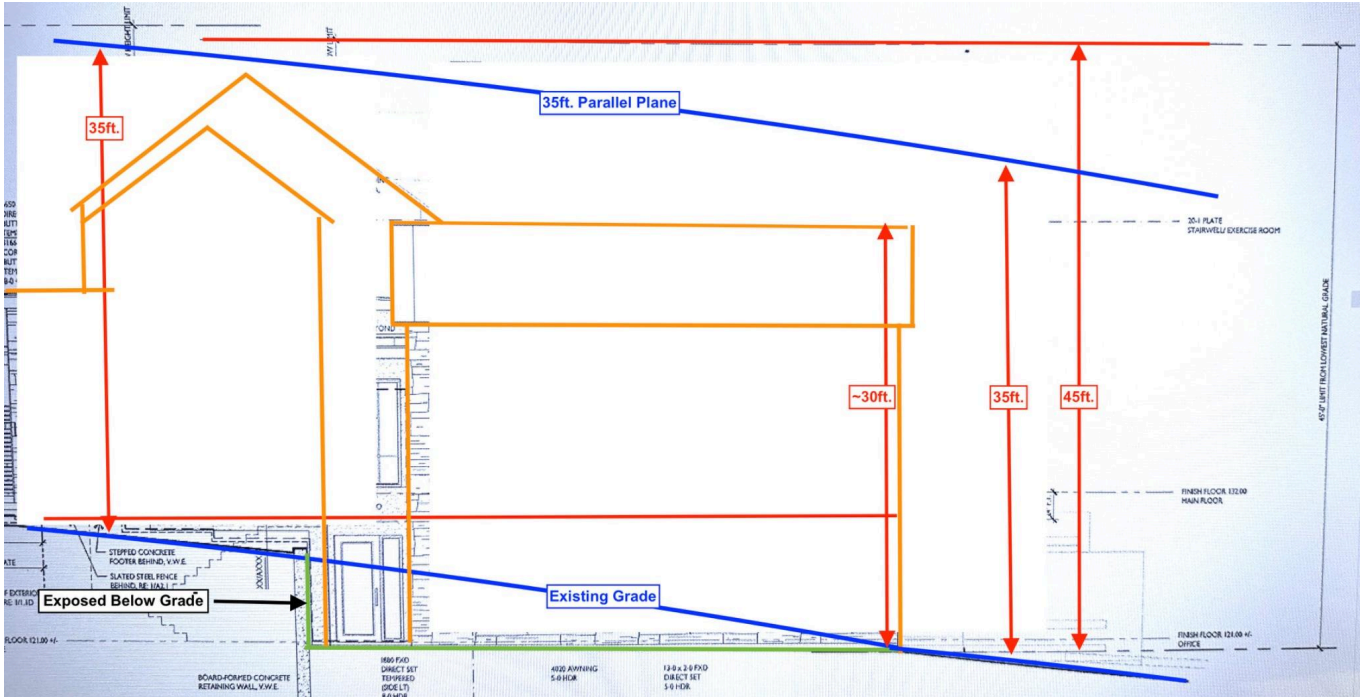
Existing grade or new retaining walls/planters shall maintain screening for excavated areas across 70% of the front elevation, and at least 40% of the side elevations, generally concealing walk-out basements, side-entry garages, or exposed foundations from street R.O.W. and side neighbors, but are not required to abut building facade. Vegetation screening is required in rear setbacks when upslope from neighbor.

5. Amend setback rules Sec. 107-76 as follows, in bold: *All other ordinary projections of building features typically used in residential building construction, may overhang into any required yard a maximum of two feet, when starting 12.5ft. from any side setback.*

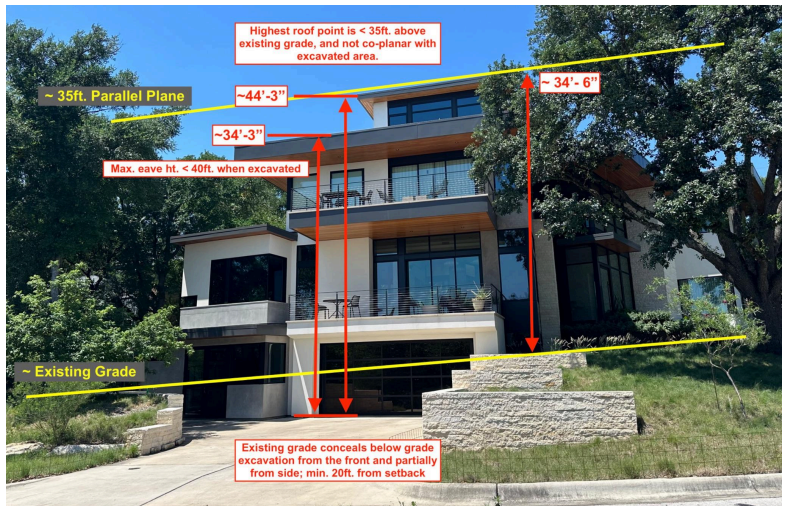
Recent build on steeply sloping lot fits Suggested Rules:

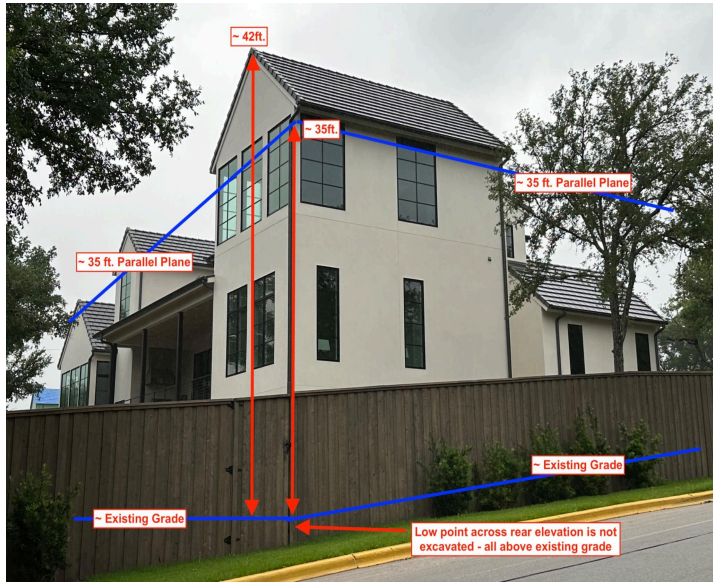


... built on steeply sloping lot in last 10 years fits suggested rules without #4:



Homes that provide ~ 70% below-grade screening from front and meet additional constraints:





From: Jeff Marx [REDACTED]
Sent: Saturday, June 8, 2024 6:23 AM
To: Desiree Adair <dadair@rollingwoodtx.gov>
Subject: 6-6-24 Residential Building Height Recommendation DRAFT Feedback

Hi Desiree -

Please pass along to CRCRC members.

Hi CRCRC members -

I'm on my family's annual vacation to Seaside, Florida this week and unable to attend this Tuesday's meeting. I think it's appropriate that I share my thoughts on the latest height proposal.

Overall, I think there's a lot to like about the height proposal. It addresses prior concerns about the reference datum. I agree with the intent of the 18% slope / 45' rule and agree with some flexibility for sloped lots.

I have concerns about the incentive structure that's created by such an extreme increase in height created by this step function. I'm referring to the 45' height calculations only being introduced on lots with 18% or greater slope. With 17% slope or less, there's no forgiveness. At the beginning of the presentation there's reference to possibly moving this to 15%. In my view, the step function puts unnecessary pressure on CRCRC to find the perfect number for when to introduce this step. In my view, there is no perfect number when using a step function. I don't think it's fair to anyone who's buildable area is just below the step function threshold. If we apply a new set of rules for slope beyond a certain threshold, we are incentivizing development to occur on the more highly sloped portions of lots if it means having the new rules applied. Have we contemplated edge cases where the developments are close to, but below the step-function threshold? Would the developer purposely seek out a more sloped portion of the lot just to get a new set of rules? None of us know the answer, and I don't want to find out.

I propose we consider a linear function instead. Please see the attached Excel file. In the file, adjusting the inputs for max slope % and max height (cells E4 & E5) will allow the user to customize how much height forgiveness is applied for sloped lots. I defer to others on CRCRC to determine the inputs for max slope % and max height.

I appreciate the hard work everyone has put into this and am not looking to derail or slow down those efforts. This is simply one person's view that I want the full group to be aware of.

Thanks,
Jeff

Alt proposal

Buildable feet
 Beginning max height
 Max slope % to provide
 forgiveness
 max height

100
35
30%
45

Lot slope	Slope %	Max height - current code	Max height - CRCRC Proposal (step function)	Max height - Alt Proposal (linear function)
0	0%	35	35	35.0
1	1%	36	35	35.3
2	2%	37	35	35.7
3	3%	38	35	36.0
4	4%	39	35	36.3
5	5%	40	35	36.7
6	6%	41	35	37.0
7	7%	42	35	37.3
8	8%	43	35	37.7
9	9%	44	35	38.0
10	10%	45	35	38.3
11	11%	45	35	38.7
12	12%	45	35	39.0
13	13%	45	35	39.3
14	14%	45	35	39.7
15	15%	45	35	40.0
16	16%	45	35	40.3
17	17%	45	35	40.7
18	18%	45	45	41.0
19	19%	45	45	41.3
20	20%	45	45	41.7
21	21%	45	45	42.0
22	22%	45	45	42.3
23	23%	45	45	42.7
24	24%	45	45	43.0
25	25%	45	45	43.3
26	26%	45	45	43.7
27	27%	45	45	44.0
28	28%	45	45	44.3
29	29%	45	45	44.7
30	30%	45	45	45.0
31	31%	45	45	45.0
32	32%	45	45	45.0
33	33%	45	45	45.0
34	34%	45	45	45.0

35	35%	45	45	45.0
36	36%	45	45	45.0
37	37%	45	45	45.0
38	38%	45	45	45.0
39	39%	45	45	45.0
40	40%	45	45	45.0
41	41%	45	45	45.0
42	42%	45	45	45.0

From: Jeff Marx [REDACTED]
Sent: Tuesday, June 11, 2024 5:41 AM
To: Desiree Adair <dadair@rollingwoodtx.gov>
Subject: RE: 6-6-24 Residential Building Height Recommendation DRAFT Feedback

Hi Desiree -

Please pass this response along to CRCRC.

Hi CRCRC members -

Alex sent me a separate email that clarified my understanding of the slope calculation. I thought it was being calculated on the buildable area under the house, not the buildable area of the lot. I take back my point regarding the construction potentially being gamed by seeking out the higher sloped portion of a lot. I still think a step function with a 10' increase would create inequities between lots on either side of any threshold we come up with.

Thanks,
Jeff

April 2024

Applicability

The regulations contained in this section are applicable to outdoor lighting fixtures installed on structures within all residential zoning districts of the City.

1. All outdoor lighting fixtures existing and legally installed and operating before the effective date of this section, or installed pursuant to a permit approved prior to the effective date of this Section, shall be brought into conformance with this Section upon the earlier of: (1) an application for a site plan or building permit for construction of a new building or modification of 50% or more of an existing structure, or (2) replacement or modification of an existing non-conforming fixture.
2. This section does not apply to interior lighting; however, overly bright lighting emitted from inside a structure will be subject to this section if it is determined by the City Administrator or his/her designee that it creates a nuisance or a potential safety hazard or in an attempt to circumvent the regulations of this section.
3. Exemptions. The following are exempt from the provisions of this section:
 - A publicly maintained traffic control device;
 - B. street lights installed prior to the effective date of this section;
 - C temporary emergency lighting (fire, police, repair crews);
 - D lighting fixtures and illumination requirements imposed by TxDOT within TxDOT rights of way (ROW);
 - E. moving vehicle lights;
 - F. navigation lights (aircraft warning beacons on water towers and wireless transmission facilities) required by State or Federal law;
 - G. signs and associated lighting that conform to the city's sign regulations in Chapter 24;
 - H. seasonal decorations with lights in place and illuminated no longer than sixty (60) days per calendar year; and
 - I. underwater swimming pools and underwater spars light fixture as required by safety code's adopted by the City of Rollingwood;
 - J. other temporary uses approved by the City Council (festivals, carnivals, fairs, night-time Construction.
4. General Standards. The following standards shall apply to all outdoor lighting installed after the effective date of this section:
 - A. Lighting must be shielded and aimed downward so as to ensure that the illumination is only pointing downward onto the ground surface or into the building. No outdoor lighting fixture shall permit light to shine off the property on which it is installed.
 - B The source of the light (the light bulb, light emitting diode, or any other light emitting device), a refractive or non-refractive lens cover, or reflector shall not be visible in a direct line of sight from any other property or public right of way. Indirect light that may cross other properties cannot exceed .25 candlepower and indirect light that cross into the public right of way cannot exceed 5.0 candlepower.
 - C Lighting must have a color temperature of no more than 3000 Kelvins (K).

D. Any lighting fixture installed to illuminate parking, buildings or other structures shall not exceed the height of such buildings or structures, if attached thereto. All lighting shall be installed in a manner which directs or shields the light away from nearby dwellings and public right of ways

E. Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties or public street rights of way.

F. Outdoor uplighting is prohibited except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixtures will not cause light to extend beyond the structural shield. For spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground. For spotlights and floodlights mounted at or near ground level and used to light a building, or other structure, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below, and to the sides of the illuminated object.

G. For any location or structure not specified in paragraphs (1) through (8) above, the building Official shall set acceptable levels of illuminance upon request based on guidelines established by the Illuminating Engineering Society of North America (IESNA).

H. No light or illumination that flashes, moves, scrolls rotate, scintillates, blinks, flickers, varies in intensity or color, or uses intermittent electrical pulsations is permitted.

5. Submittals.

Applications for all building permits for new construction or redevelopment, including the installation of outdoor lighting fixtures, shall provide proof of compliance with this section. The submittal shall contain the following information as part of the permit application:

- A. plans indicating the location, type, and height of lighting fixtures including both building mounted and ground mounted fixtures;
- B. a description of the lighting fixtures, including lamps, poles or other supports and shielding devices, which may be provided as catalog illustrations from the manufacturer;
- C. photometric data, which may be furnished by the manufacturer, showing the angle of light Emission;
- D. detailed site lighting plan illustrating the footcandle power measured throughout the site;
- E. a certification by an engineer registered in the state as conforming to applicable requirements of this code, and
- F. additional information as may be required by the Building Official in order to determine compliance with this section.

6. Enforcement. The city shall have the power to administer and enforce the provisions of this Section, as provided in [Division, Article, Section XX] of this Code. Any violation of this Section is hereby declared to be a nuisance. A civil penalty of up to \$2,000 for each day a violation occurs may be assessed when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice failed to take action necessary for compliance with this article.

Definition of "Shielded" means installed in such a manner that all light emitted by the fixture, either directly from the bulb or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane immediately beneath the fixtures lowest light-emitting part. From proposed Commercial Lighting Code. Definitions need to be consistent

Note/Question Should enforcement on individual fixture replacement be on an educational basis with regulatory action only after complaint and only as last resource.

JUNE 2024

Applicability

The regulations contained in this section are applicable to outdoor lighting fixtures installed on structures within all residential zoning districts of the City.

1 All outdoor lighting fixtures existing and legally installed and operating before the effective date of this section, or installed pursuant to a permit approved prior to the effective date of this Section, shall be brought into conformance with this Section upon the earlier of: (1) an application for a site plan or building permit for construction of a new building or modification of 50% or more of an existing structure, or (2) replacement or modification of an existing non-conforming fixture.

2. This section does not apply to interior lighting; however, overly bright lighting emitted from inside a structure will be subject to this section if it is determined by the City Administrator or his/her designee that it creates a nuisance or a potential safety hazard or in an attempt to circumvent the regulations of this section.

3. Exemptions. The following are exempt from the provisions of this section:

- A publicly maintained traffic control device;
- B. street lights installed prior to the effective date of this section;
- C temporary emergency lighting (fire, police, repair crews);
- D lighting fixtures and illumination requirements imposed by TxDOT within TxDOT rights of way (ROW);
- E. moving vehicle lights;
- F. navigation lights (aircraft warning beacons on water towers and wireless transmission facilities) required by State or Federal law;
- G. signs and associated lighting that conform to the city's sign regulations in Chapter 24;
- H. seasonal decorations with lights in place and illuminated no longer than sixty (60) days per calendar year; and
- I. underwater swimming pools and underwater spars light fixture as required by safety code's adopted by the City of Rollingwood;
- J. other temporary uses approved by the City Council (festivals, carnivals, fairs, night-time Construction.

4. General Standards. The following standards shall apply to all outdoor lighting installed after the effective date of this section:

- A. Lighting must be shielded and aimed downward so as to ensure that the illumination is only pointing downward onto the ground surface or into the building. No outdoor lighting fixture shall permit light to shine off the property on which it is installed.
- B The source of the light (the light bulb, light emitting diode, or any other light emitting device), a refractive or non-refractive lens cover, or reflector shall not be visible in a direct line of sight from any other property or public right of way. Indirect light that may cross other properties cannot exceed .25 candlepower and indirect light that cross into the public right of way cannot exceed 5.0 candlepower.
- C Lighting must have a color temperature of no more than 3000 Kelvins (K).

- D. Any lighting fixture installed to illuminate parking, buildings or other structures shall not exceed the height of such buildings or structures, if attached thereto. All lighting shall be installed in a manner which directs or shields the light away from nearby dwellings and public right of ways
- E. Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties or public street rights of way.
- F. Outdoor uplighting is prohibited except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixtures will not cause light to extend beyond the structural shield. For spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground. For spotlights and floodlights mounted at or near ground level and used to light a building, or other structure, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below, and to the sides of the illuminated object.
- G. For any location or structure not specified in paragraphs (1) through (8) above, the building Official shall set acceptable levels of illuminance upon request based on guidelines established by the Illuminating Engineering Society of North America (IESNA).
- H. No light or illumination that flashes, moves, scrolls rotate, scintillates, blinks, flickers, varies in intensity or color, or uses intermittent electrical pulsations is permitted.
- I. The reduction of the wattage of the bulbs (not wattage used) in the fixtures may be considered by the building official to determine the enforcement of this section.
- J. additional information as may be required by the Building Official in order to determine compliance with this section.

5. Enforcement. The city shall have the power to administer and enforce the provisions of this Section, as provided in [Division, Article, Section XX] of this Code. Any violation of this Section is hereby declared to be a nuisance. A civil penalty of up to \$2,000 for each day a violation occurs may be assessed when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice failed to take action necessary for compliance with this article.

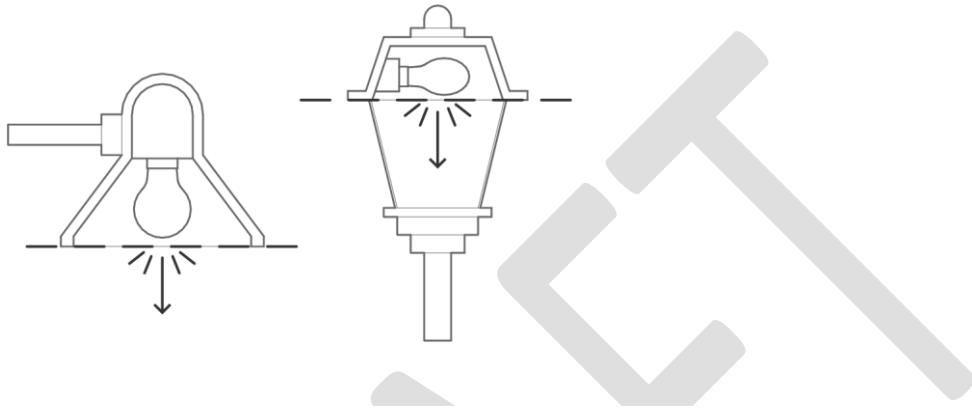
Definition of "Shielded" means installed in such a manner that all light emitted by the fixture, either directly from the bulb or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane immediately beneath the fixtures lowest light-emitting part. From proposed Commercial Lighting Code. Definitions need to be consistent

Note/Question Should enforcement on individual fixture replacement be on an educational basis with regulatory action only after complaint and only as last resource.

Sec. 107-81. Exterior Lighting requirements.

(a) Definitions: As used herein:

(i) "Shielded" means "installed in such a manner that all light emitted by the fixture, either directly from the bulb or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane immediately beneath the fixture's lowest light-emitting part."

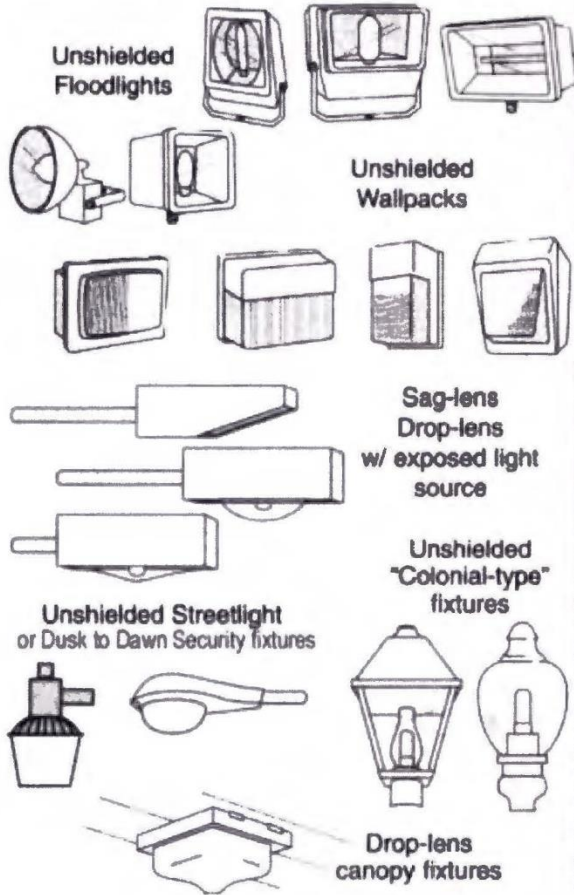


In Figure A (below), the lights on the left are nonconforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

UNSHIELDED FIXTURES

Unacceptable / Discouraged

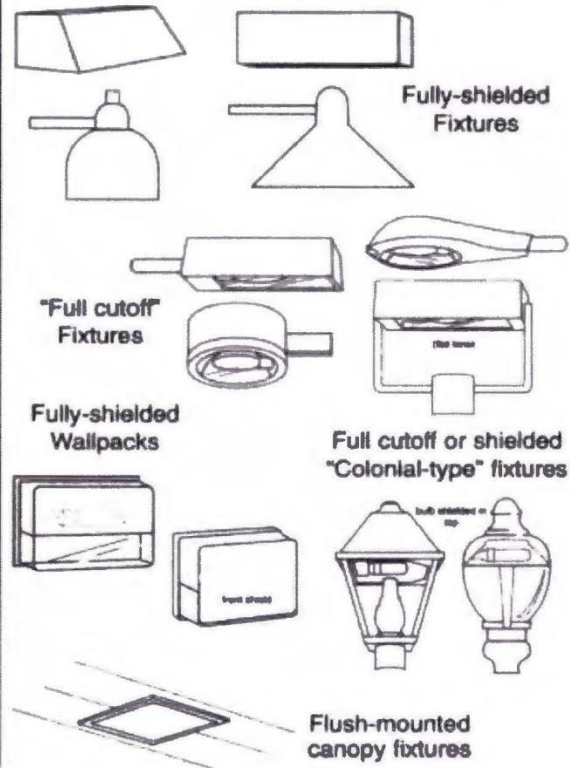
Fixtures that produce glare and light trespass



Full Cutoff and Fully Shielded Fixtures

Acceptable

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



F

(ii) "Footcandle" as used herein shall mean: The illuminance produced on a surface one foot from a uniform point source of one candela and equal to one lumen per square foot.

(b) Applicability.

- (1) The regulations contained in this section are applicable to outdoor lighting fixtures installed on structures within the residential zoning districts of the City.
- (2) All outdoor lighting fixtures existing and legally installed and operating before the effective date of this section, or installed pursuant to a permit approved prior to the effective date of this Section, shall be brought into conformance with this Section upon the earlier of: (1) an application for a site plan or building permit for construction of a new building or modification of 50% or more of an existing structure, or (2) replacement or modification of an existing non-conforming fixture.

- (3) This section does not apply to interior lighting; however, overly bright lighting emitted from a structure will be subject to this section if it is determined by the City Administrator or his/her designee that it creates a nuisance or a potential safety hazard.
- (c) Exemptions. The following are exempt from the provisions of this section:
- (1) publicly maintained traffic control devices;
 - (2) street lights installed prior to the effective date of this section;
 - (3) temporary emergency lighting (fire, police, repair crews);
 - (4) lighting fixtures and illumination requirements imposed by TxDOT within TxDOT rights of way (ROW);
 - (5) moving vehicle lights;
 - (6) navigation lights (aircraft warning beacons on water towers and wireless transmission facilities) required by State or Federal law;
 - (7) signs and associated lighting that conform to the city's sign regulations in Chapter 24;
 - (8) seasonal decorations with lights in place no longer than sixty (60) days; and
 - (9) other temporary uses approved by the City Council (festivals, carnivals, fairs, night-time construction);
- (d) General Standards. The following standards shall apply to all outdoor lighting installed after the effective date of this section:
- (1) Except for lighting in public right of way, all exterior fixtures must be hooded or shielded so that the light source is not directly visible from adjacent properties or properties within 250 ft of light source. A submittal of exterior light fixtures shall be included with the building permit plans that includes lumens output, color temperature and physical description.
 - (2) Lighting must have a color temperature of no more than 3000 Kelvins (K).
 - (3) Exterior lighting may not exceed .25 footcandle across the property line.
 - (4) The aggregate total of outdoor lighting on any property shall not exceed 25,000 lumens per acre or equivalent thereof for lots of less than an acre.
 - (5) No light or illumination that flashes, moves, scrolls rotates, scintillates, blinks, flickers, varies in intensity or color, or uses intermittent electrical pulsations is permitted. Light fixtures may be controlled by a motion detected.
 - (6) Light fixtures shall be controlled a photocell that restricts activation to night time use only.
- (e) Enforcement. The city shall have the power to administer and enforce the provisions of this Section, as provided in this Chapter. Any violation of this Section is hereby declared to be a nuisance. A civil penalty of up to \$2,000 for each day a violation occurs may be assessed when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice failed to take action necessary for compliance with this article.

DRAFT

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 had made 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. 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)
4. 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.)
5. 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).

6. 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.
7. Remove Sections (d) and (e) of Section 107-372. We believe 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).
8. 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).
9. 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.
10. 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).
11. 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).
12. 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.
13. 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.
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.