



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

Tuesday, August 13, 2024

Notice is hereby given that the Comprehensive Residential Code Review Committee of the City of Rollingwood, Texas will hold a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on August 13, 2024 at 5:00 PM. Members of the public and the Comprehensive Residential Code Review Committee may participate in the meeting virtually, as long as a quorum of the Comprehensive Residential Code Review Committee and the presiding officer are physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. The public may watch this meeting live and have the opportunity to comment via audio devices at the link below. The public may also participate in this meeting by dialing one of the toll-free numbers below and entering the meeting ID and Passcode.

Link: <https://us02web.zoom.us/j/5307372193?pwd=QmNUbmZBQ1lwUINjNmK5RnJreIRFUT09>

Toll-Free Numbers: (833) 548-0276 or (833) 548-0282

Meeting ID: 530 737 2193

Password: 9fryms

The public will be permitted to offer public comments via their audio devices when logged in to the meeting or telephonically by calling in as provided by the agenda and as permitted by the presiding officer during the meeting. If a member of the public is having difficulties accessing the public meeting, they can contact the city at mrodriguez@rollingwoodtx.gov. Written questions or comments may be submitted up to two hours before the meeting. A video recording of the meeting will be made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

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

1. Roll Call

PUBLIC COMMENTS

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

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

CONSENT AGENDA

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

- [2.](#) Discussion and possible action on the minutes from July 9, 2024 CRCRC meeting
- [3.](#) Discussion and possible action on the minutes from the July 23, 2024 CRCRC meeting

REGULAR AGENDA

- [4.](#) Discussion and possible action on emails and letters to the CRCRC from July 19, 2024 to August 12, 2024
5. Update and discussion regarding building height workshop
- [6.](#) Discussion and possible action on recommended building height text
- [7.](#) Discussion and possible action on foundation height
8. Discussion and possible action on critical root zone protection
- [9.](#) Review and discussion of lighting recommendation document
10. Review and discussion of drainage recommendation document
- [11.](#) Driveway discussion and special exception review
- [12.](#) Discussion and possible action on fence height recommendation
13. Discussion and possible action on permissible building in setback recommendations
14. Discussion and possible action on enforcement recommendation
15. Discussion regarding the CRCRC Timeline and next steps

ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP**CERTIFICATION OF POSTING**

I hereby certify that the above Notice of Meeting was posted on the bulletin board at the Rollingwood Municipal Building, in Rollingwood, Texas and to the City website at www.rollingwoodtx.gov on **August 9, 2024**.

Ashley Wayman

Ashley Wayman, City Administrator

NOTICE -

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

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

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



CITY OF ROLLINGWOOD COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MINUTES

Tuesday, July 09, 2024

The CRCRC of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on July 9, 2024. Members of the public and the CRCRC were able to participate in the meeting virtually, as long as a quorum of the CRCRC and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

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

1. Roll Call

Acting Chair Brian Rider called the meeting to order at 5:02 p.m.

Present Members: Acting Chair Brian Rider, Jay van Bavel, Thom Farrell, and Duke Garwood

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

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

2. Discussion and possible action on the minutes from the June 25, 2024 CRCRC meeting

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

REGULAR AGENDA

3. Discussion and possible action regarding election of CRCRC Vice Chair

Acting Chair Brian Rider stated that Alex Robinette no longer wished to serve as Vice Chair for the CRCRC.

Thom Farrell moved nominate Brian Rider as the new Vice Chair. Duke Garwood seconded the motion. The motion passed with 3 in favor and 1 against. (Rider)

4. Discussion and possible action regarding Residential Lighting recommendations

Acting Chair Brian Rider discussed the latest draft of the residential lighting recommendation from Jerry Fleming.

Thom Farrell moved to send the recommendations to Planning and Zoning. Acting Chair Brian Rider seconded the motion.

Jay van Bavel asked questions regarding language under the exemptions section.

Acting Chair Brian Rider made modifications to the recommendation 8 under the Exemptions section to read the following:

- **Seasonal decorations with lights in place illuminated no longer than 60 days.**

Acting Chair Brian Rider made changes to recommendation 4 under the General Standards section to read the following:

- **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 lights permitted under item 8 above for the limited period allowed in C8.**

Jay van Bavel continued to go over various types of lights seen within the city.

Acting Chair Brian Rider amended his previous proposal for recommendation 4 under the General Standards section to read the following:

- **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 C8 above for the limited period allowed in C8.**

Jay van Bavel and the CRCRC discussed adding items under General Standards.

Acting Chair Brian Rider added the following recommendation to the Exemption section:

- **Decorative lights meeting the standard of D3 which mimic natural gas flickering lights.**

Acting Brian Rider amended the added recommendation in the Exemption section to read the following:

- **Unshielded decorative meeting the standard of D3 which mimic natural gas flickering lights.**

The CRCRC discussed lighting, how to measure lumens, and enforcement.

The CRCRC and Development Services Manager Nikki Stautzenberger discussed penalties, the possibility of submitting a lighting plan during the development process, and enforcement.

Thom Farrell moved accept the amendments as discussed. Acting Chair Brian Rider seconded the motion. The motion passed with 4 in favor and 0 against.

Acting Chair Brian Rider stated that the residential lighting recommendations will go to Planning and Zoning and City Council.

5. Discussion and next steps for FAR, Drainage and Impervious Cover

Acting Chair Brian Rider shared notes from a meeting with Thom Farrell, Jerry Fleming, and Development Services Manager Nikki Stautzenberger regarding lighting. He stated that there is not a demand for FAR changes. The CRCRC agreed with his statement.

The CRCRC continued to discuss impervious cover. They agreed that they do not have the expertise to address FAR and impervious cover.

Thom Farrell moved that the CRCRC does not believe that FAR or impervious cover provisions need to be added to the building code. Duke Garwood seconded the motion. The motion passed with 4 in favor and 0 against.

Acting Chair Brian Rider discussed drainage and stated that the CRCRC does not have the expertise to address drainage. The CRCRC discussed drainage in Rollingwood.

The CRCRC asked City Administrator Ashley Wayman questions in regards to a previous drainage study in Rollingwood and the drainage ordinance.

Thom Farrell recommended that the City should invest in solving drainage issues. The CRCRC continued discussion on drainage.

Acting Chair Brian Rider moved that the CRCRC will not make a recommendation for changes to the drainage ordinance, however, the CRCRC recommends that the City employs some engineering effort to verify that the drainage ordinance is working as planned and that it is an efficient expenditure by the individuals whose lots are being impacted by having to comply with the Rollingwood drainage that is an efficient way of getting drainage dealt with at the best way possible, and that recommendations for any engineering improvements to the ordinance that might make it work better. Thom Farrell seconded the motion. The motion passed with 4 in favor and 0 against.

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

Acting Chair Brian Rider stated that the CRCRC will have their next meeting on July 23, 2024.

The CRCRC and City Administrator Ashley Wayman discussed the CRCRC, Planning and Zoning, and Board of Adjustment training on Wednesday, July 10, 2024.

Jay van Bavel asked for clarification for the motion on item 4. City Administrator Ashley Wayman stated that recommendations should be viewed by Planning and Zoning before being sent to City Council. The CRCRC all agreed the recommendations that the will be sent to Planning and Zoning first.

ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP

The meeting was adjourned at 5:52 p.m.

Minutes adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Ashley Wayman, City Administrator



CITY OF ROLLINGWOOD COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MINUTES

Tuesday, July 23, 2024

The CRCRC of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on July 23, 2024. Members of the public and the CRCRC were able to participate in the meeting virtually, as long as a quorum of the CRCRC and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

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

1. Roll Call

Chair Dave Bench called the meeting to order at 5:00 p.m.

Present Members: Chair Dave Bench, Thom Farrell, Duke Garwood, and Jay van Bavel

Also Present: City Administrator Ashley Wayman and Development Services Manager Nikki Stautzenberger

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

2. Discussion and possible action on the minutes from the July 9, 2024 CRCRC Meeting
3. Discussion and possible action on the minutes from the July 10, 2024 Joint Planning and Zoning, Board of Adjustment, and CRCRC Training

Chair Dave Bench moved to approve the minutes from the July 10, 2024 Joint Planning and Zoning, Board of Adjustment, and CRCRC Training. Thom Farrell seconded the motion.

The CRCRC discussed the training.

The motion carried with 4 in favor and 0 against.

Chair Dave Bench moved to table the minutes from the July 9, 2024 CRCRC meeting. Thom Farrell seconded the motion.

The motion carried with 4 in favor and 0 against.

REGULAR AGENDA

- 4. Discussion and possible action on emails and letters to the CRCRC from June 19, 2024 to July 19, 2024

Chair Dave Bench described the emails included in the packet that have been sent to the CRCRC.

Thom Farrell stated that he still believes the CRCRC should have sent their recommendations to the Planning and Zoning Commission before the City Council.

Duke Garwood discussed Mr. Ezell’s email and that the aerial flown topography data could be off by a foot to three feet, and is not adequate to judge against the proposal.

Thom Farrell thanked Alex Robinette again for her work on this proposal and discussed the methodology for the CRCRC proposal.

Chair Dave Bench discussed that if legal counsel had allowed them to post sealed plans for the public to review that this may have gone a better. The CRCRC discussed this concern.

Jay van Bavel discussed the concern that the CRCRC had a “fixed” agenda and explained that he felt that it was exactly the opposite.

Thom Farrell stated that this is the first time the city has looked at building height in a professional way.

- 5. Discussion of July 17, 2024 City Council meeting including CRCRC timeline

Chair Dave Bench discussed how he put together the information for the July 17th City Council meeting and that there were errors in what was transcribed from the June 25th CRCRC meeting to the July 17th City Council meeting.

Mr. Bench explained that the proposal regarding building height got approved but that the definition of building height did not match what was approved by the CRCRC. He discussed the other aspects of the proposal that went to City Council, including the foundation height recommendation that he thought was approved by the CRCRC but that it had been discussed in the March 26th CRCRC meeting but was not approved. He asked the members to go back and review the March 26th meeting item regarding foundation heights.

Chair Dave Bench stated that he would like to put this on the next CRCRC agenda and try to get it to the August City Council meeting for possible inclusion in the building height recommendation that is being drafted by the City Attorney.

Chair Dave Bench also explained the City Council agenda item related to the CRCRC timeline and that the concern is how much staff time is being used. He explained what he told Council about their timeline and that they settled on being done with this process by the holidays or January at the latest.

The CRCRC discussed their process and meeting this timeline.

Chair Dave Bench discussed the timeline document in the packet and the status of the topics that he believes are left.

The CRCRC discussed the proposed topics included in the timeline document. They also discussed some of the recommendations related to the tree ordinance.

City Administrator Ashley Wayman explained the next steps for a recommendation to plant trees in the park approved by City Council.

6. Discussion and possible action regarding building height special exceptions

Chair Dave Bench stated that he was contacted by City Council Members about the proposed special exceptions not being specific enough. He explained that this was not brought up in the Council meeting.

Jay van Bavel discussed that the CRCRC could look at how other cities who use special exceptions for building heights, Chair Dave Bench described how West Lake Hills and City of Austin use special exceptions.

The CRCRC discussed the way the building height special exception reads at this time and whether more detail was needed.

City Administrator Ashley Wayman stated that their concerns for special exceptions could be handled in the drafting process with legal counsel.

The CRCRC continued to discuss the building height special exception.

7. Discussion regarding next steps for drainage recommendations

Chair Dave Bench gave a recap of the discussion at the last CRCRC meeting about recommending an engineer to look at the Drainage Criteria Manual to determine if it was doing what it was supposed to do. He discussed past comments about allowing more height for properties in the flood plain or with drainage easements.

Thom Farrell discussed that allowing people to build in a flood plain is something the city should be cautious about because it could put the city at risk of not being able to get flood insurance. He further discussed that this could be part of the special exception process.

The CRCRC discussed whether additional height is warranted for properties in the flood plain, how drainage easements work and are acquired, and how flood plains change over time.

Thom Farrell stated that he would recommend a provision that if a property has flood plain or a drainage easement that they could apply for a special exception from the Board of Adjustment.

The CRCRC further discussed the recommendation and whether a limit should be placed on the additional height allowed.

Thom Farrell moved to incorporate under item 7 in regard to item 6 that we have a special exception provision that allows the Board of Adjustment to look at adding up to 5 feet where there is a significant drainage issue that results from either a flood plain or drainage easement. Jay van Bavel seconded the motion.

Thom Farrell amended his motion to replace “significant” with “extreme adverse.” Jay van Bavel seconded the amendment. The motion carried with 4 in favor and 0 against.

The CRCRC discussed the process for making recommendations. Chair Dave Bench explained that he would like to see a document on this topic by next CRCRC meeting that can be reviewed and approved.

The CRCRC discussed how the city should look into what other cities are doing and how different issues could be addressed.

8. Discussion and possible action on enforcement recommendation

Chair Dave Bench discussed that he talked to staff about the enforcement process and that he believes that with more staff there could be greater enforcement. He discussed whether the CRCRC should make a recommendation about additional staff support for enforcement and that such a recommendation could possibly be accommodated in the budget cycle.

Thom Farrell explained that the city can recoup expenses for reviews and that it could possibly be extended to other expenses. He also explained that some enforcement is complaint based.

Development Services Manager Nikki Stautzenberger discussed the building height verification process that has been implemented.

Thom Farrell discussed the enforcement and building inspections.

City Administrator Ashley Wayman explained that she’s not sure if there is an enforcement issue but said gaining consistency in the process is key. She continued to say that an in-house building official would be helpful.

The CRCRC and City Administrator Ashley Wayman discussed the building process and ways to improve the process. Ms. Wayman continued to discuss enforcement and that the city is working with a consultant to improving processes within the Development Services department.

Duke Garwood stated that there should be a liaison between Development Services Manager Nikki Stautzenberger and ATS Engineers.

Jay van Bavel requested to incorporate the tree ordinance in the enforcement process. The CRCRC discussed codes violations and fines.

Thom Farrell discussed that the CRCRC should consult with the Mayor and City Council before making a recommendation.

Duke Garwood moved to place on the next CRCRC meeting agenda a recommendation to consider items that need attention for full enforcement of building and site related issues. Jay van Bavel seconded the motion. The motion passed 4 in favor and 0 against.

9. Discussion and possible action on driveway recommendation amendment

Chair Dave Bench discussed the history of this recommendation regarding connecting driveways going to Council and the discussions that he has had with the Police Chief Kristal Munoz regarding this amendment. He explained the need for this ordinance.

The CRCRC discussed the existing rules about circle driveways and the instances of when this has happened in the city. They also discussed the considerations if this were to be approved and what criteria could be considered if a special exception provision was put in.

Thom Farrell moved to recommend that the City Council considers allowing a special exception from a two curb cuts from street to street provided that there is at least at least 30 feet from the intersection corner to each curb cut and that the applicant can demonstrate a significant safety issue. Jay van Bavel seconded the motion.

The motion carried with 4 in favor and 0 against.

Chair Dave Bench called up item 12 at this time.

10. Discussion and possible action on fence height recommendation

This item was not discussed at this meeting.

11. Discussion and possible action on permissible building in setback recommendations

This item was not discussed at this meeting.

12. Discussion on participation in the codification process

Chair Dave Bench discussed that the codification process was about to start and asked who would be involved in that process. Mr. Bench stated that he would be involved.

Jay van Bavel stated that he would participate in the codification of the tree ordinance.

Thom Farrell stated that he would participate where he could.

Dave Bench stated that he would ask Brian Rider if he would be interested in helping.

The CRCRC and City Administrator Ashley Wayman discussed the codification process.

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

This item was not discussed.

ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP

The meeting was adjourned at 7:02 p.m.

Minutes adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Ashley Wayman, City Administrator

Ashley Wayman

From: Dave <[REDACTED]>
Sent: Thursday, July 25, 2024 4:13 PM
To: Ashley Wayman
Subject: Fwd: Residential Height ordinance item / 07-17-2024 CC meeting
Attachments: Screenshot 2024-07-17 at 2.27.04 PM.png; Screenshot 2024-07-17 at 2.28.59 PM.png; Screenshot 2024-07-17 at 2.34.19 PM.png; 06-25-2024_CRCRC_minutes.pdf; 06-25-2024_CRCRC_1_passed.pdf; 06-25-2024_CRCRC_2_attached.pdf

Hi Ashley
Thanks again for spending the time with me this afternoon. This is the email we discussed. Please it add to the document center with the other CRCRC emails.
Thanks very much,
Dave

----- Forwarded Message -----
From: "Jay van Bavel" <[REDACTED]>
To: "Dave Bench" <[REDACTED]>
Sent: Tuesday, July 23, 2024 11:48:08 AM
Subject: Fwd: Residential Height ordinance item / 07-17-2024 CC meeting

I do not see you on this email from Amy Pattillo.
I think you should have been cc'd on this email.

Jay van Bavel

----- Forwarded message -----
From: Amy Pattillo <amyjpattillo@gmail.com>
Date: Tue, Jul 23, 2024 at 11:26 AM
Subject: Fwd: Residential Height ordinance item / 07-17-2024 CC meeting
To: Duke Garwood <[REDACTED]>, Thom Farrell <[REDACTED]>, Jay van Bavel <[REDACTED]>

Hi Duke, Thom and Jay

I really appreciate all of you having considered Thom's motion to recommend a workshop at the 06-25-2024 CRCRC meeting. I am forwarding an email below that I sent to CM Robinson before the July City Council meeting. CM Robinson did ask about the issue I brought to his attention about the change under (2), and from what I can tell from the CRCRC meeting packet today, it looks like there will be some discussion about how to align the recommendation that you all voted on at the 06-25-24 meeting and what was presented to the Council as the CRCRC recommendation at the July Council meeting. I have not been told why the two recommendations are different.

Returning to the workshop, during the July City Council meeting, CM Robinson raised the workshop issue, however Chair Bench presented this to the Council as his mistake in not clearly telling the CRCRC about the Council's concerns about the costs and there was no additional discussion.

o note that at the June City Council meeting, there was not motion or action regarding the workshop, but there was a discussion of the potential costs and CM Brown asked at the June City Council meeting that the CRCRC come back with an approved recommendation - and that the recommendation include whether or not the CRCRC recommended a workshop. I do recall a discussion at your June 06-25-2024 CRCRC meeting about the Council's concerns about the costs of a workshop, and that you all decided to make a motion to recommend a workshop to the Council, knowing there may be costs. The request that I made in the email below to CM Robinson that there be an opportunity for the staff and consultants of the City to make recommendations to the Council on what type of workshop would support them in presenting the CRCRC's recommendation was not discussed at the July City Council Meeting.

I'd also like to note that based on the motions that were made at the July council meeting, the only action taken by the Council was to direct the City Attorney to prepare draft code language for the Residential Height Recommendation and Tree Ordinance Recommendation and to schedule a joint P&Z and City Council meeting with public hearings for Sept 4. There is not a requirement for the draft code language to be presented at the August P&Z meeting, so it may be that the only time the community has to engage with the draft code language for both recommendations is when they are put up for vote at the joint meeting on Sept 4.

If any of you would like to see the draft code language of either recommendation, and hear it discussed by P&Z at their August meeting, before the votes on Sept 4, please consider asking Chair Bench online or offline from today's meeting to include an opportunity for discussion at the August P&Z meeting. My intention in commenting on the height and tree canopy recommendations and asking for you all to recommend a workshop has always been so that there are recorded public meetings providing a record of what is being proposed and voted on, which can then support staff in drafting code language and eventually applying it.

Thank you all for your service,
Amy

AMY J. PATTILLO
Direct: 512-633-9571

----- Forwarded message -----

From: Amy Pattillo <[REDACTED]>
Date: Wed, Jul 17, 2024 at 3:00 PM
Subject: Residential Height ordinance item / 07-17-2024 CC meeting
To: <arobinson@rollingwoodtx.gov>

Hi Alec

I have a work commitment tonight, so am not likely to be able to attend the City Council meeting in person. I appreciate you asking questions about the CRCRC process over the last year and wanted to pass on to you a few thoughts I have, in the event they are helpful to you in the conversation tonight about the residential height proposal from CRCRC. I've front loaded the 2 notes I have with key points, knowing there is limited time to prepare for the council meeting.

(1) The CRCRC voted at their 06-25-2025 meeting to recommend a workshop (see attached pdf with full minutes from the meeting). This recommendation was under the discussion of the height proposal recommendation agenda item.
*Please consider making a motion to have the City Engineer, City Planner from the City Attorney's office, and Building Official review the proposal to assess what type of workshop with the CC and P&Z would best allow them to explain the

I and answer questions about its application and return next month to City Council with a recommendation of the workshop format.*

Here is the recording of the action from the minutes:

[image: Screenshot 2024-07-17 at 2.34.19 PM.png] I cannot find where the Council packet includes this workshop recommendation approved by CRCRC. I think it is important to note that Bench voted against the motion, but it gained a majority to pass and should be presented to the council. Also, for your info, during the CRCRC meeting, before voting against the motion, Alex said that if there was going to be a workshop, she was not going to participate as vice chair on the CRCRC any longer and would not participate in the workshop. She has since resigned from the vice chair position. Brian Rider was appointed vice chair at their July meeting.

In the comments that I made to the City Council last month, and also at multiple CRCRC meetings, I have urged everyone involved to have a city engineer or building official review the proposal and show how it would work. There are still gaps between what is written in the proposal and what the CRCRC has been telling people in private meetings that the proposal does. A workshop would allow a next set of eyes - including the people who would be tasked with applying the recommended changes - to support the work of the CRCRC and provide the public with clarity about how the changes would apply.

While I would prefer a comprehensive review, rather than this piecemeal approach, at the least, a workshop regarding the height change seems prudent before putting the issue up for a public hearing and vote given the potential economic impact to lots that have not been redeveloped yet since the sewer system was put in.

(2) The recommended change to Building Height in the agenda attachment for the CC meeting does not match the recommended change to Building Height approved by the CRCRC at their 06-25-2024 meeting At the 06-25-2024 CRCRC meeting, the CRCRC voted on amendments to their proposed recommendation on height that was attached to that meeting's agenda. The recommendation that is in the Council's packet for tonight has a *significant substantive change* between the definition of height in the recommendation voted on at the 06-25-2024 meeting and the definition of height in the CC packet for tonight's meeting. *Please consider asking for clarification of why the recommendation in tonight's packet for the proposed change to the definition of "building height, residential" does not match what was passed on 06-25-2024.*

This is the proposed building height definition in the recommendation CRCRC passed 06-25-2024 (also see attached document

06-25-2024_CRCRC_1_passed.pdf)

[image: Screenshot 2024-07-17 at 2.27.04 PM.png] This is the proposed building height definition in the recommendation in the Council packet for 07-17-2024

[image: Screenshot 2024-07-17 at 2.28.59 PM.png] The significant substantive change between the recommendation passed and this one is the shift to include "*or finished grade, whichever is lower, to the highest point directly above*". The reason this is worth pointing out is that in examples provided by the CRCRC, the portion of a house built *below *existing grade has been described as not counting towards height, however, the finished grade is shown in the supporting documents for the proposal as being the level below existing grade. The definition building height in tonight's packet would mean that the portion of a house built below existing grade would count towards height.

Appreciate your consideration,
Amy

AMY J. PATTILLO
Direct: 512-633-9571

Screenshot 2024-07-17 at 2.27.04 PM.png

CRCRC RECOMMENDATION:

Sec. 107-3. - Definitions

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

Screenshot 2024-07-17 at 2.28.59 PM.png

RESIDENTIAL BUILDING HEIGHT MEASUREMENT: CRCRC RECOMMENDATION

Sec. 107-3. - Definitions

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

Original native ground surface is the existing grade on the lot prior to development of the residential building as may be shown on approved building plans or survey of the property.

Screenshot 2024-07-17 at 2.34.19 PM.png

Thom Farrell moved to recommend to have a workshop with City Council and Planning and Zoning. Brian Rider seconded the motion. The motion carried with 4 in favor and 2 against (Alex Robinette, Dave Bench).

06-25-2024_CRCRC_Minutes.pdf



CITY OF ROLLINGWOOD COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MINUTES

Tuesday, June 25, 2024

The CRCRC of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on June 25, 2024. Members of the public and the CRCRC were able to participate in the meeting virtually, as long as a quorum of the CRCRC and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

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

1. Roll Call

Acting Chair Brian Rider called the meeting to order at 5:00 p.m.

Present Members: Brian Rider, Jay van Bavel, Thom Farrell, Alex Robinette, Duke Garwood, and Chair Dave Bench (virtually)

Also Present: Assistant City Administrator Desiree Adair and Development Service Manager Nikki Stautzenberger

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

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

Thom Farrell moved to approve the minutes. Jay van Bavel seconded the motion. The motion passed with 6 in favor and 0 against.

REGULAR AGENDA

Acting Chair Brian Rider called up item 6 at 5:04 p.m.

3. Discussion and possible action on emails and letters to the CRCRC from June 7, 2024 to June 18, 2024

The CRCRC discussed emails received within the timeframe.

4. Discussion and possible action on CRCRC Building Height recommendations

Brian Rider discussed a proposal of recommendations for residential building height.

Brian Rider moved to adopt the recommendations and send them to Planning and Zoning and City Council. Alex Robinette seconded the motion.

Thom Farrell requested to make amendments to the motion. He requested the city attorney to draft an amendment to allow special exceptions for lots with slopes that adversely affect the use of property and where drainage easements affect the use of the property, Direct the Board of Adjustment to approve special exceptions and use linear functions as attached by Jeff Marx as a means to determine height, send to Planning and Zoning for their comments, send all comments to Planning and Zoning and City Council, and do a workshop with CRCRC and Planning and Zoning and send the minutes to City Council and Planning and Zoning.

The CRCRC discussed the linear function, step function, and timing of the recommendation included in the packet.

Jeff Ezell, 4709 Timberline Drive, expressed his opinion of the proposal and feels that it provides true equity and accounts for slope. He would like the linear step function to be discussed. Mr. Ezell would like the CRCRC to have a method that works for all lots.

Ryan Clinton, 4714 Timberline Drive, supports the desire for a workshop. He discussed his experience in the Strike Force and how a public forum was held before sending the recommendations to City Council. He gave his opinion on the term “unbuildable lots” and recommended alternative terms. Mr. Clinton discussed the Open Meetings Act and his concern with the recommendations bypassing Planning and Zoning.

Acting Chair Brian Rider and Ryan Clinton spoke regarding Planning and Zoning, City Council, and the process of recommendations.

Amy Pattillo, 3 Rock Way Cove, discussed the previous City Council Meeting suggested more interactive opportunities to understand what is happening. She recommended that City Council hold a workshop with a City Engineer to show how the ordinance would be applied.

Alex Robinette asked Amy Pattillo how the Tree ordinance was created with public input. Ms. Pattillo discussed her experience. Amy Pattillo requested a public workshop included in the recommendation.

Wendi Hundley, 401 Vale, thanked the CRCRC and discussed the importance of process and public input. She expressed her desire for a public workshop in the proposal and discussed her experience with the recommendation process. She continued to share her thoughts on the CRCRC.

Kendra Roloson, 403 Farley Trail, stated that she agrees with the idea to have a workshop to understand how the proposal would apply to residents homes and thanked Alex Robinette for her help with the explaining the proposal to her.

Thom Farrell moved to make amendments to the to the motion to draw an amendment to allow special exceptions to lots with slopes that adversely affect the use of property and where drainage easements lots that affect the use, direct the Board of Adjustment to methods including linear functions as attached by Jeff Marx to determine maximum height. Brian Rider accepted the friendly amendment

Alex Robinette suggested not including the linear function. Thom Farrell agreed to leave the linear function portion out.

Dave Bench discussed the special exception being allowed for severely sloped lots. He explained that no discussion has occurred regarding lots affected by drainage easements or flooding.

Alex Robinette read a text from Jeff Marx into the record.

Thom Farrell removed drainage easements second sentence.

Dave Bench drew attention and discussed the document in the packet.

Jay van Bavel made an amendment to use the words “extreme adverse impact on the use of the property” instead of “unbuildable” on the special exceptions section of the recommendation. Alex Robinette seconded the amendment. The amendment to the amendment carried with 6 in favor and 0 against.

Thom Farrell withdrew his friendly amendment.

Thom Farrell moved to submit the recommendation to the Planning and Zoning and City Council. Brian Rider seconded the motion.

Dave Bench recapped his presentation at the City Council meeting.

Thom Farrell withdrew his motion.

Jay van Bavel moved to send this package to City Council and Planning and Zoning and they can consult with a city attorney if necessary if it needs to go to Planning and Zoning first. Brian Rider seconded the motion.

Thom Farrell discussed public policy and legal requirements. Thom Farrell requested to remove the city attorney.

Thom Farrell amended the motion to send it to Planning and Zoning and City Council. Brian Rider seconded the amendment. The motion carried with 6 in favor and 0 against.

Alex Robinette discussed holding a workshop after City Council reviews the recommendations.

Thom Farrell moved to recommend to have a workshop with City Council and Planning and Zoning. Brian Rider seconded the motion. The motion carried with 4 in favor and 2 against (Alex Robinette, Dave Bench).

Thom Farrell moved to send all the comments with the recommendation to City Council and Planning and Zoning. Brian Rider seconded the motion.

The CRCRC discussed whether or not to include documents that are already public.

The motion failed with 3 in favor and 3 against (Alex Robinette, Dave Bench, Jay van Bavel)

The main motion to pass on the recommendations with amendments to City Council and Planning and Zoning as well as the recommendation to have a public workshop in the future passed with 6 in favor and 0 against.

Jay van Bavel left the meeting at 6:27 p.m.

5. Discussion and possible action of Residential Lighting recommendations

Thom Farrell thanked Jerry Fleming for his input and discussed how the subcommittee used the requirements for commercial lighting. Thom Farrell discussed the basic issues of foot candles, light shielding, and color of lights. He continued to discuss enforcement and compliance.

Brian Rider would like to table the adoption of the item so he and others can review the recommendations.

Jerry Fleming, 305 Nixon Drive, discussed how he adapted the commercial corridor lighting ordinance to fit in a residential setting. He discussed general standards and submitting light fixtures during the building plan stage.

Brian Rider tabled agenda item 5.

6. Discussion and possible action on Residential Landscape and Tree Canopy Management recommendations

Jay van Bavel discussed the recommendations provided in the packet. The CRCRC members discussed process for providing recommendations.

Thom Farrell moved to approve the recommendation send to Planning and Zoning.

Acting Chair Brian Rider made a friendly amendment to send to Planning and Zoning and City Council. Jay van Bavel seconded the motion. The motion carried with 6 in favor and 0 against.

Acting Chair Brian Rider moved back to item 3 at this time.

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

The CRCRC discussed that the next meeting will be on July 9th.

Brian Rider would like to discuss floor to area ratio, drainage, and impervious cover.

ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP

The meeting was adjourned at 6:50 p.m.

Minutes adopted on the 9th day of July, 2024.



Dave Bench, Chair

ATTEST:



Ashley Wayman, City Administrator

06-25-2024_CRCRC_1_Passed.pdf

CRCRC RECOMMENDATION ON RESIDENTIAL BUILDING HEIGHTS AND HEIGHT MEASUREMENT

MAXIMUM RESIDENTIAL BUILDING HEIGHT

Survey Results Analysis on 274 Respondents:

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

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

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

CRCRC RECOMMENDATION:

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

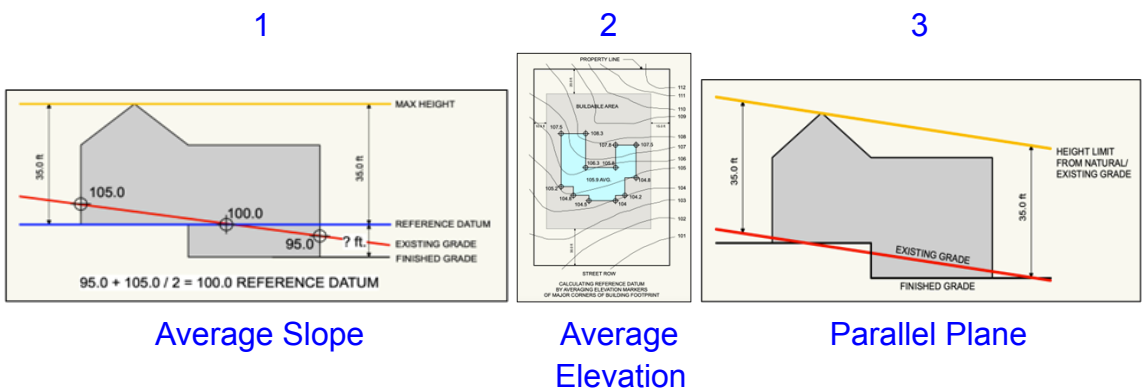
RATIONALE

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

RESIDENTIAL BUILDING HEIGHT MEASUREMENT

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

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



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

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

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

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

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

CRCRC RECOMMENDATION:

Sec. 107-3. - Definitions

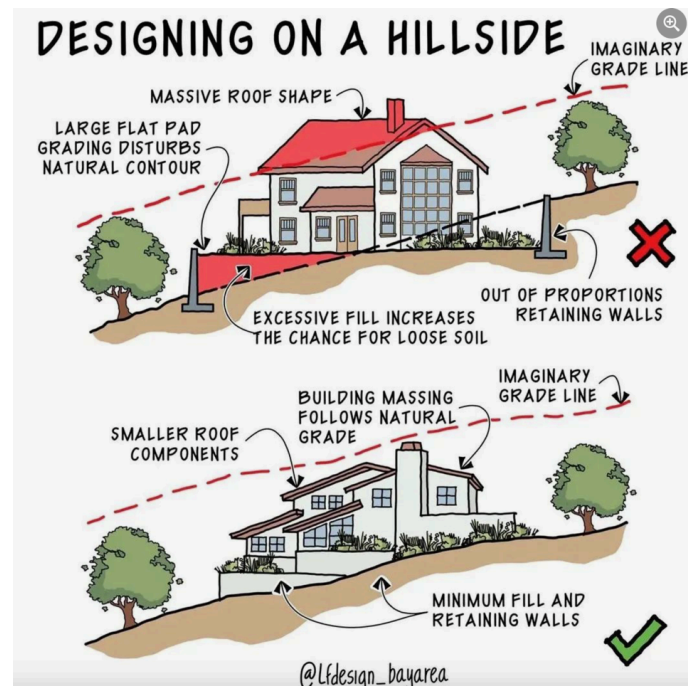
Building height, residential, means the vertical distance above any point on the surveyed existing grade.

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

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

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

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

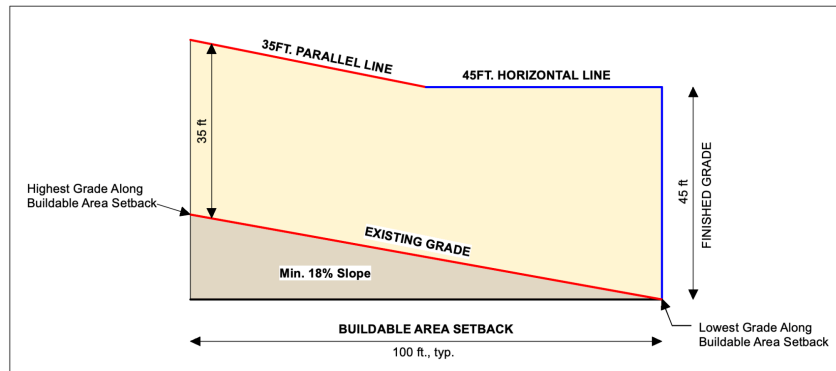


EXECUTION

Maximum Allowable Height by Parallel Plane:

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

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



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

MAXIMUM HEIGHT ALONG BUILDING SETBACKS

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

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

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

CRCRC RECOMMENDATION:

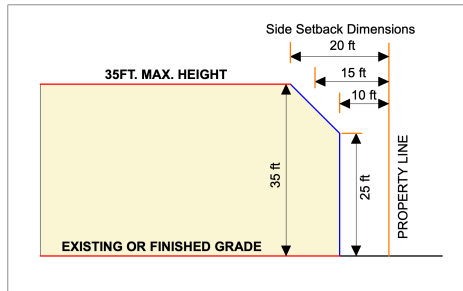
Adopt a set of tenting rules that restricts exterior wall heights incrementally by distance from the lot line.

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

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

EXECUTION

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



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

SPECIAL EXCEPTIONS

CRCRC RECOMMENDATION:

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

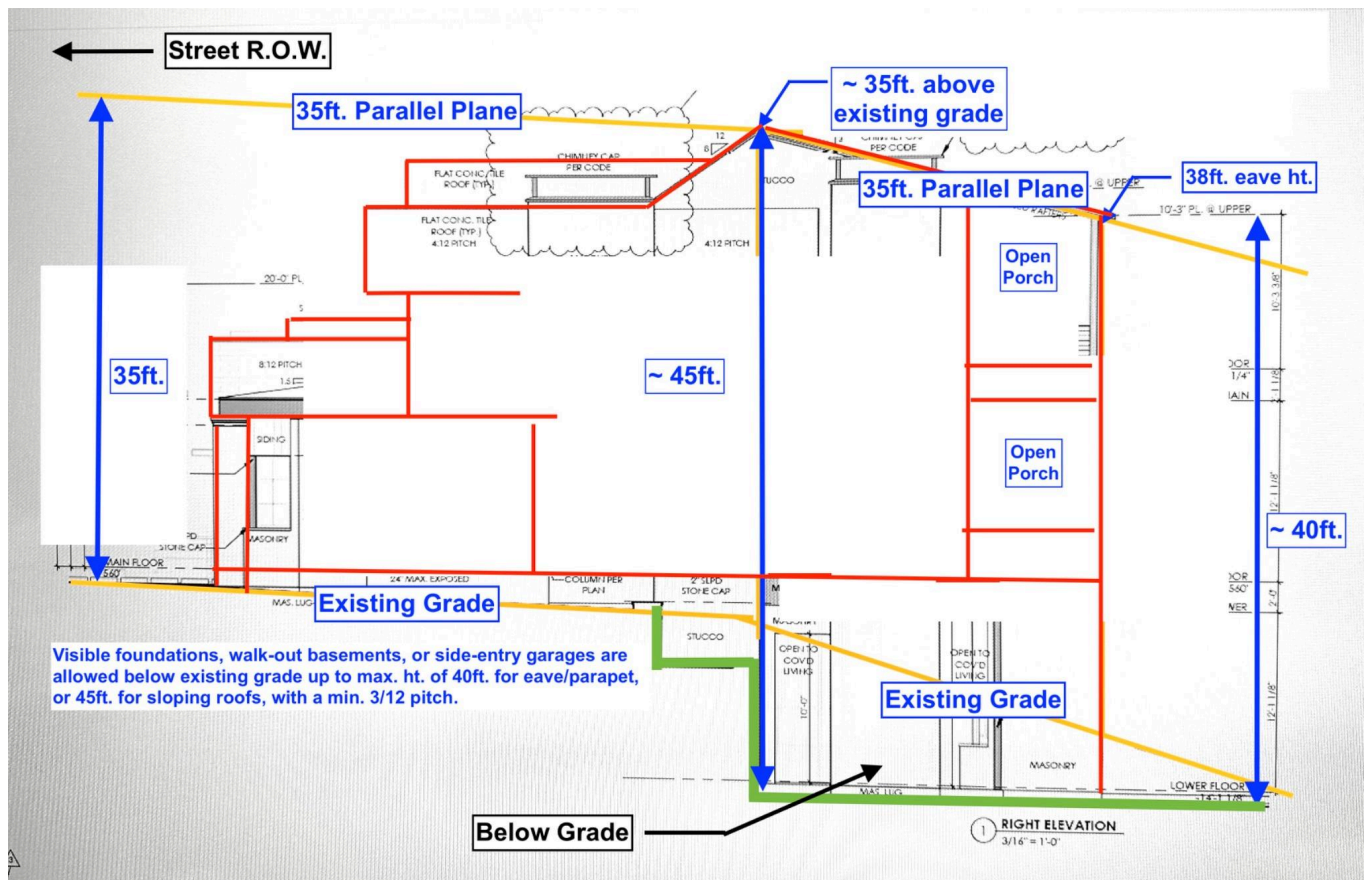
ADDITIONAL NOTES:

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

06-25-2024_CRCRC_2_Attached.pdf

1. Parallel plane at 35ft. above existing grade - nothing can exceed this. Same as calculating the difference between the highest points on any roof surface, and the existing contour elevation directly below.
 2. Max. building height is 35ft, as measured vertically from existing or finished grade, whichever is lower, to uppermost roofing surface.
 3. Max. building height along 10ft. setback is 25ft. from existing or finished grade, whichever is lower, increasing one foot in height for every one foot of distance from the setback, such that max height @ 15ft. is 30ft, @ 20ft. is 35ft, @ 30ft. is 35ft.
 4. In accordance with #1 and #3 above, max. building height may be increased below existing grade, by way of excavation, when starting min. 20ft. horizontal from side or rear property lines, or from the 30ft. front setback, as follows:
 - a. 40ft. above finished grade for uppermost surface of eave/parapet;
 - b. 45ft. above finished grade for ridgeline of sloped roof with min. 3/12 pitch.
- Existing grade or new retaining walls/planters shall maintain screening for excavated areas across 70% of the front elevation, and at least 40% of the side elevations, generally concealing walk-out basements, side-entry garages, or exposed foundations from street R.O.W. and side neighbors, but are not required to abut building facade. Vegetation screening is required in rear setbacks when upslope from neighbor.
5. Amend setback rules Sec. 107-76 as follows, in bold: *All other ordinary projections of building features typically used in residential building construction, may overhang into any required yard a maximum of two feet, when starting 12.5ft. from any side setback.*

Recent build on steeply sloping lot fits Suggested Rules:





Ashley Wayman

From: Jeff Ezell <[REDACTED]>
Sent: Wednesday, July 24, 2024 2:00 PM
To: Ashley Wayman
Subject: FW: Clarification

Hi Ashley

In my original email I only asked to send this to CRCRC. Would you mind going ahead and sharing this with the Mayor, Council, P&Z and the CRCRC.

Thank you,
-Jeff

CRCRC Members,

There have been two comments from separate CRCRC members misstating how my building height calculations were derived in the presentation delivered at the July 17th City Council meeting were calculated.

Alex R, in an email sent to Council, P&Z, the CRCRC, myself and Ryan C., dated July 19, 2024, stated that, “It is highly inaccurate to use topo data that was found online and was not used to either generate construction documents, nor build the home”. And, at the July 23, 2024 CRCRC meeting Duke G stated, “his whole basis of doing that was using what is available by city of Austin aerial flown topography...ok...and I’ll just say, as a professional registered architect, if I’m working within a jurisdiction that requires a registered survey, I’m not using those aerial topos...That is a terrible basis by which he’s throwing out there these examples...”

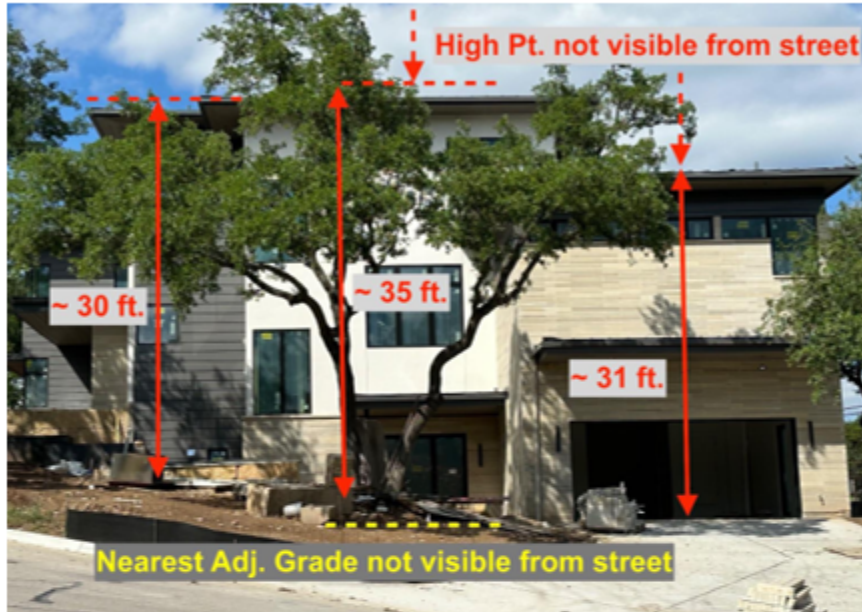
What I would like to make very clear, which is noted in the presentation, is that the elevations used in the calculations are directly from the building plans, which include the drainage plans that provide the topo survey and the architectural plans which note elevations. *(I have copied a page from the July 17 presentation below and highlighted the specific notation “Measurements Per Architecture Plan”)*. The main point of the EquatorStudios software was three-fold; first, to provide an understanding of the mass topographical changes in our neighborhood, secondarily, to easily provide a visual understanding of the contours of the lots used as examples in the presentation, and, third, as a cross reference for the calculations derived from the submitted plans.

To be clear, I 100% agree with both of you that to rely solely on EquatorStudios is a flawed approach. But, my analysis did not rely on that software, but rather, as stated above, was derived directly from the approved building plan submissions.

Should anyone like to discuss in more detail or walk through the calculation using the plans on file at city hall please let me know. I am happy to do so and stand behind the accuracy of my work and the provided building heights of the homes.

Thank you

Item #4: Flawless or Flawed?



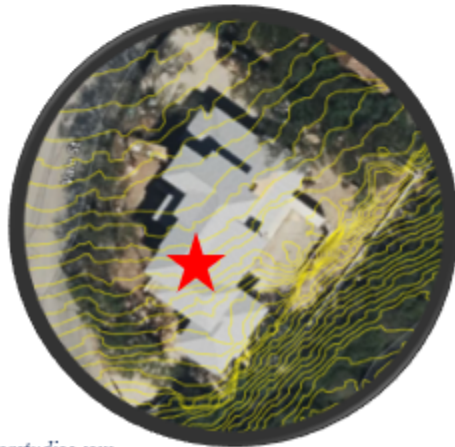
As presented by CRCRC in May 28, 2024 Meeting Agenda Packet

Measurements Per Architecture Plans:
 Existing Grade beneath Ridge Line = 543'
 Building Height at Ridge Line = 581'
 Max Building Height = 38'



As presented by CRCRC

Measurements Per Architecture Plans:
 Existing Grade beneath Ridge Line = 543'
 Building Height at Ridge Line = 581'
 Max Building Height = 38'



*CRCRC's work said this home would be approved, but in fact, it would **not** be approved*

*CRCRC's work said this home would be approved, but in fact, it would **not** be approved*

Elevation mapping completed on <https://maps.equatorstudios.com>

Draft Code Language

Amendments Related to Residential Building Height

*This document has not been finally reviewed and approved by legal and is still in the drafting stage.

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

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

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

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

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

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

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

(Alternate language for Definition of Building height, residential proposed by Chair Dave Bench)

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

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

Draft language regarding manual to be referenced for maximum allowable height.

Section 107-5 is added as follows:

Sec. 107-5 Residential Manual for Determining Maximum Allowable Height.

(a) The Residential Manual for Determining Maximum Allowable Height is a supporting document to the applicable regulations contained in this Chapter and the Code of Ordinances of the City of Rollingwood and may contain illustrations, graphical representations, and examples. The Residential Manual for Determining Maximum Allowable Height may be adopted and updated from time to time by resolution approved by the City Council.

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

Sec. 107-71. - Maximum permissible height.

(a) No portion of any building or structure (except a chimney, attic vent, lightning rod, or any equipment required by the city building code) may exceed 35 feet in height. Except as may be required by applicable codes, no chimney, attic vent, lightning rod or required equipment may extend more than three feet above the highest point of the following: the coping of a flat roof, the deck line of a mansard roof, or the gable of a pitched or hipped roof. See exhibit in the Residential Manual for Determining Residential Building Height for examples of conforming residential buildings or structures.

(b) The maximum allowable building height along the building setbacks, when starting from the 10ft. setback is 25ft. as measured from existing or finished grade, whichever is lower, adding one foot of height to every additional foot of setback, up to 35ft., such that the maximum height of 35ft. is at least 20ft. horizontal from the nearest property line. See exhibit in the Residential Manual for Determining Residential Building Height for examples of conforming residential buildings or structures.

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

(DRAFT Alternate language for Subsection (c) regarding Special Exception that adds more objective criteria as requested by legal)

(c) A special exception from the maximum permissible height may be granted by the Board of Adjustment upon a finding that: (i) objective criteria, (ii) objective criteria, and (iii) objective criteria....

Possible ideas for criteria (these have not been reviewed or approved by engineering or legal):

- the slope of the lot is greater than X%*
- the slope of the lot precludes all reasonable access to the property or all reasonable use of the property*

RESIDENTIAL BUILDING HEIGHT MEASUREMENT: CRCRC RECOMMENDATION

Suggest to approve:

Sec. 107-3. - Definitions

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

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

Presently Approved for Codification:

Sec. 107-3. - Definitions

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

Special Exceptions

CRCRC RECOMMENDATION

Extremely Sloped Lots

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

Needs more detail – what is the severity?

Flood Plain / Drainage Easements

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

FOUNDATION EXPOSURE: CRCRC RECOMMENDATION

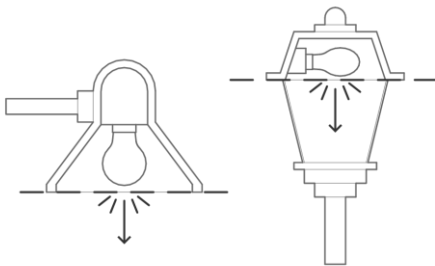
Foundation exposure within public view from the right-of-way cannot exceed 6'

Foundation exposure within public view must be screened such that viewable portion does not exceed 2.5 feet (30")

Sec. 107-81. Exterior Lighting requirements.

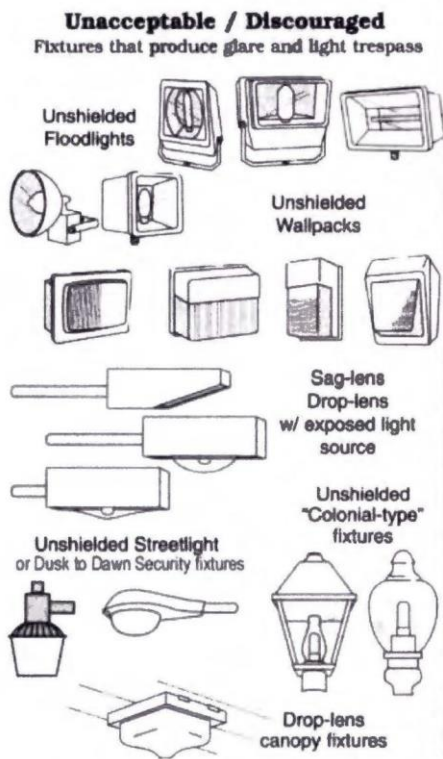
(a) Definitions: As used herein:

- (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."

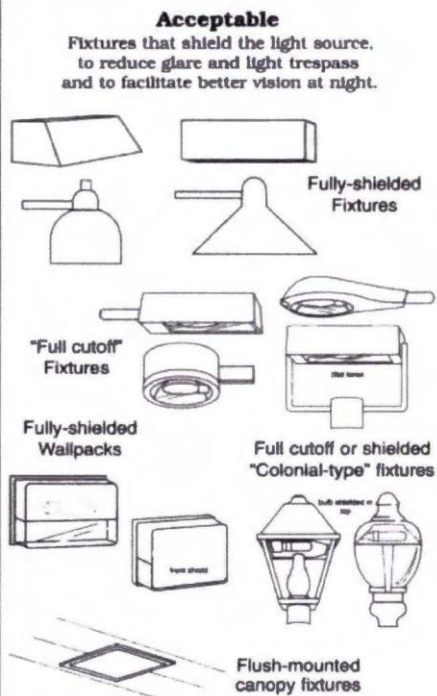


In Figure A (below), the lights on the left are nonconforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

UNSHIELDED FIXTURES



Full Cutoff and Fully Shielded Fixtures



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).

~~(9)~~

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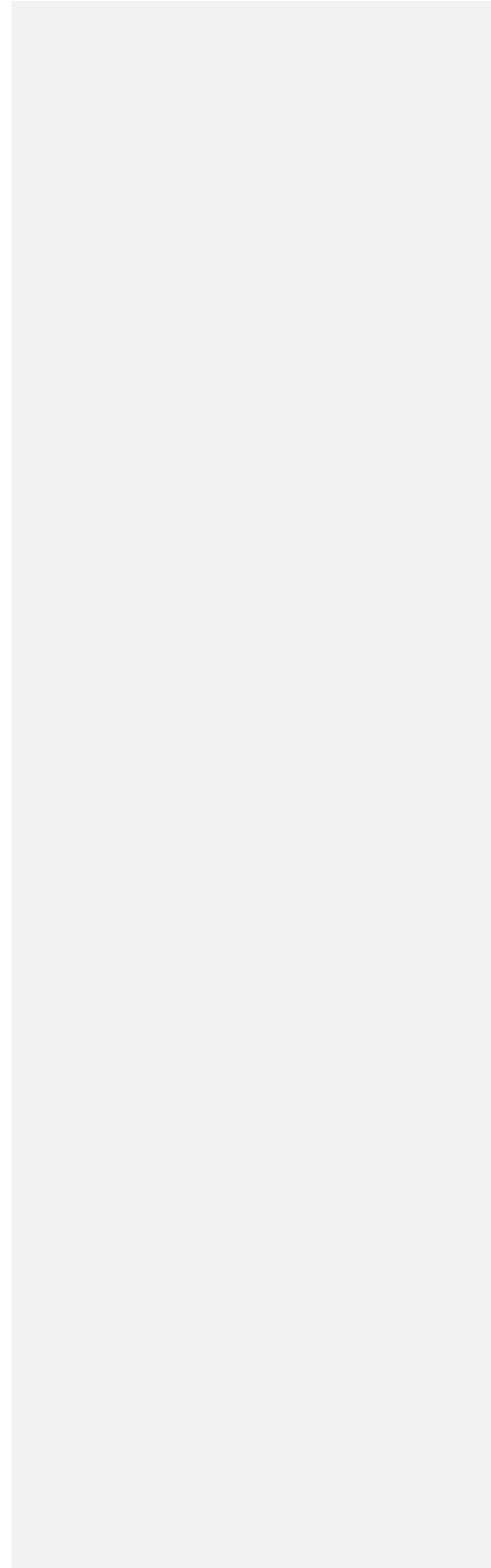
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(d) General Standards. The following standards shall apply to all outdoor lighting installed after the effective date of this section:

- (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.



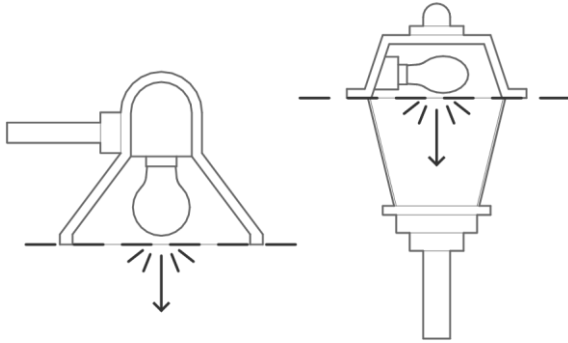
(9) Western Hills Athletic Club (WHAC) property. Lighting for new construction or over 50% renovation of facilities on WHAC property shall comply with this section.

(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.

Sec. 107-81. Exterior Lighting requirements.

(a) Definitions: As used herein:

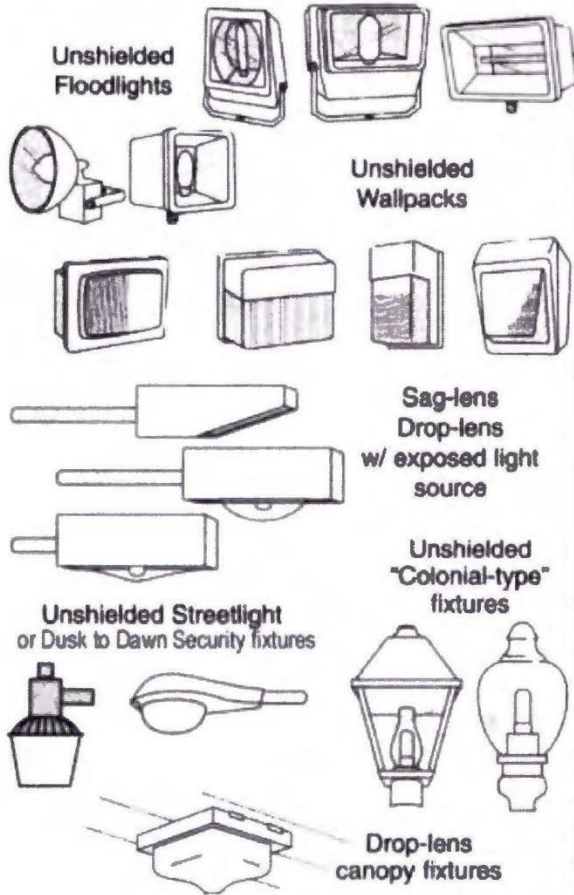
(i) "Shielded" means "installed in such a manner that all light emitted by the fixture, either directly from the bulb or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane immediately beneath the fixture's lowest light-emitting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

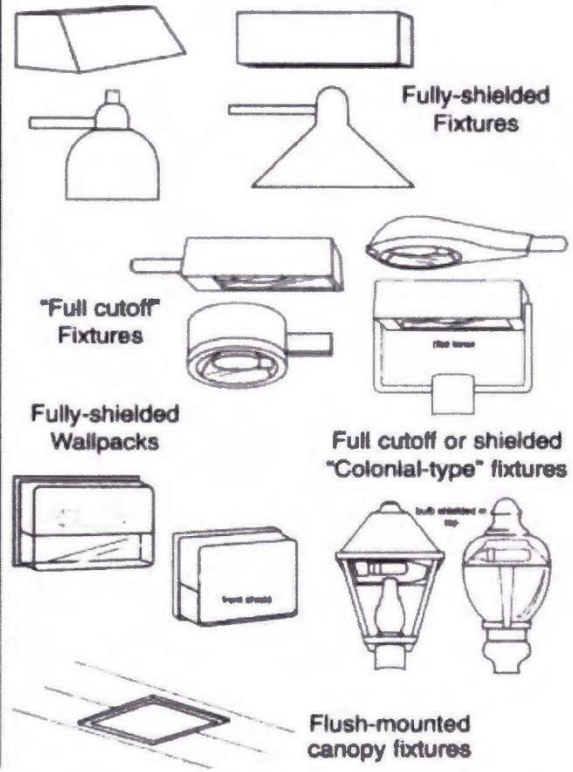
UNSHIELDED FIXTURES

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:

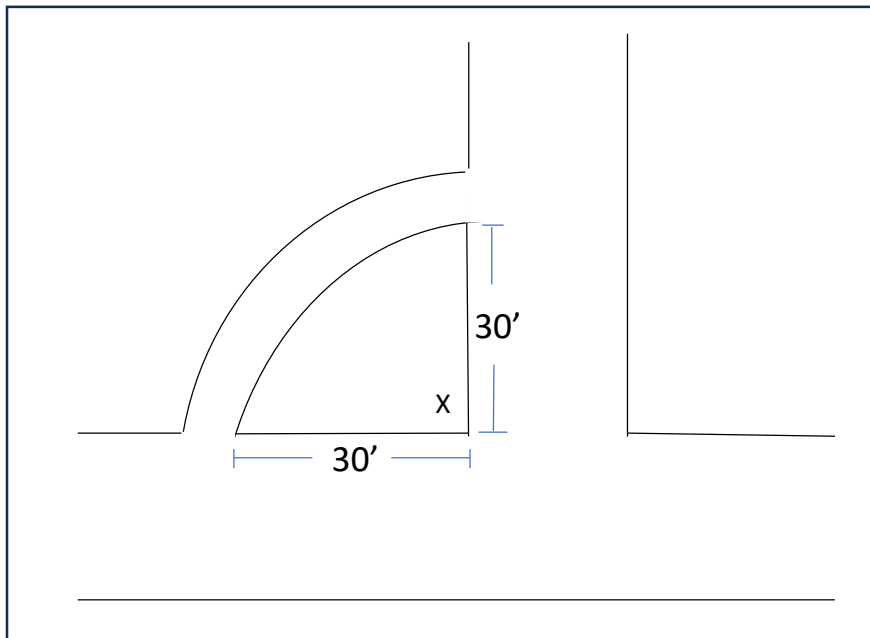
Sec. 28-70. - Driveways with more than one curb cut.

(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.



Sec. 107-34. - Fences.

(a) Except as otherwise provided in this section, no front-yard *fence* may be erected or maintained.

(b) A front-yard *fence* complying with the criteria provided in this subsection (b) of this section is allowed on property in a residential zoning district. The following criteria shall apply to such a *fence*:

(1) The height shall not exceed three feet measured perpendicular from the adjacent finish grade;

(2) Piers or posts may exceed the maximum height and *fencing* adjacent to the pier or post by four inches;

(3) On sloped lots, to accommodate variations in elevation of the ground beneath a *fence* segment between two piers or posts, a *fence* may exceed the maximum height by up to six inches, provided that the average height of such *fence* segment does not exceed the maximum height;

(4) The *fence* shall be constructed of such materials or in a manner to allow for an average of 80 percent visibility through the *fence*;

(5) All *fence* components shall be a minimum of 15 feet from the curb, or edge of the street pavement where there is no curb;

(6) The *fence* shall have columns, posts, or supports that are metal, brick, rock, stone, or wood;

(7) If only one side of the *fence* is stained wood or other finished material, the finished side shall face away from the interior of the property; if support components are provided on only one side of the *fence*, such support components shall be on the side facing the interior of the property;

(8) If a *fence* crosses a driveway or means of vehicular access to the property, the *fence* and any gate shall be located so that entering vehicles will be completely off the street when stopped for the gate to open, and such gate shall open parallel to or away from the street;

(9) No chain link, barbed wire, or electrified *fences* shall be installed or maintained;

(10) No *fence*, including decorative or ornamental *fence* tops, shall be designed to include or be constructed of barbed wire, broken glass or any exposed sharp or pointed materials that may penetrate or impale persons or animals.

(c) On a corner lot, a *fence* may be erected and maintained in a side yard and rear yard adjacent to a street, but may be located no closer than 15 feet from:

(1) The edge of the street curb closest to the property, if the street has a curb; or

(2) The edge of the street pavement, if there is no curb.

(d) If a *fence* along the side or rear of a lot or property is erected to the property line, adequate access to utility lines and meters shall be provided.

(e) In no event may a *fence* be erected or maintained in or upon a city right-of-way or public right-of-way, except when installed by the city or its agents for municipal purposes.

(f) All *fences* shall be maintained in good condition.

FENCES

There is no limit to the height of side and backyard fences. Front yard fences may not exceed 36 inches.

Q19: Should there be a height limit on side and backyard fences?

Yes	125
No	145
Blank	4
Comments	97

YES

10 feet

10 feet unless there's a hardship situation

10 max, unless incorporated into green solutions that promote screens, such as wire and vines

10'? Some limit is better than none. 6' would be the absolute minimum.

6 feet like Austin. This is a loophole that needs closing.

6 ft common. 8 ft with neighbors permission.

6' max height unless approved by the neighbor.

6-8 feet, again depending on topography. Given how some new houses have impinged on neighbor privacy, perhaps 8 feet would be appropriate in some places.

6-8 foot fence height is adequate

6-8 ft.

7 feet

7'

8' back and side on interior lots - 8' back with 6' on side of corner lots may create a more open feeling

8 feet

8 feet limit if affected neighbors agree. Also, eliminate the "cheat" of building a 6 foot fence on top of a 2 foot masonry footing.

8 feet maximum height on sides and back.

8 feet.

8 ft

8'

8ft

8ft. Also, Should allow for 4ft. fences when people want to put pools in side or front yards on unusual lots.

9ft seems plenty high

A limit on fence height enhances neighborhood appeal.

a side yard on a corner lot should not have a solid fence more than 36 inches

Agree as long as the maximum is not less than 7' in height.

An 8 foot limit should be adopted.

And there should be no front yard fences. How that got into the rules is beyond me.

Big walls from the neighbors are ugly and I have to see them as part of my yard.

Blanket approval of 6' maximum fence height along side and rear lines. Special permission to 8' maximum when agreed upon in writing by property owners on both sides of a fence.

But they should also be based on topography and location of lots.

Case by case- no one wants to look at a huge fence next door

Don't really care about back fences as much

I am not sure a fence needs to exceed 10-12 feet (depending on slope), but there should be a requirement that the immediate neighbor agrees with the height of the fence.

I like my 8' fences for privacy purposes, but I guess there may be some limit needed. I really do not have an informed opinion on this one.

I think side and backyard fences should be limited to 8 feet. The cinder block walls that went up on the sides and backs of the houses being built on Vale are huge & ugly.

I thought there was a height restriction for backyard fences.

I was told it was 8 feet. Guess that is not official

I would say a standard height of 6 ft., with an allowance to go up to 8 ft. if all neighboring properties agree.

I'm not sure what the appropriate height is but there should be a limit in place so people can't excessively wall off their properties.

I'm ok with having limits on side and back fences for the same reasons we have limits on the houses themselves and it's impact on the lot. But, there would need to be some flexibility in the rules to

accommodate the many reasons people put up fencing (by dimension and type of fencing). My point here is, while i agree on limitation, it needs to be a carefully thought out and logical code.

It can't be ridiculous like the side of a 5 story building

It really comes down to purpose and aesthetics - a significant slope and jump worthy dog may need a higher fence.

ITS NOT A NEIGHBORHOOD IF IT LOOKS LIKE A PRISON, RETENTION WALL, ETC. PLUS IT AFFECTS AIRFLOW AND THOSE THAT HAVE MONSTER FENCES ARE ACTUALLY HURTING THEIR LAWNS BY SMOTHERING THEM.

Just keep it reasonable

Keep things reasonable. I'm ok with tall fences but there should be limits

level fencing should be allowed with 6 feet height at highest natural slope

Maximum 6 -8 feet.

More research needed as sloped lots need to be taken into account but need to avoid someone putting up a 30 foot fence/wall. I'd favor no more than 10-12 in a normal situation with some sort of allowance in a unique sloped situation

no more than 10 feet

No more than 6 ft.

One or two ugly ones around. Less ugly would be good! 6 feet seems about right.

probably 6 feet on side fences unless agreed to by affected neighbor than 8 feet and up to 8 feet on backyard,

Should be limited to normal privacy fence height.

Standardize and keep consistent.

There should be some reasonable height max.

There should probably something that prevents the egregious. I haven't seen it but I can imagine an unusually high fence would be an eyesore.

This has gotten weird lately. What is it with these super tall fences. I do support a height restriction.

This is tricky and I only say "yes" because I fear this is open to abuse - even unintentionally given the construction boom in this city.

This should be set just to protect against egregious fence heights (e.g., a 20 foot fence)

Unless all neighbors agrees that would be along the fence line

we don't want 20' walls between properties

We should also address retaining walls as well. Right now these are built on property lines and with a slope it's a fence to the property downslope

We should also allow 4' fences in front yards to allow for pool fencing issues.

YES!! Neighbor's 10'+ fence on my southern boundary KILLED my lawn and landscaping--along with the new 35' house built right on setback.

Yes, but (and I know this is likely a non-starter) they should also increase the height for front yard fences to allow for front courtyards

Yes, there should be limits. It is paradoxical to prohibit certain builds in a setback, yet allow a fence/wall of ANY height ON THE PROPERTY LINE. In some cases, retaining walls of great height are built, and then a 6 foot fence is placed on top of the wall. Incredible!

Yes. But we need to resolve the conflicts between max front yard fence heights versus minimum fence heights for pool enclosures.

You should increase the height of your fence in the front yard as 36 inches is not sufficient to keep dogs in the yard or small children from crawling out

NO

36 inches should be changed to 48 inches so pools can be adequately insured and the public protected.

Absolutely not - especially in instances when neighbors lots are geographically much higher up than yours.

Allow residents who back up to Austin to have unlimited fencing heights since Austin residences can build their homes near the fence line due to more relaxed Austin rules.

As long as they can't run their side fences up to the street where you can't see oncoming traffic

Do whatever is wanted to provide privacy.

Given the varied topography of our neighborhood, I don't think it logistically makes sense. You are potentially creating the need for more "exceptions".

However, there must be a "good neighbor" review/policy.

I am fine if folks want to build a higher fence in the back yard. I think that there SHOULD be a height limit on side fences on a corner, that face the street/pedestrian traffic.

I don't feel strongly on side and back yard fences. I do not like any front yard fences.

If a family wants a front gate/fence for safety/privacy shouldn't they be allowed to do so. 36" in the front isn't protecting or adding any privacy

If a neighbor has built a 35' - 45' structure on the setback, I see know problem with building a structurally sound fence for my privacy. Fix other problems first, then revisit this.

Let people make their own decisions in this regard.

Lots are big and privacy is important

No, I think we should allow for privacy

One of the only tools for regaining privacy is to build a fence that blocks my neighbor from viewing my life

other than to say not 25 foot tall, or something ridiculous.

Privacy is important. Especially given all the prior questions on height, setback, etc.

Set an areas where someone can materially you're the one that block a view

Taller front yard fences should also be allowed for owner privacy and security given the increasing rate of break ins etc

There is too much variation in topography of our lots.

There should be restrictions on the materials and construction style of tall fences to ensure they are not an eye-sore.

There should not be front yard fences.

This is a solution to the other problems. Particularly if both neighbors agree then why should the city intervene?

This is particularly personal to me... the city approved the plans for the guy next door to me to build an elevated pool that now sits at the heights of my 6 foot fence... to achieve any privacy I will now need to build a 10 or even higher fence... the city is creating these problems... then don't approve these things that require the next door homeowner to solve the problem...

This is private property and no reason to restrict it

Unless it's so high and blatantly blocking neighbors views

When we came to Rollingwood the 'front fence' was a retaining wall only, but now we have fenced in front yards. Since we maintain this I think 36 inches along front and front sides to build line is appropriate and then at building line the fence can increase height. Might be OK with 10/12 foot height restriction.

With the topography of RW and ever-higher homes being built next door, sometimes high fences are needed to ensure privacy.