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May 3, 2023

Ms. Nikki Stautzenberger
403 Nixon Drive
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Sent Via: Email

RE: CITY OF ROLLINGWOOD ZONING ORDINANCE REVIEW FOR CITIZEN COMMITTEE

The City of Rollingwood requested feedback from KFA regarding certain regulations of the Zoning Code relative to permit applications that cause conflict, confusion, or misconstrued upon initial applicant submittals, as well as identifying requirements that are repeatedly not addressed by said applicant on subsequent submissions of the same, after receiving detailed initial review comments. The following list identifies these code sections, which are in no way ranked in order, as they are all pertinent to any zoning approval, when applicable to the type of permit.

Building Height & Elevation Datum:

Section 107-71, No portion of any building or structure may exceed 35 feet in height, per Rollingwood City Ordinance. Please provide reference datum elevation. 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 the exterior wall of the building when such original native ground surface is not more than ten feet above the lowest grade; or
- (2) An elevation of ten feet higher than the lowest grade when the original native ground surface described in subsection (1) of this section is more than ten feet above lowest grade.

Section 107-71, 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 coping of a flat roof/the deck line of a mansard roof/ the gable of a pitched or hipped roof.

Retaining Walls:

Section 107-32(a), on a corner lot, not structure, fence, retaining wall, or vegetation with a height greater than 36-inches above the curb level may be placed within 15 feet of the intersection of the right-of-way lines of the two streets bordering the lot.

Section 107-33(a), no portion of a retaining wall with a height greater than 36-inches above the street curb level may be constructed within 15 feet of a front lot line, or side lot line adjacent to the street of a corner lot.

Section 107-33(b), if a retaining wall is constructed at a distance greater than 15 feet from a front lot line, or a side lot line adjacent to the street of a corner lot, the maximum allowable height of the retaining wall above the street curb level may be increased 12 inches for each additional five feet of distance between the retaining wall and the applicable lot line.

Minimum Yard Requirements/Setback Area:

Note: The following two sections do not include ordinance amendments approved at the April 5, 2023 joint P&Z and City Council meeting. If an application for a building permit was submitted before April 5, 2023, the plans will be reviewed based on the code as it read at that time (below). If an application is received after April 5, 2023, the ordinance as amended at the April 5, 2023 meeting applies. Please see the language of that amended ordinance in Exhibit A.

Minimum yard area, defined by Rollingwood City Ordinance Section 107-3, means an unoccupied space on a lot which:

- (1) Is open and unobstructed from the ground upward to the sky except for fencing, walls, or permitted projections, such as cornices, eaves, porches or landscaping;
- (2) Extends between a main building and the lines of the lot upon which the main building is located; and
- (3) Has a depth between the front, side or rear lot lines and the main building as required for the district in which the lot is located.

Minimum yard depths and widths shall be in accordance with Rollingwood City Ordinance Section 107-76.

- (4) In order to determine compliance with the minimum yard depth and width requirements of this section, measurements shall be made from the closest point on the foundation line of a "qualified building," as the term is defined in this section, to either the lot line or street right-of-way line, whichever results in the shortest distance.
 - (a) The front yard of each lot shall have a minimum depth of 30 feet. For purposes of this subsection, "qualified building" means either a main building, a garage, or a covered front porch or covered front terrace.
 - (b) The side yard of each lot shall have a minimum width of:
 - a. Ten feet, when the lot abuts another lot, except that the sum total of the two side yards of any lot shall not be less than 25 feet.
 - (c) The rear yard of each lot shall have a minimum depth of 20 feet. For purposes of this subsection, "qualified building" means an accessory building, or a main building or any projection thereof other than a projection of uncovered steps, unenclosed balconies or unenclosed porches.

General/Front-Yard/Corner Lot Fence Requirements:

Section 107-32(a), on a corner lot, not structure, fence, retaining wall, or vegetation with a height greater than 36-inches above the curb level may be placed within 15 feet of the intersection of the right-of-way lines of the two streets bordering the lot.

Section 107-34(b)

- (1) the height shall not exceed (3) feet measured perpendicular from the adjacent finished grade, for fences in the front yard.
- (2) piers or posts may exceed the maximum height and fencing adjacent to the pier or post by four (4) inches, for fences in the front yard.
- (3) on sloped lots, to accommodate variation 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 (6) inches, provided that the average height of such fence segment does not exceed the maximum height, for fences in the front yard.

(4) the fence shall be constructed of such materials and/or in a manner to allow for an average 80% visibility through the fence when located in the front yard.

5) all fence components shall be a minimum of fifteen (15) feet from any 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 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.

Section 107-34(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 fifteen (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.

Section 107-34(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.

Swimming Pools & Decking/Coping:

Section 107-35, no swimming pool/tennis court shall be constructed or maintained in:

- a. the area between the front lot line and the front setback line of a lot.
- b. between the area between the side setback line and a side lot line that does not border a street.
- c. the area between the rear setback line and rear lot line.

Section 107-35(a), on a corner lot, no swimming pool/ tennis court shall be constructed or maintained in the area between the side setback line and the side lot line that borders a street.

Section 107-35(e), a deck or apron designed to serve a swimming pool or tennis court shall be located at least five (5) feet from a side lot line and ten (10) feet from a rear lot line.

Section 107-35(f), overhead lighting in swimming pool/ tennis court areas is prohibited.

Section 107-35(g), each outdoor swimming pool erected, constructed or substantially altered after March 1, 1988, shall be completely enclosed by a fence in compliance with all applicable regulations then adopted by the city and in effect from time to time. From and after April 20, 2016, all such new or substantially altered fences shall comply with the requirements of appendix G, section AG 105.1 of the 2012 International Residential Code, except that no building material may be used in the construction of a fence except as permitted by this Code.

- (1) Per appendix G, section AG 105.2(9) of the 2012 International Residential Code, where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

- (i) The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;
- (ii) Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
- (iii) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1(item (i) in this comment) or 9.2(item (ii) in this comment) described herein.

Tree Survey/Tree Removal:

Section 107-371(b), a protected tree has a trunk with a diameter of 12 inches or more, measured 4.5 feet above the ground and is on the protected tree list in the Code. Removal of a protected requires replacement trees.

Section 107-373(a), a person may not remove a protected tree without a tree removal permit. Section 107-376, application for a building permit must include a survey of all existing trees on the property.

Impervious Cover [IC] Regulations:

While IC is reviewed by an Engineer regarding square footage calculations, infiltration rates, and credits for drainage collection units, there is no cross-reference requirements in the Zoning Code to the Drainage Ordinance. There are times, especially with projects that include landscaping, fences, patios, pools, etc., where the applicant only addresses Zoning regulations and is caught off guard when receiving comments asking for IC comparisons and drainage plans. Cross-referencing this requirement in the Zoning Code could lead to fewer surprises for applicants.

Thank you for the opportunity to assist in this review process and let me know if you have any questions!

Respectfully,

Terri Gaston, Senior Planner
K Friese + Associates, Inc.

Exhibit A: Amendments to Sections 107-3 and 107-76 of the City's Code of Ordinances
approved on April 5, 2023.

Sec.107-3 – Definitions.

Yard means an unoccupied space on a lot which:

- (1) Is open and unobstructed from the ground upward to the sky except for fencing, walls, and those encroachments expressly allowed by this Chapter ~~or permitted projections, such as cornices, eaves, porches or landscaping;~~
- (2) Extends between a main building and the lines of the lot upon which the main building is located; and
- (3) Has a depth between the front, side or rear lot lines and the main buildings as required for the district in which the lot is located.

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

- (a) In order to determine compliance with the minimum yard depth and width requirements of this section, measurements shall be made from the closest point on the foundation line of a "qualified building," as the term is defined in this section, to either the lot line or street right-of-way line, whichever results in the shortest distance.
- (b) The front yard of each lot shall have a minimum depth of 30 feet. For purposes of this subsection, "qualified building" means either a main building, a garage, or a covered front porch or covered front terrace.
- (c) The side yard of each lot shall have a minimum width of:
 - 1) Ten feet, when the lot abuts another lot, except that the sum total of the two side yards of any lot shall not be less than 25 feet;

- 2) Thirty feet, when the lot borders a street other than described in subsection (c)(3) of this section;
- 3) Twenty feet, when two lots extend the length of one block and have abutting rear lot lines.

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

- (d) The rear yard of each lot shall have a minimum depth of 20 feet. For purposes of this subsection, "qualified building" means an accessory building, or a main building or any projection thereof other than a projection of uncovered steps, ~~unenclosed balconies~~ or ~~unenclosed uncovered~~ porches.
- (e) Eaves and roof extensions may overhang into any required side yard a maximum depth of 33% of the required side yard. Eaves and roof extensions may overhang into any required front or rear yard a maximum of five (5) feet. All other ordinary projections of building features typically used in residential building construction, may overhang into any required yard a maximum of two (2) feet.
- (f) Projections shall not contain habitable space, except for bay windows 10 feet wide or less.
- (g) Chimneys may encroach into a required yard a maximum of two (2) feet.