



COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE (CRCRC)

Members:

- Thom Farrell, Chair, Former Mayor, and Member of CP Strike Force
- Jeff Marx – Data analyst, and former contributor to CP Strike Force
- Ryan Clinton – Lawyer, and former Member CP Strike Force
- Dave Bench – P&Z Representative
- Alex Robinette – Architect
- Duke Garwood – Architect

Charge:

- Review and assess 2020/21 Comprehensive Planning (CP) Strike Force survey results for public opinion regarding residential zoning and development
- Identify residential zoning and development public opinion gaps not addressed by the 2020/21 Planning Advisory Strike Force survey results; develop a plan to fill those gaps; execute the plan *
- Analyze public opinion results for issues and needs regarding zoning and development. Combine with City Council and P&Z concerns *
- Develop options to address zoning and development issues and needs. Include pros, cons, pace, and why it is an issue. Make recommendations
- Provide priority recommendations
- Provide interim and final zoning policy recommendations

Issues Being Considered:

Construction Site Management:

- Allowable locations for construction fences, port-a-pot, dumpsters
- Allowable use of city streets
- Safety issues around construction parking
- Permitted activities and allowable construction hours

Building Ordinances:

- Permissible building and planting in setbacks / easements and ROWs
- How to measure setback distances
- Driveways and egress
- Allowable building heights, roof pitch, and measurement guidelines *
- Allowable number of stories *
- Allowable fence heights
- Residents rights to privacy
- Allowable changes to topography
- Impervious cover
- Zoning by topography
- Fire considerations with regard to Tree Ordinance
- Permitting process
- Public education of ordinances
- Impact / resolution of nonconformances created by code changes *
- Ordinance enforcement
- Lighting / Dark sky *
- Drainage *

* Discussion to date



CRCRC

We are:

- Reviewing the building code for suitability in today's Rollingwood as represented by its residents
- Listening to residents' concerns about recent building trends
- Taking input from anyone willing to share – residents, real estate professionals, developers, architects

We are not :

- Rollingwood's version of Code-Next
- Working to reduce property values
- Anti-Development
- About increasing density
- The answer to every Rollingwood resident's issue (although we are open to concerns not covered here)

CHALLENGES

- Residents want us to move quickly
- Residents want us to slow down
- Residents don't want us to do anything...except maybe this one thing
- Concerns of affecting property values
- Concerns having to do with non-conformance
- Diverse population of interests
 - Long time residents
 - New, or about to be new residents
 - Developers
- Enormous property valuations (among the highest in Texas)
- The Open Meetings Act
 - Having to work a myriad of details in full public view
 - Necessitates splitting into sub-committee to ensure progress
- Avoiding personal bias

WE'VE BEEN HERE BEFORE:

*RECOMMENDATIONS FROM 2004 STUDY **

- Establish a maximum building footprint / lot size ratio
 - 40% for single story house
 - 30% for 2 story house
- Set impervious cover maximum to 55% per lot
- Limit 3rd story total square footage to 40% of 1st floor
- Set side setbacks to a minimum of 15ft
- Set minimum roof pitch to 5:12
- Fences above 72" in height will require a variance

* *None of these recommendations made it into the current code*



Email quotes from residents:

“The longer we wait, the longer Rollingwood will continue its existing course. Therefore, move fast.”

“Please take your time and don’t rush this just to see us having to change it. I do see a rush for answers on a project that should be thoughtfully considered.”

“Please do not change the current code or otherwise change the rules for home building height limits, impervious cover, setbacks, etc. I do not support making changes to the current codes or adjusting how they are enforced.”

“I kindly request that the committee takes a holistic view of our residential zoning regulations and considers the wider implications of any proposed changes. It is vital that we strike a balance between preserving the character of our community and allowing for growth and development.”

“Please consider allowing the CRCRC to evaluate adjustments to the residential zoning code in a manner that allows building height to be considered in conjunction with credits to lots that include drainage infrastructure that benefits the City, to allow for equitable development of the lots in the future with lots that do not include such infrastructure.”

“Changes such as lowering building heights, reducing impervious cover allowances and increasing restrictions on what trees can be cut down will only reduce development further. The lengthy drainage manual that was enacted in 2016 is already way too much regulation.”

“I think any code changes made should focus on things that would have prevented the most problematic aspects of the homes causing concern and not reach beyond that.”

“We think our society is trending towards more multi generational families living under one roof. We could foresee one day having an elderly parent(s) come live with us and if that were to be a reality, we would consider either adding a huge extension or even tearing down our current home of 3600 sq ft in order to build a new, bigger house on our lot that could accommodate both generations comfortably. With land prices having risen tremendously in Austin over the last five years I know there are a growing number of RW residents who think the same on this issue. We were just discussing this possible option with six of our neighbors at the RW dog park last week.”

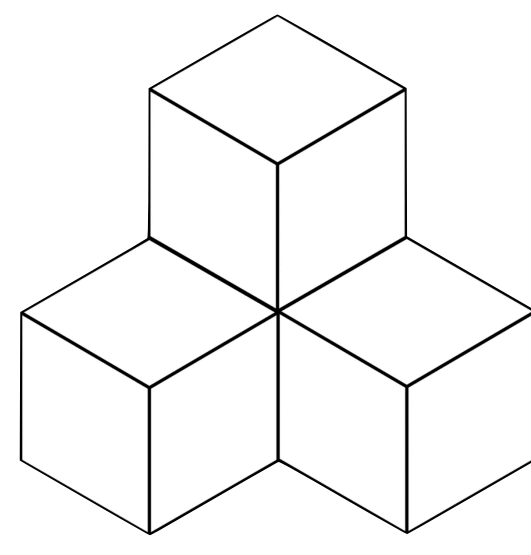
“We are very appreciative of the opportunity to have input to the committee. We have been concerned, and are not happy, with what appears to be a “trend” in new construction. The setbacks and heights of homes seem to be “out of control” with no restrictions any more? I feel for the neighbors who have these large new homes built right next to them. .. When we moved to Rollingwood in 1991, we heard comments on how there had been a recent building trend for 4,000 square foot homes. I remember someone saying how this was excessive and homes were becoming more reasonable again. Fast forward to current trends where homes average 6,000 square feet, or more?”

“Thank you, again, for your service. I hope that this task can be completed fairly soon (vs. the “Go slow” approach) so that new projects which are testing the limits will not be grandfathered.”

“I used to like Rollingwood's live and let live approach. It worked when people wanted ordinary-sized houses, and some flexibility to do their own thing. But many recent houses, and particularly some of the more speculative builder-financed constructions, have been too big, ugly and inconsiderate.”

“In the past, defenders of our existing development code have promulgated a fear-based argument that if we tighten up and vigorously enforce the Rollingwood Residential Development Code that our home values would be adversely impacted. Our small community culture, our trees, our park, our superb location (near downtown, Zilker Park and Lady Bird Lake) and our nationally-ranked public school system will continue to draw high-income buyers to our little one square mile city.”

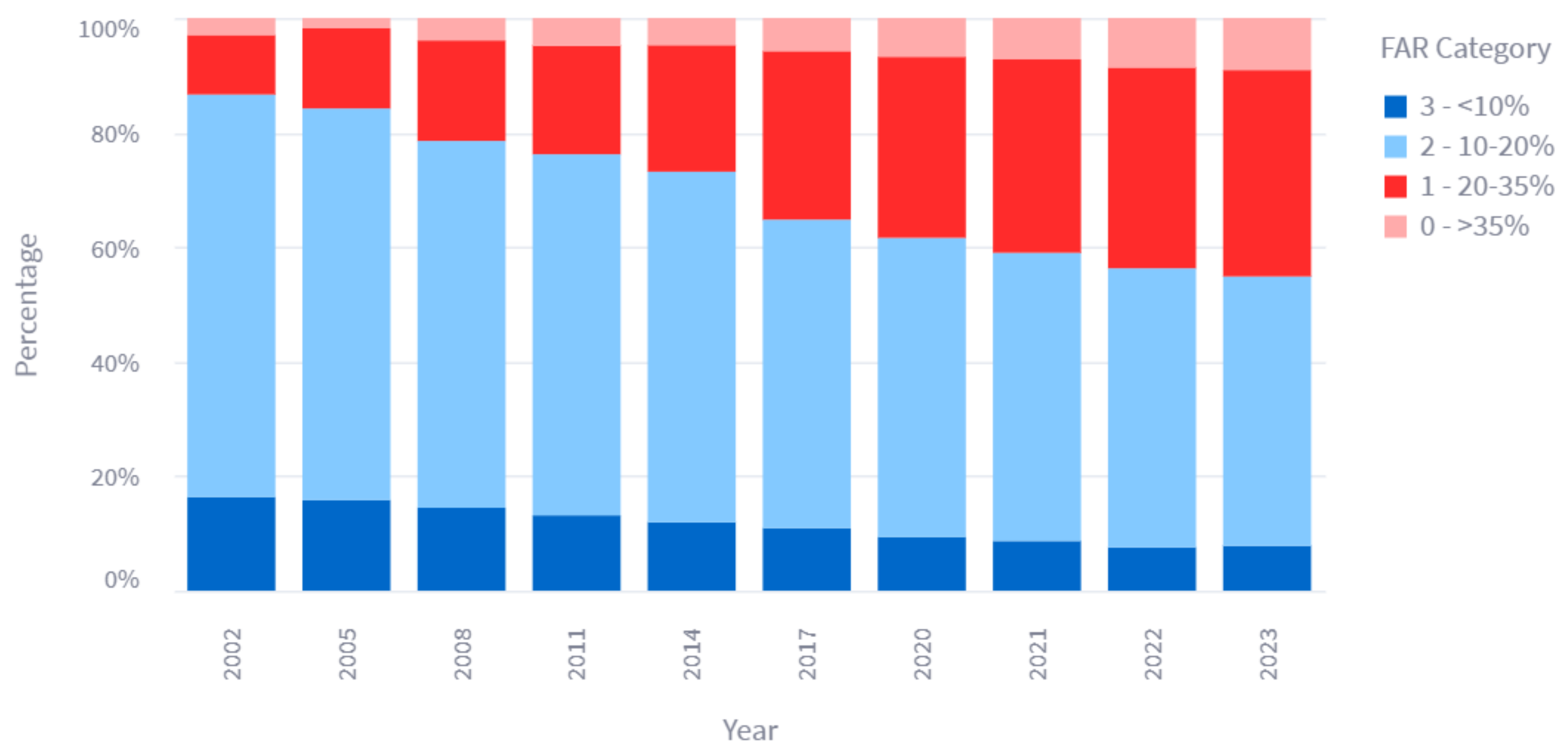
“I strongly support careful review of Rollingwood's residential building codes, with residents' input. When revised codes are adopted, I believe they should be clearly explained to existing and prospective residents and builders - and enforced. Plans for new buildings and major remodels should be carefully reviewed by credentialed city staff or by contracted engineers, with costs paid by the applicants.”



FLOOR AREA RATIO (FAR)

Another potential measurement tool in the tool box

- Ratio of livable square footage to lot size
- Used in NYC, LA, Monterey Park, St. Paul, Minneapolis and many others
- Smaller homes on large lots have a small FAR
- Larger homes on small lots have a higher FAR
- Getting extensive discussion in CRCRC meetings – find details in meeting packages
- Could work in concert with building height and setback requirements to manage “bulk”
- Graph below shows how the number of higher FAR homes has grown



Possible survey questions:

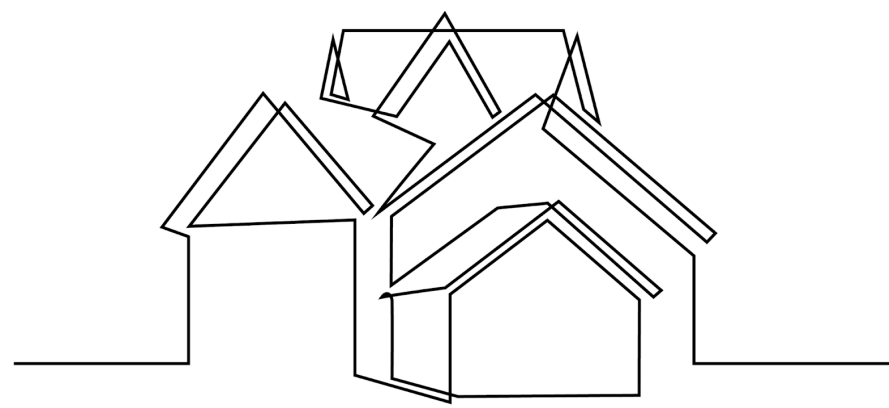
- *Are you comfortable with how recent new-builds sit on their lots?*
- *Will establishing FAR limits help achieve your vision of the future Rollingwood?*
- *What is the appropriate FAR limit for Rollingwood?*
- *Would a maximum building footprint / lot size ratio make sense?*
- *What other changes to the code will help achieve your vision of future Rollingwood?*



EXAMPLE SURVEY QUESTIONS

Over the past 20 years or so the make-up of homes in Rollingwood has changed. Older, long established homes are being knocked down and replaced with new, often much larger homes. Property values have soared. The housing turn-over and the processes behind it have one way or other affected all Rollingwood residents. The CRCRC is interested in your views:

- *In general, is all the new building good for Rollingwood or not-so-good?*
- *What, if anything, bothers you most about the changes Rollingwood is going through?*
- *What, if anything, pleases you most about these changes?*
- *If you were moving to the Austin area today, would Rollingwood be your first location choice? Why?*
- *The Rollingwood building code restricts building size through its height and setback ordinances. The drainage ordinance provides additional controls by restricting allowable impervious cover. Are you open to adding more building restrictions to the Rollingwood building code?*
- *The topic of drainage comes up a lot when Rollingwood residents are asked what needs to improve. The current drainage ordinance is designed to limit the amount of new construction water run-off to a level that is equal to or less than the amount of run-off that existed prior to the new construction. Do you believe that improvements to individual lots can have a positive impact on Rollingwood's drainage problem or will relief only come through a city-wide comprehensive drainage plan? Or both?*
- *Homes with high, flat roofs can overwhelm the lot they set on and even a neighborhood. Would you be open to an ordinance that imposes additional height restrictions on flat roof homes?*
- *The CRCRC charter lists a number of code related topics; all will be considered for possible code additions and/or updates. Is there anything missing that you would like to see considered?*
- *Is Rollingwood a good place to retire? Why?*
- *Is multi-generational living a possibility for your home's future?*
- *The City of Rollingwood owns some land behind the Endeavor development and near Eanes Creek. Do you have any ideas for its use? Pickleball? Dog park? Something else?*
- *What other questions should be on this survey? What do you want to know?*



BUILDING HEIGHT

Sec. 107-71. - 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.

The City's Code of Ordinances Chapter 107, Zoning shall be read as follows, with underlines being additions and ~~strikethroughs~~ being deletions:

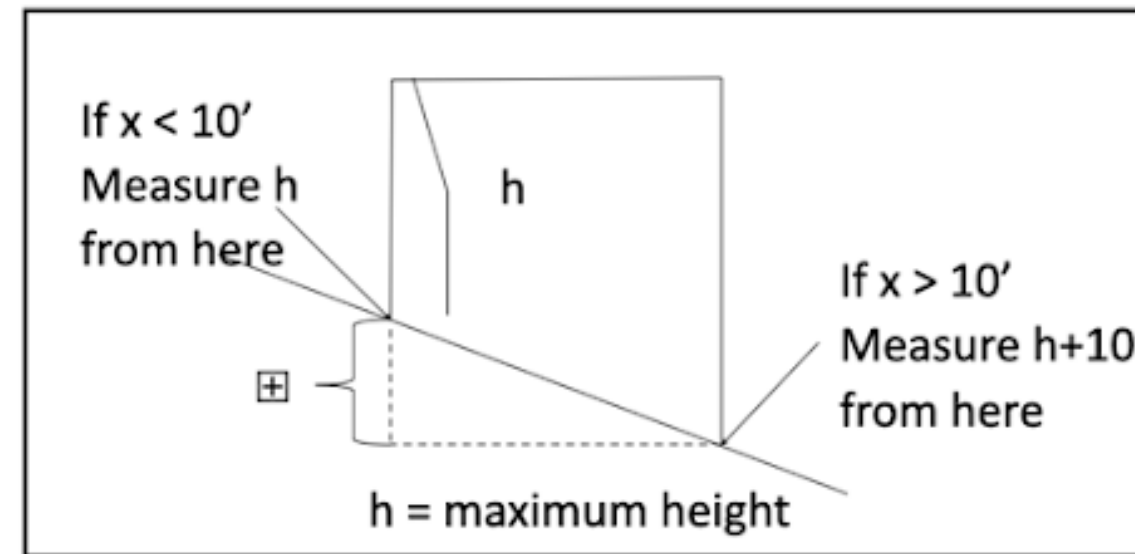
Sec. 107-3. - Definitions (Draft from Council 4-19-23)

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:

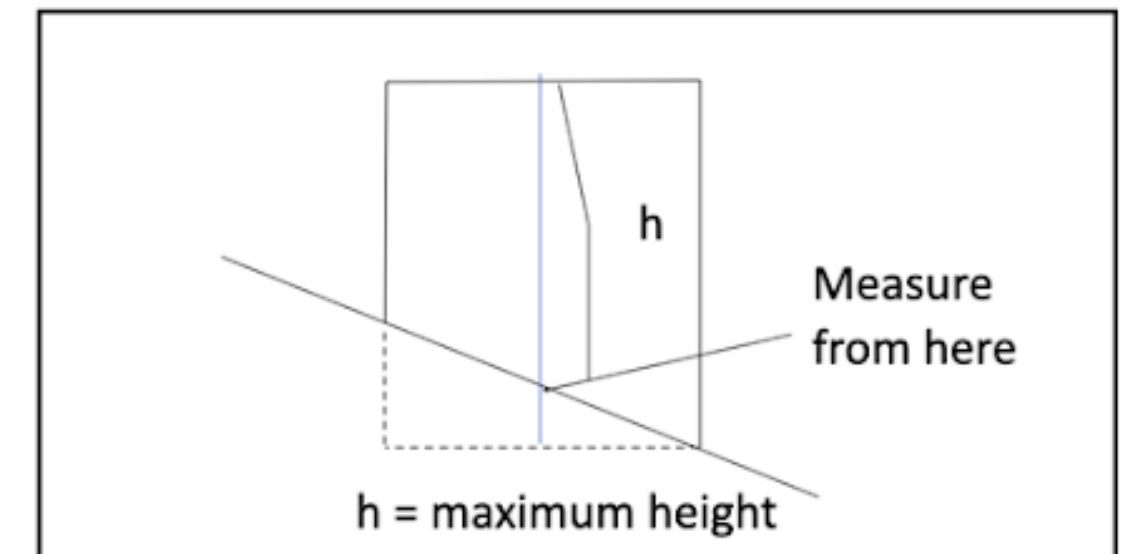
1. The elevation of the highest adjoining original native ground surface ~~within a five-foot horizontal distance of~~ to the exterior wall of the building when such original native ground surface is not more than ten feet above the lowest ~~adjoining original native ground surface grade~~ adjoining original native ground surface grade; or
2. An elevation of ten feet higher than the lowest ~~adjoining original native ground surface grade~~ adjoining original native ground surface grade when the ~~highest adjoining original native ground surface~~ 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 grade~~ adjoining original native ground surface grade.
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 Sec. 107-71 for Maximum permissible height R- Residential Zoning District.)

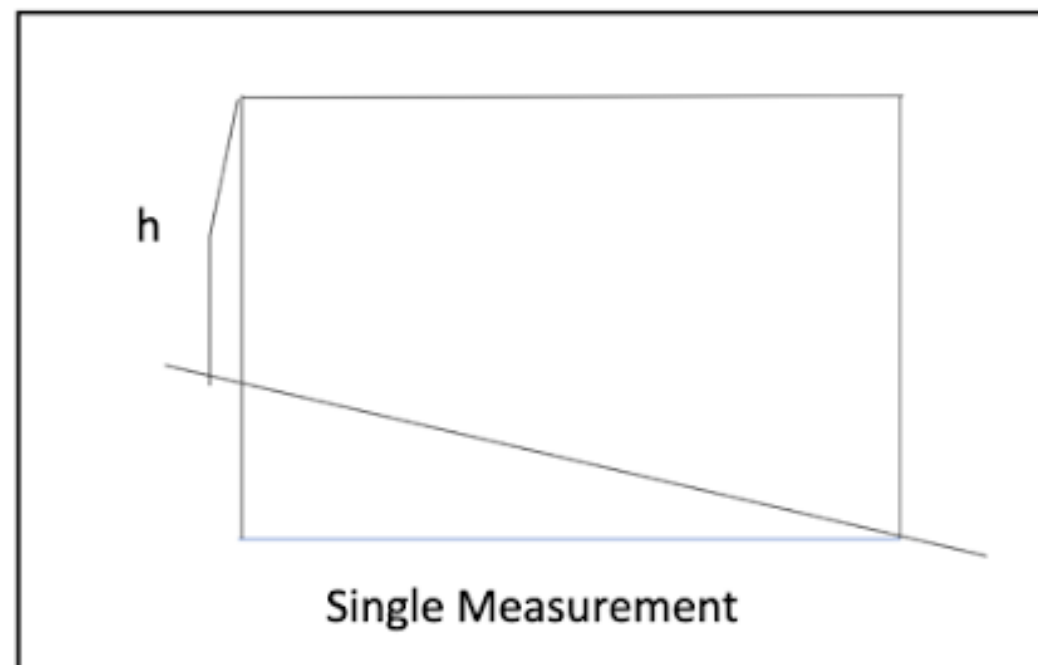
Proposed (current - 5' perimeter)



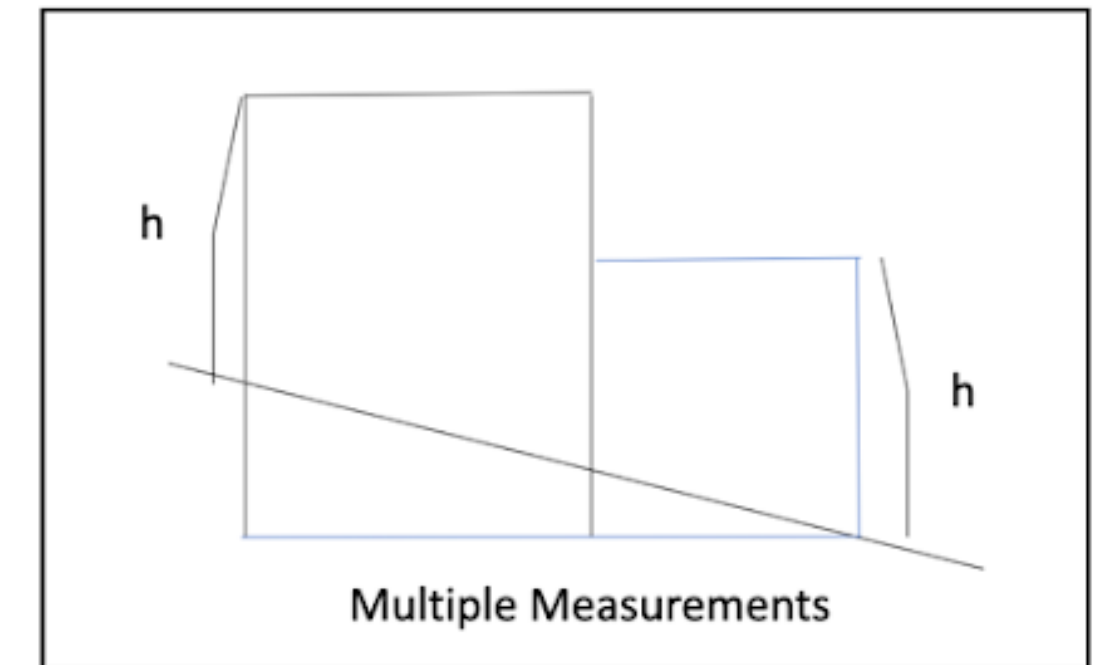
Example Average Elevation



Example Measurement Approaches



Proposed (Current - 5' perimeter)



Follow slope

Reference Datum Considerations

Datum	Pros	Cons
Single point	Current code Easy	Allows for 45' walls "whichever is greater" Does not allow for slope averaging
Perimeter	Can be applied to a variety of measurement methods	Requires rigorous before and after surveys

QUESTIONS THAT HAVE COME UP:

Should we change our maximum height?

Should we adjust how we measure height?

Should we adjust how we measure the Reference Datum to establish height?

Should we allow any portion of a building to exceed the legal maximum height (currently 35 ft.)?

Should we allow buildings up to 45 ft.?

Should we restrict the number of stories, irrespective of the maximum height?

Should we restrict flat roofs above a certain height along a setback?

Should we restrict foundation height?

WHAT ABOUT ZONING DISTRICTS:

Should we look at areas of Rollingwood that have lots with unusual circumstances, and place them in separate zoning districts with different criteria and allowances, for instance:

Steeper than average lots

Facing a greenbelt

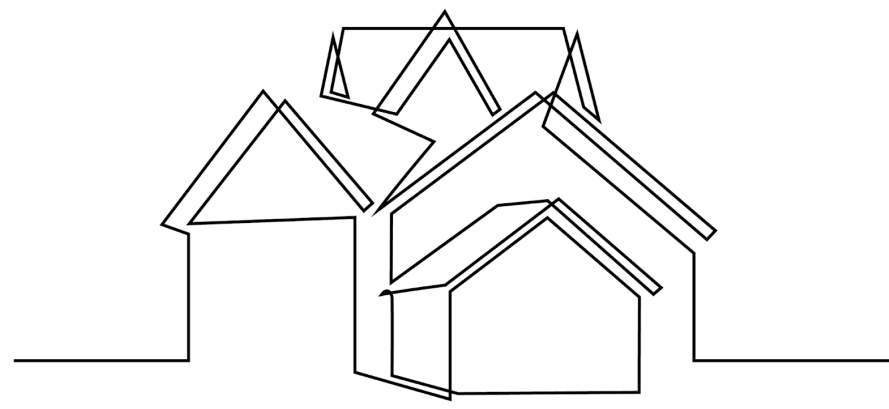
Limited buildable area due to extreme topographic changes

Limited buildable area due to excessive drainage pathways and creek frontage

Unusual lot shape

Additional right of way restrictions

Multiple Heritage trees



Email quotes from residents:

“Other communities around the country have addressed these issues. We are not unique in our situation and can leverage off the experience of other communities and their quantified codes.”

“We are very concerned about changes to the height rules. For a flat lot, a flat 35 foot rule makes a lot of sense, but for other lots on a steep grade there needs to be more leeway.”

“No four story homes.”

“I don't think 30' vs. 35' would prevent someone with a large family from building a large home. I personally believe that homes that max out current height limits contribute the most to homes that feel out of scale.”

“My opinion is that we should look at 4 or 5 methods that other neighborhoods have implemented, create a pros/cons evaluation of each method, and then have the neighborhood look at it and give their feedback at that time.”

“We urge you to fix the problems with the building height and setback rules as they are currently established.”

“The character of Rollingwood has suffered greatly in the recent deluge of building. Some houses seem too big for the lot, or they loom over the neighbors in a way that invades the peace and privacy of the adjacent property.”

“I am against any further restrictions that will reduce lot values. Our lot in Rollingwood is our retirement and limiting development will reduce our retirement security.”

“Is there some way that the residents can all see that a house has been measured and is in compliance?”

“I would like to close the height loophole and make it clear that the 35 foot limit is to be measured from the adjacent natural grade so as to avoid homes that are above 35'.”

“This seems to be a rushed personal agenda of a minority view and I am against this type of building code change and style of governance.”

“The current codes are unfair to those of us who have lived here and helped to make this city what it is...or was.”

“I support no change to current building code or as little as possible. Unless there is a reason for change due to drainage problems.”

“This decision affects every resident in Rollingwood and potentially our property values.”

“I am writing to let you know that the current codes are inadequate in preventing new structures from becoming overbearing and obtrusive to their immediate neighbors.”

“We firmly believe that any material changes to our / Rollingwood's residential zoning code should be made after factoring in extensive community input and extensive discussion, including analysis of both intended and unintended consequences, around any proposed modifications.”

“I understand neighborhood changes are inevitable, but some homes resemble in size unusually large structures, changing the "vibe" of Rollingwood.”

“I don't think it's fair to current residents or homeowners currently in the process of designing a house to rush through any height change restrictions.”

“Some houses go to silly extremes to obtain views of downtown. This should be stopped. 3rd floor roof terraces, observation platforms and over-height houses are all ugly invasions of neighbors' privacy, unfriendly and unsightly.”

“The actions of a few bad actors should not dictate the future of our community's zoning regulations.”

“We cannot have a new build that is 35 ft tall at the high end and, because of a gradient, 45 ft in height at the lower end of the slope. It is unsightly for a neighbor to have to look across at a 45 ft high wall of brick/stucco.”

“I think there are probably many cases where a higher height should be allowed because someone's property is on a hill.”

“Many property owners have been permitted to sell or redevelop under existing height limits. I do not think it is appropriate to change height limits to the detriment of remaining property owners and to the benefit of property owners that have already redeveloped.”

“We agree with taking some action now regarding setbacks, etc based upon what we see in our immediate neighborhood.”

“I don't think a change in the height is fair to anyone not grandfathered in as well.”

“Changes such as lowering building heights, reducing impervious cover allowances and increasing restrictions on what trees can be cut down will only reduce development further.”

“It has become very apparent over the last 5 to 7 years the City has allowed many builders to interpret our code in ways it was not meant to be.”

“What I dislike: hulking size of new construction, with radical heights sometimes achieved by drilling out the limestone base for months in order to measure building height from an advantageous point on the lot.”

“What makes rollingwood an appealing place to build (and in turn drives our property values vis a vis Tarrytown for example) is the relative ease of building and creative freedom.”

“I do not support making changes to the current codes or adjusting how they are enforced.”

“I think any code changes made should focus on things that would have prevented the most problematic aspects of the homes causing concern and not reach beyond that.”

“To make more meaningful collective decisions, it would be helpful if you all could distill the key changes into concrete examples of what would change and the homes it would impact.”

“I propose a set of graphic scenarios so as we discuss the new building restrictions, we can see how they would play out.”

“I strongly support strict enforcement of our current code, including building height restrictions that are understandable and easy to enforce.”

“I support the 35 foot height limitation and do not wish to see it modified. That change was initiated years ago to encourage architectural interest and to provide greater living space under roof. Granted, we were thinking of gabled, not flat, roofs so perhaps a distinction can be made in those instances.”

“For those lots sloping dramatically towards the street, perhaps consider a height limitation on the front facing foundation (measured from grade to finished floor).”

“Foundation purposefully raised significantly higher than what was originally there, so to sell home as if it's a “view home”. First level of home windows are entirely visible above our shared fence...due to increased height of foundation and how close the home is to the property line.”

“Size and scale of homes in Rollingwood: no need to restrict size.”

“I don't support constraints, even if I don't always like the visual results.”

“Some people argue their property values are affected by not being able to build as high as currently allowed, myself and others worry what happens to our own property values if people continue to build increasingly tall and massive homes around us while exploiting the current rules.”



TREE CANOPY MANAGEMENT

Rollingwood passed a tree ordinance in February 2019. The PURPOSE states:

The tree code regulations protect the health, safety, and general welfare of the citizens of the city. In doing so, the appearance of the city is enhanced and important ecological, cultural, and economic resources are protected for the benefit of the city's residents, businesses, and visitors.

**What did it get right, what was missed, what could be better, what got worse?
Could the Tree Ordinance be helpful with conversations surrounding codes and development?
Should RW look at a plan to help shade more of our streets?**

- Trees in setbacks can be removed with the same requirements as trees within the buildable area.
- Trees in setbacks could help mitigate impacts between neighbors when homes are built along the setback.
- Trees could help shield lighting impacts from homes and landscapes.
- Trees provide shade to streets for walking and parking.

Email quotes from residents:

"The tree canopy was the first attraction for me and continues to absorb me. I dislike tree destruction in favor of concrete."

"The developer at the house next to us has ruined the lot and "woody" vibe for all neighbors around us. Even though we have a tree ordinance, he basically clear cut the lot- mostly cutting down large trees in the setbacks, even a large oak. It's horrible. The developer cut down the trees because it would be easier/cheaper for him than having to worry about roots, keeping the trees alive."

"Protect trees in set back areas. The developer of a new house under construction cut all the trees in the back of the lot, even those not in the construction area. The future neighbors will have a direct view into our primary bedroom while we will have a direct view into their backyard and living area. The trees cut before construction would have obscured these views and offered more privacy."

"I've lived in Rollingwood for 43 years and was amazed to find out that legacy trees are not protected and 3 and 4 story homes are allowed."

"New tree plantings need to be appropriately spaced to avoid future wild-fire risks."

"I feel most strongly about restoring existing trees, and encouraging planting of new trees within the setbacks. Planting a tree today is a compounding investment that we should all be exploring across our lots. A sapling today that costs \$250 might be worth tens of thousands of dollars in a few decades. We should think about ways to incentivize planting trees within setbacks across all types of homes (future teardown candidates, newly built homes, homes being built now, and everything in between)."

"I strongly support strict enforcement of our current code, including not allowing the removal of heritage trees, and other things that help maintain the rolling green spaces of Rollingwood."

"With the breath-taking size of homes being built in our City and the resulting cutting of trees on the lots due to the new size homes, we no longer recognize the Rollingwood we have lived in for the past 47 years."

"Rollingwood is known for its tree canopy. Something that increases home values."

"Let's keep Rollingwood green and leafy. I don't mind if a few trees have to go, but not close to the property line. And make them replace the ones they fell with equivalent ones."

"I also feel strongly that we need a tree ordinance and protection and that homeowners should be required to plant the equivalent number of trees taken out. In addition: encourage native plants in the landscape and less lawn and grass which require huge amounts of water to maintain."

"Foliage removed or set back from all curbs to improve visibility and safety. Some houses have overgrown trees, shrubs, bushes and weeds. Pruning should be enforced at every house and is particularly important around stop signs and crossings."

"Protection of Trees: any trees damaged or removed by building/construction should be replaced by ones of equal size."

"Encourage citizens to plant more trees."

"Rollingwood is not a museum. Trees are not historical artifacts. The only tree ordinance I'm in favor of is if someone wants to cut down a protected tree, that tree should be offered to the community. It is now feasible to move almost any oak tree. If a community member that doesn't live on the property in question wants to keep a tree on someone else's lot. They can pay to have it moved themselves. Any other burdensome tree ordinance such as the ones in the city of Austin are not necessary. It reduces property values in practice since older lots are not able to be developed if they have old trees on them."

"Large, mature trees removed that were providing a natural "green" privacy fence (along the actual fence) between our properties, resulting in zero privacy."

"Overall, our fence height now does not seem to be adequate, our view that once was of mature trees and greenery is now windows and white stucco walls of a home, therefore, resulting in a much less appealing experience and appreciation than what we once had."

"What do you love? Many beautiful trees throughout the neighborhood. What do you want to protect? Lovely trees"

"We are hopeful the setback limits will be reviewed so that the limits are reasonable and so many of the legacy trees, as are in our neighbor's and our own lot (with 100 trees!) are not destroyed and replaced by such small trees as may be paid for as an alternative."

"Our neighbors have cut down multiple heritage oaks on their lot where there was sufficient open space to build. The trees were healthy, they contributed to the urban forest, and have value to the neighborhood. Taking them away has consequences for everyone and everything."

"I wouldn't mind a stricter policy as it relates to trees in the setbacks that are removed. We should also explore incentivizing new tree planting in the setbacks somehow. I do not favor an onerous policy like Westlake Hills or Austin."



LIGHTING VISION PLAN

The City of Rollingwood does not have any code requirements with respect to residential and street lighting. *Should we?*

FUN FACT:

Did you know that one of the original sites considered for the McDonald Observatory back in the 1920s/1930s was the hills of Rollingwood?

In April 2019, **Girl Scout Troop 844**, fifth grade students at Eanes Elementary, gave a presentation to the City Council, providing education and awareness of the Night Skies. They made a request at that time for council to consider an ordinance to preserve the night sky.

The **City of Austin** provides street lighting for Rollingwood and has been replacing street lights with unshielded, LED bulbs that are brighter than previously installed bulbs.

- Creates light trespass in some homes
- Helps police department with late night patrolling

**What are your thoughts on street lighting, home exterior lighting, and landscape lighting?
Would you like RW to consider a Lighting Plan and provide more detailed information?**

From The International Dark Sky Association (darksky.org):

What is Light Pollution?

The inappropriate or excessive use of artificial light – known as light pollution – can have serious environmental consequences for humans, wildlife, and our climate. Components of light pollution include:

- **Glare** – excessive brightness that causes visual discomfort
- **Skyglow** – brightening of the night sky over inhabited areas
- **Light trespass** – light falling where it is not intended or needed
- **Clutter** – bright, confusing and excessive groupings of light sources

A growing body of evidence links the brightening night sky directly to measurable negative impacts including:

- Increasing energy consumption
- Disrupting the ecosystem and wildlife
- Harming human health
- Affecting crime and safety

CENTRAL TEXAS DARK SKY and DARK SKY-FRIENDLY CITIES AND COMMUNITIES:

DRIPPING SPRINGS
WESTLAKE HILLS
LOST CREEK
RIVER HILLS
WIMBERLEY
BEE CAVE
LAKEWAY

BUDA
KYLE
BLANCO
JOHNSON CITY
HORSESHOE BEND
FREDERICKSBURG
LLANO

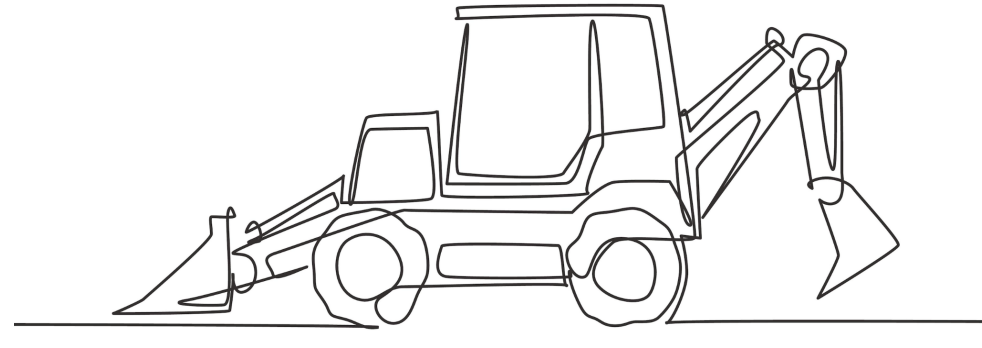
Email quotes from residents:

“I wish there was some way we could restrict or limit landscape lighting so that we could appreciate the night sky. This could be done by curfews on some of these lights or using shields on them so that the lights shine down on the yard and not in the street or anyone else's yard. This is very important for not only human health but also many animal species, especially during migratory seasons.”

“Some houses are needlessly bright at night. Rollingwood is a safe area. It is a paranoid waste of electricity to have lights on the houses, back yards, front yards and mailboxes. It affects sleep for humans, birds and butterflies. And we can no longer see the stars at night.”

“Light pollution by paranoid or inconsiderate neighbors looking like Ft Knox including mailboxes, trees, porch, house and security lights. This affects sleep for humans and all wildlife including birds and butterflies. Oh, and thanks to all the nuisance, we can't even sit and see the stars at night! This is a waste of energy and super annoying!”

“Austin Energy came out to look, but indicated that replacing these lights is part of their long term strategy to be more energy efficient, while acknowledging there are a lot of complaints with no plan to instead use a baffled light. If a light is needed at all, it should be lighting the street below, not adjacent yards and into the homes themselves.”



CONSTRUCTION MANAGEMENT

Please provide any comments, concerns, or compliments to any of the following:

Construction Vehicles:

- Speeding
- Idling
- Parking
- Litter
- Safety
- Concrete spills

Construction Sites:

- Construction fencing
- Staging
- Port-a-pots
- Dumpsters
- Landscape maintenance
- Cleanliness
- Tree protection

Construction Work Times:

- Allowable days/hours
- Allowable noise levels on weekends and holidays
- Permissible activities on weekends and holidays
- Federal holidays