



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, October 02, 2024

Notice is hereby given that the Board of Adjustment 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 October 02, 2024 at 6:00 PM. Members of the public and the Board of Adjustment may participate in the meeting virtually, as long as a quorum of the Board of Adjustment 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 mrodriguez@rollingwoodtx.gov. Written questions or comments may be submitted up to two hours before the meeting. A video recording of the meeting will be made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. Roll Call

PUBLIC COMMENTS

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

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

CONSENT AGENDA

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

- 2. Discussion and possible action on the minutes from the August 7, 2024 Planning and Zoning Commission meeting
- 3. Discussion and possible actions on the minutes from the September 4, 2024 Joint City Council, Planning and Zoning Commission, and CRCRC meeting

REGULAR AGENDA

- 4. Discussion and possible action on an amendment to the Code of Ordinances regarding residential lighting and related provisions
- 5. Discussion and possible action on an amendment to the Code of Ordinances regarding connecting driveways
- 6. Discussion and possible action on an amendment to the Code of Ordinances regarding residential fence height and related provisions
- 7. Discussion and possible action on an ordinance designating that the front yard of a lot shall be the yard which abuts the addressed street
- 8. Discussion and possible action regarding late CRCRC additions, if any, to its Residential Building Heights proposal
- 9. Discussion and possible action on next steps for proposed amendments to the city's Code of Ordinances regarding residential landscape and tree canopy management, residential building height, and side yard projections in the Residential Zoning District
- 10. Discussion and possible action on positioning tree protection during construction guidance within the code of ordinances
- 11. Discussion and possible action on facility placement in setback areas
- 12. Discussion and possible action regarding the regulation of accessory buildings and structures

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, September 27, 2024 at 5:00 p.m.

Makayla Rodriguez

Makayla Rodriguez, City Secretary

NOTICE -

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

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

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



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, August 07, 2024

The Planning and Zoning Commission of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on August 7, 2024. Members of the public and the Planning and Zoning Commission were able to participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. Roll Call

Chair Dave Bench called the meeting to order at 6:02 p.m.

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

Mike Rhodes joined the meeting at 6:08 p.m.

Also Present: City Administrator Ashley Wayman, City Attorney Lloyd Newton, Assistant to the City Administrator Makayla Rodriguez, Development Services Manager Nikki Stautzenberger, and Council Member Brook Brown

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

2. Discussion and possible action on the minutes from the April 24, 2024 Joint City Council and Planning and Zoning Commission meeting
3. Discussion and possible action on the minutes from the May 1, 2024 Planning and Zoning Commission meeting
4. Discussion and possible action on the minutes from the May 8, 2024 Special Planning and Zoning Commission meeting

- 5. Discussion and possible action on the minutes from the July 10, 2024 Joint Planning and Zoning Commission, Board of Adjustment and CRCRC Training

Chair Dave Bench moved to approve the consent agenda as written. Jerry Fleming seconded the motion. The motion carried with 5 in favor and 0 against.

PUBLIC HEARING

- 6. Public hearing, discussion and possible action on a city-initiated rezoning of 5100 Rollingwood Drive (Parcel ID 107772) from the Commercial District (C) to the Residential (R)

City Administrator Ashley Wayman shared that the approval of the commercial code initiated the rezoning of 5100 Rollingwood Drive. She stated that after the public hearing, the Planning and Zoning Commission will make a recommendation to City Council to approve or reject the rezoning of the address from commercial to residential.

Chair Dave Bench opened the public hearing 6:07 p.m.

No individuals spoke during the public hearing.

Chair Dave Bench closed the public hearing at 6:08 p.m.

Mike Rhodes joined the meeting at 6:08 p.m.

Tony Stein moved to approve the rezoning of 5100 Rollingwood Drive from Commercial to Residential. Genie Nyer seconded the motion. The motion carried with 6 in favor and 0 against.

- 7. Public hearing, discussion and possible action on an ordinance amending the zoning ordinance to prohibit the rental of amenities in the residential zoning district

City Administrator Ashley Wayman discussed that this item is back with additional clarity after being reviewed by City Council and that the ordinance will disallow the rental of amenities in the residential district.

The Planning and Zoning Commission asked questions of City Administrator Ashley Wayman in regards to the ordinance and permitted uses.

Chair Dave Bench opened the public hearing at 6:12 p.m.

The following individuals spoke during the public hearing:

- Glenn Harris, 3012 Hatley Drive, stated that he is in favor of the amendment to the ordinance. He discussed platforms that offer short term rentals and how they negatively impact neighbors.

Chair Dave Bench closed the public hearing at 6:15 p.m.

Tony Stein moved to recommend the approval of the ordinance as drafted by counsel and approved by City Council. Jerry Fleming seconded the motion. The motion passed with 6 in favor and 0 against.

REGULAR AGENDA

- 8. Discussion and possible action regarding a draft ordinance providing that the front yard of a lot shall be the yard which abuts the addressed street

City Administrator Ashley Wayman shared information about the draft ordinance that provided clarity and a definition for front yards to ensure homes are built to face the front of the street. She also explained that the ordinance will remove the building official from determining a street address in the building process.

The Planning and Zoning Commission and City Administrator Ashley Wayman discussed address changes and front yards. Chair Dave Bench requested to add front doors to the ordinance for emergency service protocols. The Commission members continued discussion on front doors and a recent address change.

Council Member Brook Brown, 307 Nixon, explained that attention was brought to this issue because there have been instances where homes have front doors facing a side street and that emergency services as well as other delivery services cannot locate the front of the home.

Council Member Brook Brown and the Commission discussed the ordinance and address changes.

City Administrator Ashley Wayman and the Planning and Zoning Commission discussed front doors, setbacks, and address changes. Council Member Brook Brown provided clarity about the ordinance.

Chair Dave Bench stated that he would like the Planning and Zoning members to continue thinking about this item.

- 9. Discussion regarding the CRCRC Residential Building Height recommendations that have been set for public hearing on September 4, 2024

City Administrator Ashley Wayman explained that there will be a joint City Council and Planning and Zoning public hearing on September 4, 2024, to review drafted code language from the building height recommendations that were created by the CRCRC and approved by City Council. She stated that the recommendations have been provided for discussion.

Ryan Clinton, 4714 Timberline Drive, discussed parallel plane and how it impacts sloped lots, and previous discussions by the CRCRC.

Jeff Ezell, 4709 Timberline Drive, explained that he has been trying to understand where the CRCRC is getting their data from to create the building height recommendations. He stated that he encourages the Planning and Zoning Commission to understand the impact of the parallel plane method before moving forward.

Chair Dave Bench stated that the CRCRC has been collecting public and has made minor changes based on the feedback received.

Tony Stein raised some concern about the pace of the process and explained that it is not appropriate to have a public hearing so quickly. Chair Dave Bench explained that City Council requested the CRCRC to speed up the process.

Genie Nyer asked if the public hearing could be rescheduled and City Administrator Ashley Wayman explained that the City Council would need to vote to reschedule to public hearing.

The Planning and Zoning Commission members discussed building height, the survey, and the speed of the recommendation process.

Ryan Clinton, 4714 Timberline, discussed the survey results with the Commission. Genie Nyer asked Mr. Clinton questions in regards to his opposition of the parallel plane method. Mr. Clinton expressed his thoughts and shared alternative solutions.

Chair Dave Bench recalled the CRCRC’s recommendation process and participation from the public.

The Planning and Zoning Commission discussed building height and their experiences with building height. They continued to discuss the potential impacts the recommendations may have on homes within the community. Genie Nyer discussed her experience with building height and the Planning and Zoning Commission agreed that they want to create a solution for neighbors who are negatively impacted by building height. The Planning and Zoning members continued discussion on building height.

Council Member Brook Brown stated that her understanding was to get the CRCRC recommendations in an ordinance form to have a base document then to make progress. Ms. Brown and the Planning and Zoning Commission discussed the September joint public hearing.

City Administrator Ashley Wayman and the Commission discussed the public hearing notice process.

The Planning and Zoning Commission discussed the history of how the recommendations came to be, the focus of the parallel plane method to determine building height, and public feedback received during the CRCRC recommendation process.

Ryan Clinton, 4717 Timberline Drive, shared his experience with public feedback during the CRCRC recommendation process and with boards and commissions.

The Planning and Zoning Commission discussed and asked questions regarding the parallel plane concept.

City Administrator Ashley Wayman clarified what was presented at the City Council meeting wasn’t the exact language as what was approved at the CRCRC meeting. She discussed the draft language with the Planning and Zoning Commission.

Chair Dave Bench moved to item 11 at this time.

10. Discussion regarding the CRCRC Residential Tree and Landscape Recommendations that have been set for public hearing on September 4, 2024

City Administrator Ashley Wayman stated that legal is drafting an ordinance and a public notice will go out for the public hearing on September 4th. She continued to say that the Planning and Zoning Commission members will be able to view the code amendment language ahead of the meeting.

The Planning and Zoning Commission asked questions regarding approved recommendations.

Jerry Fleming stated that the tree ordinance does not mention any provisions that protect tree roots during the construction process. He said that he is looking into this issue.

11. Update on CRCRC workshop regarding building height

City Administrator Ashley Wayman recapped a motion made at the June 25th CRCRC meeting to recommend that the City Council and the Planning and Zoning Commission hold a workshop and explained the purpose of the workshop. She continued to say that the workshop will need City Council approval.

The Planning and Zoning Commission discussed the drafted language, how the language will be interpreted, and parallel plane. They continued to discuss how height is measured in other cities.

Shanthi Jayakumar, 3309 Park Hills Drive, thanked the Planning and Zoning Commission members for their discussion and acknowledges their efforts. She discussed a zoning document from 1988 that explained how building height was measured. She asked the members to considers neighbor privacy during this process.

Chair Dave Benched moved to item 10 at this time.

ADJOURNMENT OF MEETING

The meeting was adjourned at 8:55 p.m.

Minutes adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Ashley Wayman, City Administrator



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

Wednesday, September 04, 2024

The City Council, Planning and Zoning Commission, and Comprehensive Residential Code Review Committee 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 September 4, 2024. Members of the public and the City Council, Planning and Zoning Commission, and Comprehensive Residential Code Review Committee were able to 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 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 JOINT CITY COUNCIL, PLANNING AND ZONING COMMISSION AND COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MEETING TO ORDER

1. Roll Call

Mayor Gavin Massingill called the meeting to order at 6:02 p.m.

Present City Council Members: Mayor Gavin Massingill, Mayor Pro Tem Sara Hutson, Council Member Brook Brown, Council Member Kevin Glasheen, Council Member Phil McDuffee, and Council Member Alec Robinson

Present Planning and Zoning Commission Members: Chair Dave Bench, Jerry Fleming, Michael Hall, Brian Nash, Genie Nyer, Tony Stein, and Michael Rhodes (Virtually)

Present CRCRC Members: Chair Dave Bench, Jay van Bavel, Duke Garwood, and Alex Robinette

Brian Rider joined the meeting at 6:08 p.m.

Also Present: City Administrator Ashley Wayman, Assistant to the City Administrator Makayla Rodriguez, Development Services Manager Nikki Stautzenberger, and Attorney Charles Zech

PUBLIC COMMENTS

There were no public comments.

REGULAR AGENDA

- 2. Discussion regarding recommendations from the CRCRC regarding residential landscape and tree canopy management

Brian Rider joined the meeting at 6:08 p.m.

City Administrator Ashley Wayman explained that the recommendations from CRCRC have been reviewed by City Council and are in draft ordinance form. She stated that the item was not posted for action.

Jay van Bavel, 5012 Timberline Drive and member of the CRCRC, explained the recommended changes to the tree maintenance ordinance. Mr. Van Bavel discussed added definitions, tree replacement, and tree removal.

City Council asked questions of Mr. Van Bavel regarding the heritage trees, protected trees, and critical root zones.

Tony Stein, 5012 Timberline Drive and member of the Planning and Zoning Commission asked questions of Mr. van Bavel on how scenarios would apply to the recommendations and long-term management.

City Administrator Ashley Wayman discussed the next steps for the residential landscape and tree canopy management recommendations.

- 3. Discussion regarding recommendations from the CRCRC regarding residential building height and related provisions

City Administrator Ashley Wayman explained the items in the packet.

Duke Garwood, 5 Rock Way Cove and member of the CRCRC, discussed his experience on the CRCRC as well as complimented Alex Robinette for her work on the committee.

Alex Robinette, 2501 Bettis Boulevard and member of the CRCRC, shared a history of the CRCRC recommendations. She discussed the building height, the building height survey results, alternative building height methods, and how other cities are measuring height.

Members of City Council asked questions of Ms. Robinette regarding building height, building height methods, and special exceptions.

City Attorney Charles Zech stated the difference between a special exception and a variance.

Members of City Council and the Planning and Zoning Commission continued discussion on building height with Alex Robinette.

Shanthi Jayakumar, 3309 Park Hills Drive, thanked City Council, Planning and Zoning Commission, and the CRCRC for their service as well as discussed feedback and building height.

Jeff Ezell, 4709 Timberline Drive, discussed a home in Rollingwood and the parallel plane method. He also discussed alternative building height methods.

City Council members asked questions of Mr. Ezell regarding parallel plane and alternative building height methods.

Ryan Clinton, 4714 Timberline Drive, presented an example to represent a sloped lot and discussed the role of the Planning and Zoning Commission as well as building height in other cities.

City Council and members of the CRCRC asked questions of Ryan Clinton regarding building height.

Members of the CRCRC and the City Council discussed building height, the parallel plane method, and building height in other cities.

Genie Nyer, 206 Ashworth Drive and member of the Planning and Zoning Commission, discussed the building height survey and vegetative barriers.

Amy Patillo, 3 Rock Way Cove, shared her appreciation for the CRCRC’s consideration to her concerns and expressed other considerations.

City Council discussed survey participation and thanked everyone for their efforts.

Tony Stein, 5012 Rollingwood Drive and member of the Planning and Zoning Commission, thanked members of the CRCRC and discussed his desire to have a simple solution for building height.

Mayor Gavin Massingill thanked everyone for their participation.

4. Discussion regarding recommendations from the CRCRC regarding side yard projections in the Residential Zoning District

City Administrator Ashley Wayman discussed the attachments in the packet.

Chair Dave Bench discussed side yard projections and recommendations.

Members of City Council and the Planning and Zoning Commission asked questions of Mr. Bench regarding eaves and the building height survey.

Alex Robinette explained the side yard projection recommendations.

Members of the Planning and Zoning Commission continued to discuss and ask questions about side yard projections and drainage.

Jeff Ezell, 4709 Timberline Drive, stated that he agrees with limitations for projections and asked questions regarding setbacks.

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

Mayor Gavin Massingill explained the purpose of the item and discussed the concept of the CRCRC workshop.

Thom Farrell, 3223 Park Hills Drive and member of the CRCRC, discussed the desire to hold a CRCRC workshop.

Members of City Council and Thom Farrell discussed what parties should be present for the workshop as well as building height proposals.

Council Member Alec Robinson stated his support for the workshop.

- 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

City Administrator Ashley Wayman explained the intent of the item.

City Council asked questions regarding the recommendation approval process and future meeting dates.

City Administrator Ashley Watman discussed the public hearing process.

Mayor Gavin Massingill and Chair Dave Bench discussed next steps.

Members of Planning and Zoning discussed future meetings. They agreed to meet on Tuesday, September 10, 2024.

ADJOURNMENT OF MEETING

The meeting was adjourned at 9:15 p.m.

Minutes adopted on the _____ day of _____, 2024.

Gavin Massingill, Mayor

ATTEST:

Ashley Wayman, City Administrator

Minutes adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Ashley Wayman, City Administrator

Minutes adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Ashley Wayman, City Administrator

CRCRC RESIDENTIAL LIGHTING PROPOSAL

ISSUE: Resident's Right to Privacy/Survey

APPLICATION: The proposed regulations regarding residential outdoor lighting fixtures are applicable to within all residential zoning districts of the City however existing fixtures are grandfathered and these proposed regulations will not apply and will not apply for interior lighting fixtures.

OVERVIEW OF PROPOSAL:

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);
- (b) General Standards. The following standards shall apply to all outdoor lighting installed after the effective date of this section:
- (1) 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.
 - (2) 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.
 - (3) Lighting must have a color temperature of no more than 3000 Kelvins (K).
 - (4) Any lighting to illuminate driveways, buildings or other structures shall not exceed the height of such buildings or structures, if attached thereto, or, if pole-mounted, a height of 24 feet. All lighting shall be installed in a manner which directs or shields the light away from nearby dwellings.

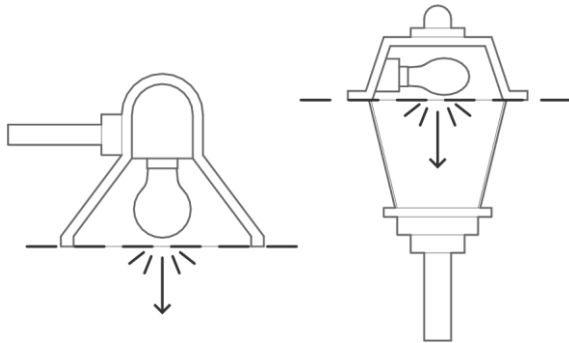
- (5) Outdoor lighting shall be designed to not create or cause excessive glare onto adjacent properties or public street rights of way.
- (6) The aggregate total of outdoor lighting on any property shall not exceed 25,000 lumens per acre or equivalent thereof for lots of less than an acre.
- (7) For any location or structure not specified in paragraphs (1) through (6) 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).
- (8) No light or illumination that flashes, moves, scrolls rotate, scintillates, blinks, flickers, varies in intensity or color, or uses intermittent electrical pulsations is permitted.

PURCEDURE: A review of lighting ordinances of several adjacent Cities was conducted along with the most helpful assistance of Engineer and Rollingwood resident Jerry Fleming regarding technical and practical application of a proposed lighting ordinance.

Sec. 107-81. Exterior Lighting requirements.

(a) Definitions: As used herein:

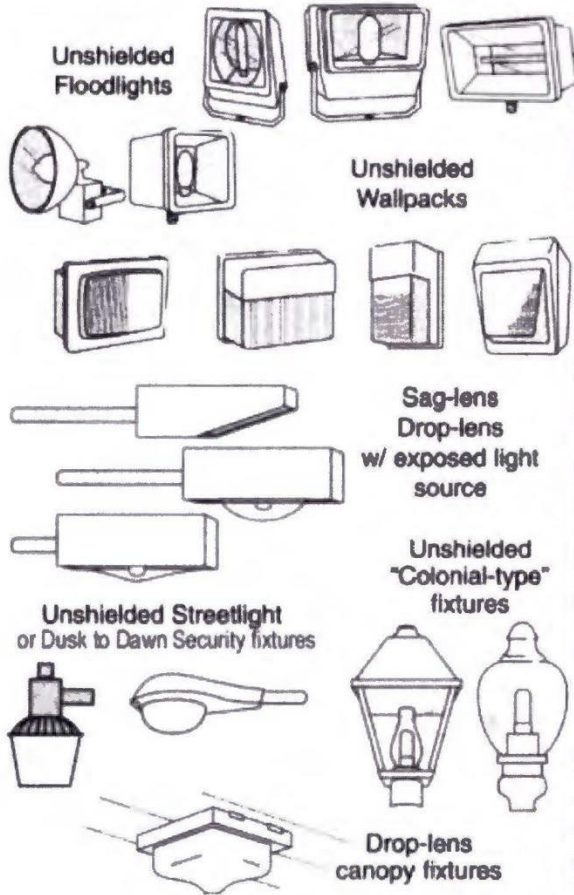
(i) "Shielded" means "installed in such a manner that all light emitted by the fixture, either directly from the bulb or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane immediately beneath the fixture's lowest light-emitting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

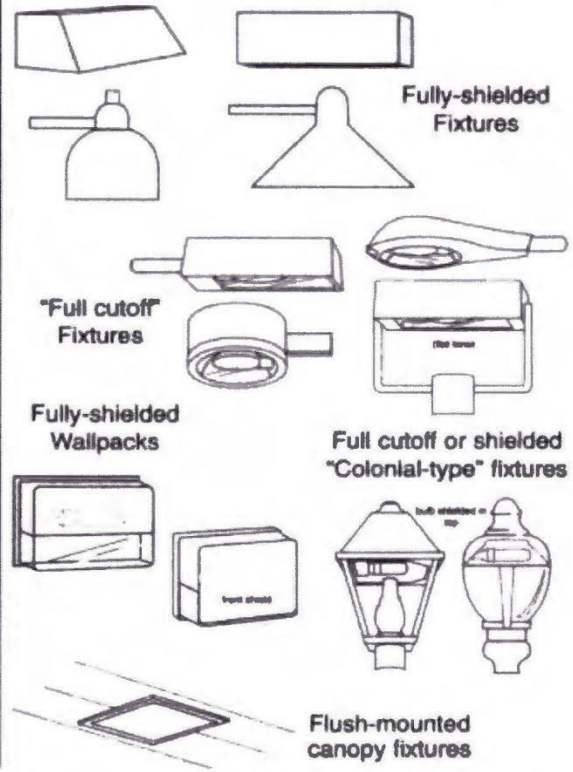
UNSHIELDED FIXTURES

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 illuminated no longer than sixty (60) days; and
- (9) other temporary uses approved by the City Council (festivals, carnivals, fairs, night-time construction);
10. Unshielded decorative lights meeting the standard (not exceeding .25 footcandle which mimic natural gas flickering lights.

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

- (1) Except for street 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. As directed by city building official a submittal of exterior light fixtures shall be included with the building permit plans that includes lumens output, color temperature and a 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 source property line.
- (4) No light or illumination that flashes, moves, scrolls rotates, scintillates, blinks, flickers, varies in intensity or color, or uses intermittent electrical pulsations is permitted other than low voltage lights permitted under item 8 above for the limited period allowed in C8. Light fixtures may be controlled by a motion detector that deactivates fixtures after no more than 15 minutes.
- (5) Light fixtures shall be controlled a photocell that restricts activation to night time use only.
- (6) Private walkway light fixtures shall not exceed 385 lumens each.
- (7) Setback lighting. No Light fixtures shall be installed in any setback except for lighting installed in accordance with (6) above and for two light fixtures at a driveway entrance.
- (8) Landscape/yard lighting. Light fixtures used for illuminating landscape features shall not be used after 11:00 PM. Individual Fixtures shall not exceed 530 lumens.

- (9) Western Hills Athletic Club (WHAC) property. Lighting for new construction or over 50% renovation of facilities on WHAC property shall comply with this section.
- (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.

CRCRC RECOMMENDATION ON DRIVEWAYS CONNECTING 2 STREETS 7-23-2024

Survey Results Analysis on 274 Respondents

Should we reconsider code limitations placed on circular driveways for a corner lot that connects two streets?

156 (57%) Yes

112 (40%) No

6 (3%) No response

71 Comments: 48 for; 6 against for safety reasons; 16 against for misc (impervious, curb cuts, etc)

Current:

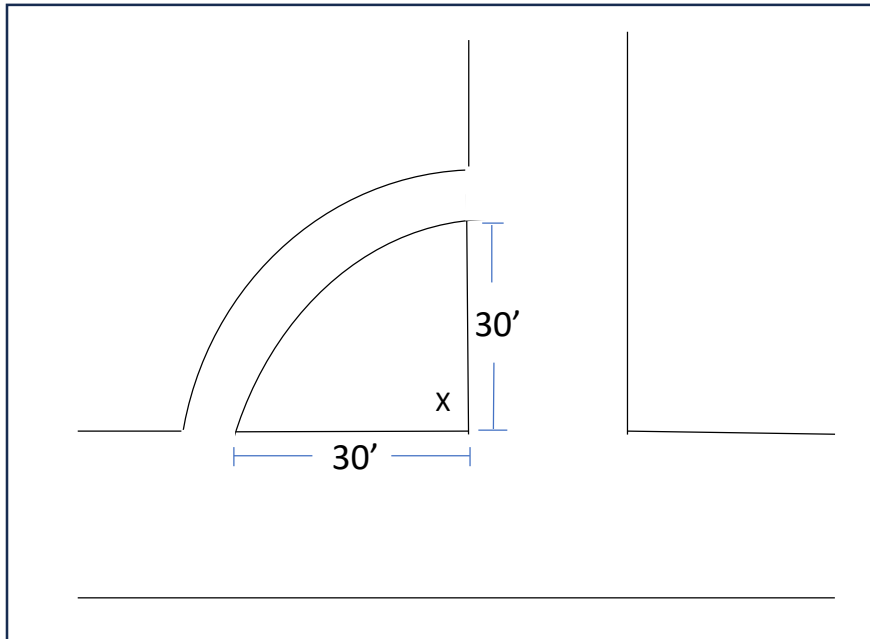
Sec. 28-70. - Driveways with more than one curb cut.

(4) Circular driveways or continuous driveways with more than one curb cut shall be allowed on only one street on corner lots. This includes driveways that cut across corner lots from one street to the intersection street.

Add:

Special Exception

If it can be demonstrated that having a circular driveway connecting two streets will address a safety concern, a property owner may seek a special exception for such from the Board of Adjustment provided that the proposed driveway edges closest to intersecting street corner are no closer than 30 feet from the intersecting corner.



CRCRC APPROVED
FENCE HEIGHT
PROPOSAL/RECOMMENDATION

ISSUE: Currently the Rollingwood fence ordinance does not have a height limit but requires a permit. Any height over 6' must be stamped by an engineer. Intrusive to adjacent neighbors and right to privacy issues.

APPLICATION: The proposed regulation regarding side and rear residential fencing is applicable to residential zoning districts within the City. Existing fences will be grandfathered and these regulations will not apply. The current front yard fence regulation will remain unchanged.

OVERVIEW OF PROPOSAL/RECOMMENDATION: The standard allowable fence height is to be 6ft from natural grade. All fences exceeding 6ft in height will require certified engineer approval. Fences exceeding 8 ft must be engineered and have Board of Adjustment (Special Exception) approval based on privacy, safety, and continuity.

PROCEDURE: A review of fence ordinances from several adjacent Cities (Westlake Hills, Lakeway, Bee Cave Village, and the City of Austin), was conducted to review and compare the City of Rollingwood's existing ordinance and those of the adjacent Cities. Makayla Rodriguez was instrumental in obtaining the ordinances from the various adjacent Cities.

AGENDA ITEM SUMMARY SHEET
City of Rollingwood
Meeting Date: September 4, 2024

Submitted By:

Staff

Agenda Item:

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

Description:

At the August 21, 2024 City Council Meeting the following motion was made.

Motion: to send the draft in the packet that's labeled Draft Ordinance Front Yard (4879-9544-3644.3) - Updated 8/20/2024 to Planning and Zoning with a request that they consider and take action on whether any changes need to be made before setting a public hearing.

Action Requested:

To review the draft ordinance and consider setting it for public hearing.

Fiscal Impacts:

No significant fiscal impacts anticipated at this time.

Attachments:

- Draft Ordinance - Front Yard 4879-9544-3644.3 - Updated 8/20/2024

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ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, DIVISION 2, SECTIONS 107-3 (DEFINITIONS) AND 107-75 (YARDS GENERALLY) TO PROVIDE THAT THE FRONT YARD OF A LOT SHALL BE THE A YARD WHICH ABUTS THE ADDRESSED STREET; PROVIDING FOR THE LOCATION OF THE PRIMARY ENTRANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Rollingwood is a General Law Type A City under the statutes of the State of Texas; and

WHEREAS, the City Council of the City of Rollingwood (“City Council”) wishes to amend the City’s zoning regulations to require that the front of a yard of a lot match the addressed street of the lot; and

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

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

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

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

SECTION 2. Code Amendment.

Section 107-3. – Definitions

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

Section 107-74. – Primary Entrances.

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

Sec. 107-75. - Yards generally.

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

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

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

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

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

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

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Gavin Massingill, Mayor

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ATTEST:

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_____, City Secretary

1 **ORDINANCE NO. _____**

2 **AN ORDINANCE AMENDING CHAPTER 107 OF THE CITY OF**
3 **ROLLINGWOOD’S CODE OF ORDINANCES RELATED TO**
4 **RESIDENTIAL BUILDING HEIGHTS AND HEIGHT**
5 **MEASUREMENT; PROVIDING FOR SEVERABILITY AND AN**
6 **EFFECTIVE DATE.**

7 **WHEREAS**, the City of Rollingwood is a General Law Type A City under the
8 statutes of the State of Texas; and

9 **WHEREAS**, the Texas Local Government Code Chapter 211 provides authority to
10 regulate the height, number of stories, and size of buildings and other structures; and

11 **WHEREAS**, the City Council of the City of Rollingwood (“City Council”) finds
12 that maintaining the existing character and aesthetic appeal of residential neighborhoods is
13 of paramount importance. The introduction of excessively tall residential buildings
14 threatens to alter the visual and cultural fabric of the community; and

15 **WHEREAS**, the City Council finds and determines that taller buildings can lead
16 to privacy concerns for adjacent properties, as higher floors may overlook yards, gardens,
17 and living spaces and this intrusion into private spaces can affect residents' quality of life
18 and sense of security; and

19 **WHEREAS**, the City Council finds and determines that the regulation of
20 residential building heights proposed herein is consistent with the goals and policies
21 outlined in the City's Comprehensive Plan and support the Plan's vision for sustainable
22 development, community character preservation, and balanced growth; and

23 **WHEREAS**, the Comprehensive Residential Code Review Committee (the
24 “CRCRC”) was appointed, among other issues, to study the effect of building heights and
25 building height regulation; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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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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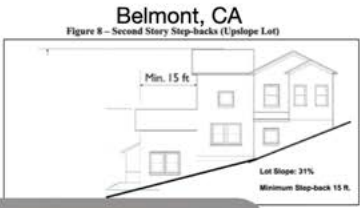
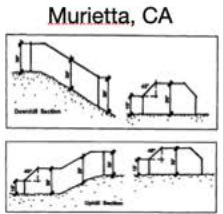
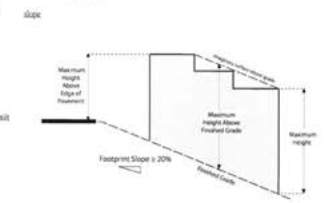
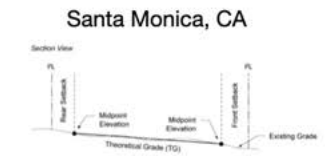
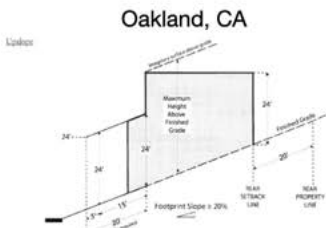
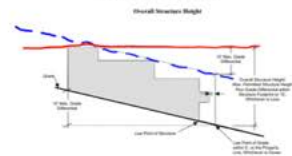
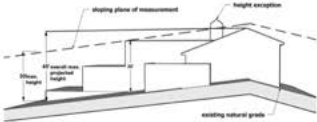
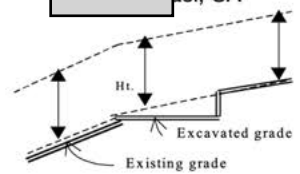
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140 _____, City Secretary

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Cities that use Parallel or Imaginary Plane:

Page 30



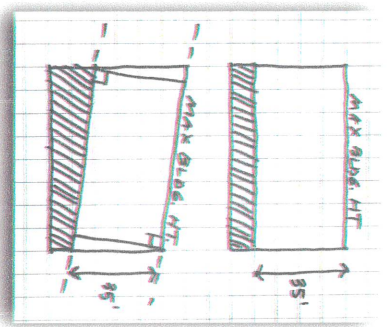
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Pitched, gable or hip roof (parallel plane measurement only)
May extend up to five feet above the maximum height requirement as measured by the imaginary line in Section 2.24.01(d), provided the pitch of the roof is a minimum rise over run ratio of 3.5:12. This exception for pitched, gable, or hip roofs may be used only in conjunction with the parallel plane measurement in Section 2.24.01(d).

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2. Use a Parallel Plane Method

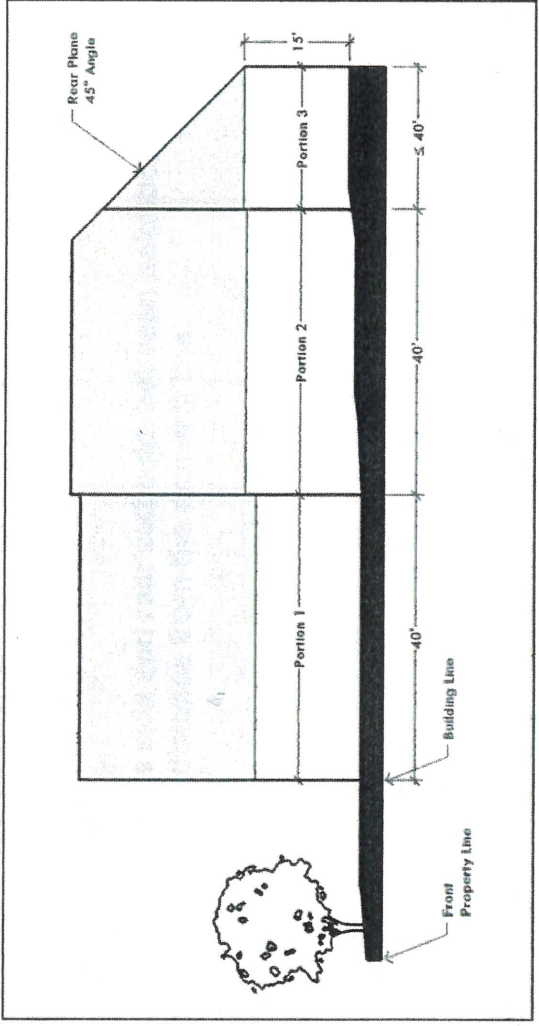
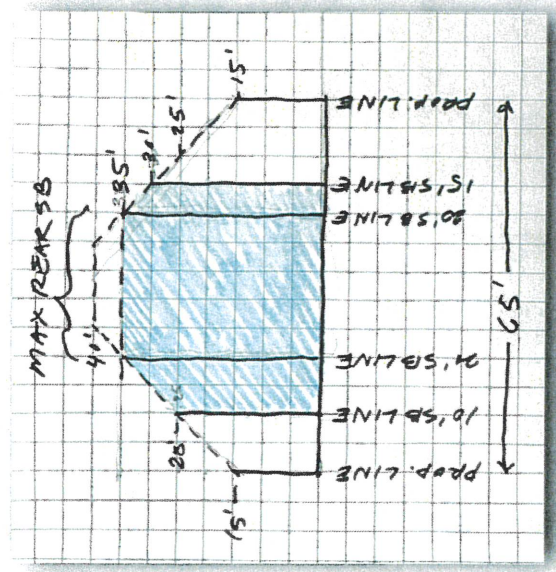
- An imaginary plane that matches the existing grade surface at a specified distance above.
- Natural or existing grade serves as the reference datum.
- Building heights are measured from this reference to the highest point of the building's roof or other elements.
- Determines the maximum allowable height of a building in a consistent way, especially on sloped lots or areas with varying terrain.
- Contour lines can be cleaned up within the buildable area in such a way that new development is not limited by previous structures.

How much does buildable area is lost on a sloped lot using parallel plane?



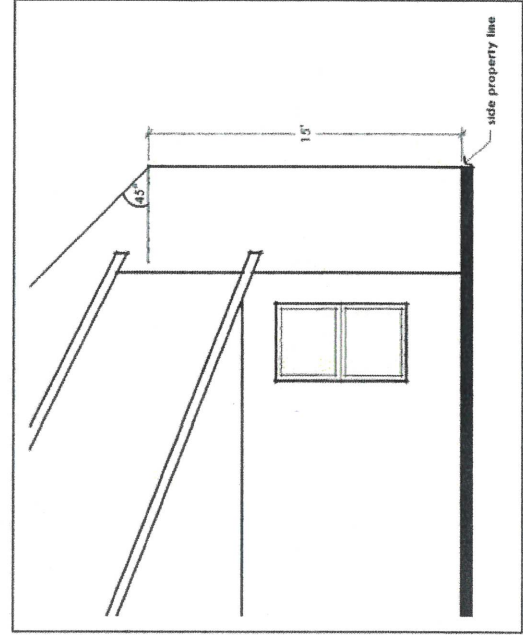
Calculating the cross-sectional area of the parallelogram based on slope:

- 10% loses 0.5%
- 15% loses 1%
- 20% loses 2%



*No portion of any Front Elevation shall exceed 35ft.
 Set 15' springline along Property Line

City of Austin - Setback Planes



Sec. 107-71. Building Heights

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- (d) Existing grade may be adjusted graphically as a straight line across unusual or minor topographical variations including, but not limited to, pools, ponds, existing basements, rock outcropping depressions and natural drainage ways. In a similar manner the original grade may be approximated without penalty for previous construction.
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- (f) The height of foundation exposure within public view from public right-of-way cannot exceed six feet. Foundation exposure within public view from the right-of-way must be screened such that the topmost viewable portion does not exceed two and a half (2.5) feet height.

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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

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- (2) Cypress, Bald
- (3) Elm, American
- (4) Elm, Cedar
- (5) Madrone, Texas
- (6) Maple, Bigtooth
- (7) All Oaks
- (8) Pecan
- (9) Walnut, Arizona
- (10) Walnut, Eastern Black

(b) *Protected tree* means a tree that has a trunk with a diameter of 12 inches or more, measured four and one-half feet above ground, and is one of the protected species;

(c) *Replacement species* means:

- (1) For trees planted within 20 feet of an above-ground power, cable, or telephone line:
 - a. Anacacho Orchid Tree
 - b. Common Tree Senna
 - c. Crape Myrtle (dwarf)
 - d. Desert Willow
 - e. Evergreen Sumac
 - f. Eve's Necklace
 - g. Flameleaf Sumac
 - h. Goldenball Leadtree
 - i. Mexican Buckeye
 - j. Mexican Plum
 - k. Possumhaw Holly
 - l. Rough Leaf Dogwood
 - m. Texas Mountain Laurel
 - n. Texas Persimmon
 - o. Texas Pistache
 - p. Texas Redbud
 - q. Wax Myrtle
 - r. Yaupon Holly
 - s. Cherry Laurel

(2) For all other trees planted within a property, a protected species.

(d) *Replacement tree* means:

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

(2) For the replacement species listed in subsection (c)(2), a tree with a diameter equal to not less than one-fourth the diameter of the protected tree it replaces up to a maximum diameter of six 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.~~

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.

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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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Gavin Massingill, Mayor

533 ATTEST:

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536 Desiree Adair, City Secretary

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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

ATTEST:

_____, City Secretary

Sec. 101-245. - Copy of plans and specifications to be kept at job site.

A set of plans and specifications, stamped or otherwise marked as approved by the building official, shall be kept on the job site at all times. No change or alteration shall be made in any plans or specifications without approval of the building official or his designee. The building official's approval of any plans or specifications shall not be held to permit or approve a violation of any city ordinance or state law.

(Code 1987, ch. 11, subch. A, § 10; Code 1995, § 3.02.010)

Sec. 101-255. - Temporary construction fences.

- (a) Temporary construction site fencing is required during residential demolition and construction and shall be placed and removed at the direction of the building official or the city's designee. A fence described by this section may not be erected in such position or placed in a way which constitutes a traffic hazard and shall remain locked when construction is not in progress except that the building official or the city's designee shall be provided access at all times for any purpose. A fence as described by this section shall be constructed:
- (1) Six feet in height;
 - (2) With plain mesh fabric privacy screening;
 - (3) To surround the entirety of the residential construction;
 - (4) No closer than ten feet to any street curb and no closer than 15 feet to an intersection. If the distance requirements in this subsection cannot be met as determined by the building official, an exception to these distance requirements may be granted. The exception shall be as restrictive as necessary based on the need for the exception;
 - (5) Such that no fire hydrant or wastewater lift station is obstructed; and
 - (6) In a manner which allows for reasonable visibility around street corners and when exiting adjacent driveways.

(Ord. No. 2022-05-18-14, § 2, 5-18-2022; Ord. No. 2024-02-21-22, § 2(Exh. A), 2-21-2024; Ord. No. 2024-03-20-08, § 2, 3-20-2024)

SEC. 101-256 TREE PROTECTION REQUIREMENTS
Secs. 101-256—101-276. - Reserved.
 257-

Article VII. - ADDRESSING**Sec. 101-277. - Process for addressing.**

~~Proposed substitute wording for Tree Ordinance Sec 107-376 (a) (2) to specify tree and Critical Root Zone protection and mulching requirements~~
PROTECTION 101-2560
DURING CONSTRUCTION

(2a) Tree root protection shall be installed prior to the start of any site work, including demolition or site preparation and be maintained continuously throughout the project. Tree protection shall be removed at the end of the project after all construction and final grading is complete, but before final inspection. Any premature removal or failure of tree protection can lead to root damage and require remedial tree care.

(2b) Fencing is the primary method of tree protection and is intended to prevent access to the Critical Root Zone (CRZ). Tree fencing shall have a minimum height of 5 feet. Fencing shall be installed on steel t-posts with a maximum spacing of 10 feet between posts. Fencing shall be installed around or beyond the CRZ of all preserved trees or any natural areas designated for preservation.

(2c) Mulch is required for any section of the (CRZ) that is not protected by fencing or under existing hardscape and has not been approved for impacts (such as building footprint or driveway). Mulch used for tree protection shall be any natural wood type. Rough single grind mulch, which resists compaction better than double grind and is usually less expensive is preferred but any natural wood type is acceptable. Dyed mulch or mulch made from non-biological material such as rubber or stone shall not be used as tree protection.

(2d) Mulch shall be installed to a minimum depth of 8 inches and maximum of 12 inches. Mulch shall be replenished as required, removed at end of the project, and shall not be piled against the tree trunk.

Proposed substitute wording for Tree Ordinance Sec 107-376 (a) (2) to specify tree and Critical Root Zone protection and mulching requirements

(2a) Tree root protection shall be installed prior to the start of any site work, including demolition or site preparation and be maintained continuously throughout the project. Tree protection shall be removed at the end of the project after all construction and final grading is complete, but before final inspection. Any premature removal or failure of tree protection can lead to root damage and require remedial tree care.

(2b) Fencing is the primary method of tree protection and is intended to prevent access to the Critical Root Zone (CRZ). Tree fencing shall have a minimum height of 5 feet. Fencing shall be chain link installed on steel t-posts with a maximum spacing of 10 feet between posts. Fencing shall be installed around or beyond the CRZ of all preserved trees or any natural areas designated for preservation.

(2c) Mulch is required for any section of the (CRZ) that is not protected by fencing or under existing hardscape and has not been approved for impacts (such as building footprint or driveway). Mulch used for tree protection shall be any natural wood type. Rough single grind mulch, which resists compaction better than double grind and is usually less expensive is preferred, but any natural wood type is acceptable. Dyed mulch or mulch made from non-biological material such as rubber or stone shall not be used as tree protection.

(2d) Mulch shall be installed to a minimum depth of 8 inches and maximum of 12 inches. Mulch shall be replenished as required, and shall not be piled against the tree trunk.

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 2, 2024

Submitted By:

Staff

Agenda Item:

Discussion and possible action regarding the regulation of accessory buildings and structures

Description:

At the September City Council Meeting, the City Council had a discussion about accessory buildings and structures after a recent instance of a large children’s playhouse being constructed in the city. Definitions of Accessory Building or Structure, Building and Structure were discussed as well as the regulations on Accessory Buildings or Structure.

After review of these definitions and how they had been applied, the City Council directed that this issue be sent to the Planning and Zoning Commission to discuss accessory buildings and structures in general so that Council can clarify what the intention of the code is and ensure that the language meets that intention.

While we have listed the current code sections below, we’d like to have a more broad discussion on what should or shouldn’t be allowed when it comes to accessory buildings/structures so that we can have direction about any code amendments/clarifications that need to be made. Some of the questions we would like the Commission to discuss are:

- What should be considered an accessory building or structure?
- Where should accessory buildings or structures be allowed to be located?
- What restrictions should be imposed on accessory building or structures?

Here are the current code sections:

Sec. 107-3. - Definitions.

Accessory building or structure means a building or structure which does not share a common roof or common wall, including, but not limited to, a toolhouse, home workshop, greenhouse, garage, carport, children’s playhouse, or swimming pool house, which:

- (1) Is located on the same lot as a dwelling;
- (2) Is subordinate in area to the dwelling and is used for a purpose customarily incidental to the dwelling;

- (3) Is detached from the dwelling except that a connected foundation or walkway may exist with the dwelling;
- (4) Does not provide complete independent living facilities for one or more persons which include permanent provisions for living, sleeping, and sanitation facilities; and
- (5) Is not used for lease or rental, or for a commercial purpose other than a home occupation by a resident of the main dwelling.

Building means any structure which is:

- (1) Permanently affixed to the land;
- (2) Has a roof supported by columns or walls; and
- (3) Is built for the enclosure, shelter or protection of persons, animals or property of any kind.

Structure means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including, but not limited to, signs, and excepting utility poles, berms, fences, mailboxes and retaining walls.

Sec. 107-77. - Accessory buildings.

- (a) No more than one accessory building may be located on a lot.
- (b) An accessory building may be located only in a rear yard or in a side yard that does not border a street.
- (c) An accessory building may not:
 - (1) Exceed one story in height;
 - (2) Exceed the height of the main building located on the same lot; or
 - (3) Exceed 500 square feet in area.
- (d) The exterior of an accessory building used as a detached garage shall match the exterior of the main building.
- (e) An accessory building may not be constructed until after commencement of construction of the main building, nor may an accessory building be used unless the main building on the lot is also being used.

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

- (a) In order to determine compliance with the minimum yard depth and width requirements of this section, measurements shall be made from the closest point on the foundation

line of a "qualified building," as the term is defined in this section, to either the lot line or street right-of-way line, whichever results in the shortest distance.

- (b) The front yard of each lot shall have a minimum depth of 30 feet. For purposes of this subsection, "qualified building" means either a main building, a garage, or a covered front porch or covered front terrace.
- (c) The side yard of each lot shall have a minimum width of:
 - (1) Ten feet, when the lot abuts another lot, except that the sum total of the two side yards of any lot shall not be less than 25 feet;
 - (2) Thirty feet, when the lot borders a street other than described in subsection (c)(3) of this section;
 - (3) Twenty feet, when two lots extend the length of one block and have abutting rear lot lines.

For purposes of this section, the term "qualified building" means a main building or accessory building.

- (d) The rear yard of each lot shall have a minimum depth of 20 feet. For purposes of this subsection, "qualified building" means an accessory building, or a main building or any projection thereof other than a projection of uncovered steps, or uncovered porches.
- (e) Eaves and roof extensions may overhang into any required side yard a maximum depth of 33 percent of the required side yard. Eaves and roof extensions may overhang into any required front or rear yard a maximum of five feet. All other ordinary projections of building features typically used in residential building construction, may overhang into any required yard a maximum of two feet.
- (f) Projections shall not contain habitable space, except for bay windows ten feet wide or less.
- (g) Chimneys may encroach into a required yard a maximum of two feet.

Action Requested:

No action requested at this time.

Fiscal Impacts:

No significant fiscal impacts anticipated at this time.

Attachments:

N/A

Sec. 107-76. Setback Distances and Facilities in Setbacks Areas and Yards

- (a) The front yard setback line distance shall be 30 feet.
- (1) Facilities prohibited in the front setback area include, but are not limited to, foundations of main building, accessory building, garage, a covered front porch, covered terrace, and building extensions except roof eave or overhang may project a maximum of three feet beyond front setback line.
 - (2) Facilities not allowed in the front yard include, but not limited to, HVAC UNITS and HOUSE GENERATORS and POOL EQUIPMENT.
- (b) The side yard setback line distance shall be one of the following:
- (1) Ten feet when the lot abuts another lot except that the total distance of two adjacent lots shall not be less than 25 feet.
 - (2) Twenty feet for the side yard closest to the street for two corner lots with abutting rear lots.
 - (3) Thirty feet for the side yard closest to the street for a corner lot except for a lot described in subsection 107-76 (b) (2) above.
 - (4) Facilities prohibited in the side yard setback area include, but are not limited to, foundations of main building, accessory building, garage, a covered side porch, HOUSE GENERATOR, and any projection thereof other than the uncovered steps of a porch and an uncovered porch. Eaves and roof extensions may extend two feet pass the side setback line only where the setback is greater than 12-1/2 feet.
 - (5) Facility allowed in side yard setback areas include HVAC UNITS which shall be screened from right of way views by vegetation and/or fence.
- (c) The rear yard setback line shall be 20 feet.
- (1) Facilities prohibited in the rear setback area include, but are not limited to, foundations of main building, accessory building, garage, a covered porch, HOUSE GENERATOR and a covered terrace; building extensions except roof eaves and roof extensions may extend two feet pass the rear setback line.
 - (2) Facilities allowed in rear setback area include HVAC UNITS, HOUSE GENERATORS, AND POOL EQUIPMENT.

Sec. 107-3. Definitions

Setback means the distance between the lot line and the setback line. There are front yard setback, side yard setbacks and rear yard setback between corresponding lot line and setback line.

Setback Line means the line within a lot which is parallel to and measured from a corresponding lot line. Front setback line and rear setback line run to side lot lines.

Setback Area means the area between the lot line and the setback line. There are front yard setback area, side yard setback areas and rear yard setback areas between corresponding lot line and setback line. Minimum yards are setback areas, i.e. the minimum front yard is the same as the front setback area.

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