

**AGENDA ITEM SUMMARY SHEET  
CITY OF ROLLINGWOOD, TEXAS  
MEETING DATE: April 19, 2023**

**Agenda Item \_\_: Discussion and possible action to amend Rollingwood Ordinance Section 107-3 Definitions, related to the definition of “Building Height, Residential” and residential building height in the R-Residential zoning district.**

**Submitted by: Brook Brown**

**Proposed action:** This proposed amendment (copy attached) would modify the definition of "Building Height, residential" in the current zoning code in two ways:

(1) "Perimeter" change:

retains the ability to build a residence up to 45 feet in height on sloped lots.

requires the slope measurement be taken at the "adjoining" original native ground surface rather than up to five feet outside the building perimeter.

eliminates the ability to pick and choose any grade within five feet of the building perimeter for the "high" and "low" measurements.

(2) "Survey" change:

clarifies that the "original native ground surface" is "the existing grade on the lot prior to development."

requires verification of the grade by survey or approved building plans, thereby eliminating manipulation of the existing ground prior to measurement.

**Background:**

**Public hearings and actions to date:**

2021: The survey conducted by the Comprehensive Plan Task Force showed that a significant segment of the community was concerned with the impact from the increasing size of homes in Rollingwood.

June 2022: concerns about gaps in the codes provisions regarding residential setbacks and building heights were brought to the City Council for discussion.

July, 2022: the Council referred proposed amendments to the Planning and Zoning Commission for a recommendation on interim measures to address residential setbacks and building heights, and began discussions as to the formation of a residential task force to review residential building codes more broadly.

Fall 2022 to March 2023: The Planning and Zoning Commission held four open meetings to review and revise language of the proposed amendments on required setbacks and building heights. More than 30 letters were received by the Council and/or P&Z, and testimony given in public meetings.

March 22, 2023: the Council approved formation of the Comprehensive Residential Code Review Committee.

April 5, 2023: the Planning and Zoning Commission and the City Council held a joint public hearing to address the two interim measures. The P&Z voted to recommend the City Council approve the setback amendments but voted 4-2 to recommend against the building height amendment. On the same night, the City Council approved the proposed ordinance adopting the recommended changes to residential setbacks. The Council postponed action on the residential height amendment to the April 19 Council meeting.

**PROS and concerns of the Survey change:** This change is broadly supported. I am unaware of any opposition specific to this portion of the proposed amendment.

**PROS of the proposed Perimeter change:**

The Perimeter change would

- \*eliminate the potential to increase the building height when not necessary to accommodate the slope of the lot within the building perimeter.

- \*reduce the disparity in maximum building height between sloped and flat lots.

- \*parallel public support which runs in favor of adoption.

\*clarifies the current code in a manner consistent with most building height ordinances in measuring the permissible heights at the building perimeter.

\*is a needed, common sense, and modest change pending the work of the Comprehensive Residential Code Review Committee in conducting a more comprehensive review of actual building heights.

### **Concerns in opposition to the Perimeter change:**

Concern: the Council might reduce the "ten feet" of permitted extension of the otherwise applicable 35-foot maximum height; to prevent this, a vote "no" on the amendment would require a super-majority vote on the council for any such change.

Response: This argument is no longer a concern as there is no such proposal before the Council.

Concern: recently built lots might be deemed "non-conforming".

Response: this is an incorrect analysis in the view of most professionals, as any currently legal home would remain legal and the grandfathering provisions of the Code are generous as to remodeling and rebuilding of "legal" non-conforming lots.

Concern: there has not been enough public input/these matters should be given to the CRCRC for a more comprehensive review.

Response: these issues have been in debate before the city council since last June and before the P&Z since last July. The modest change by the Perimeter amendment does not reduce allowed 35-foot heights on any lots - but does ensure that the up to ten-foot adder on sloped lots is based on the actual change in slope within the building perimeter, rather than a spot up to 5-feet around the perimeter.

### **Options for the Council:**

#1: Adopt the amendment as proposed

#2: Adopt amendments to give effect only to the "survey" requirement.

#3: If Option 2 is chosen, then consider adopting a resolution asking the CRCRC to give the Perimeter changes priority attention.

**Resources:**

Proposed amendment - See attached amendment to Section 107-3.

Dave Bench memo -