

City of Rollingwood - Summary of Comprehensive Plan Code Revisions

Comprehensive Plan Policy 1: Allow retail and office uses on commercially zoned properties and encourage restaurant development where a restaurant or retail use would not create a nuisance for adjacent residential properties, except where residential properties are adjacent to office properties today and could be negatively impacted by conversion of that office use to retail uses - extended hours, traffic, noise, smells and related concerns with restaurants, bars, and convenience stores, being the primary concerns.

The former C-1 zoning district (business offices) and the former C-2 zoning district (primarily retail businesses) are combined into a new "Commercial District (C)". See §§ 107-3, 107-25, 107-102. Permitted uses in the former C-1 and C-2 districts are combined in new §§107-117 (permitted uses). Uses that today require a special use permit (such as convenience stores, restaurants, bars, cafes, cafeterias, banks) continue to require a special use permit. See §107-118 (special uses). Prohibited uses in the former C-1 and C-2 districts continue to be prohibited. See new §107-119. In addition, new Section 107-401(e) requires restaurant exhaust systems to control and capture smells prior to release.

Throughout the new code, references in other code sections to the former C-1 and C-2 districts are replaced with new "Commercial District (C)".

Comprehensive Plan Policy 2: On the north side of Bee Caves Road, limit development on commercially zoned lots to two stories and 30 feet in height. On the south side of Bee Caves Road, limit development on commercially zoned lots to 3 stories and 45 feet in height.

Section 107-103(a) sets the height allowances for commercial development on the north side of Bee Caves Road at 30 feet and two stories, and on the south side of Bee Caves Road at 45 feet and three stories.

Comprehensive Plan Policy 3: Maintain current Rollingwood Drive frontage setbacks (i.e., setbacks between commercial buildings and Rollingwood Drive).

Section 107-108(c) maintains existing 30-ft. front setbacks for commercial properties along Rollingwood Drive.

Comprehensive Plan Policy 4: Prohibit the clearing of native vegetation within the FEMA floodplain on commercially zoned properties.

Section 107-360 prohibits removal or clearcutting of vegetation in the FEMA floodplain, but allows for trimming, removal of damaged, dead, or dying vegetation as needed to protect public health and safety, by permit.

Comprehensive Plan Policy 5: Work with stakeholders to envision and create a safer pedestrian crossing of Bee Caves Road at Edgegrove Drive. (Long-term vision: build a pedestrian bridge across Bee Caves Road within Rollingwood)

This policy recommendation is not yet developed to the point of requiring any code

changes and will be addressed separately from the proposed zoning code changes.

Comprehensive Plan Policy 6: Replace current setbacks between commercially zoned properties and residentially zoned properties with a 75-foot setback measured from the edge of any residentially zoned lot to the edge of any building on any commercially zoned lot. The clearing of native vegetation shall be prohibited in this 75-foot setback. In addition, the City should require replanting of previously cleared spaces within the 75-foot setback between the edge of any residentially zoned lot and the edge of any building on any commercially zoned lot.

New Section 107-109, Buffers Between Abutting Commercial and Residential Lots, requires a 75-foot greenbelt to be maintained between the boundary of the residential zone and any lot in the C District, requires the existing greenbelt to be maintained in its natural state, and prohibits clear cutting of native vegetation in this greenbelt. In any area where there is no existing vegetative screen between a residential lot and a commercial lot, landscaping is required, with both the tree and shrub minimums, to achieve 90% opacity within 2 years of installation. See §107-109(a)(2). Existing subsections b, c, and d are retained to address approval of plans, windows facing residential properties, and lighting adjacent to nearby residential properties.

Comprehensive Plan Policy 7: To reduce the number of ingress/egress points on Bee Caves Road, eliminate any existing code provisions that require a driveway on every commercially zoned lot.

Sec.107-36 requires shared and cross access to Bee Caves Road and joint use of driveways, with such shared and joint use to be established as a part of the permitting process by dedicated easements between property owners. This section also addresses driveway spacing requirements along Bee Caves Road. In addition, Section 107-110(b) authorizes shared parking.

NOTE: In discussions regarding parking, the Committee recommends that parking space minimums (Sections 107-110(a)) be eliminated, leaving the determination of how many spaces are needed to the property owner. This proposed change was not addressed as a policy in connection with the Comprehensive Plan, so the Committee has not made this change in the proposed in the new code but raise as a consideration for the Council.

Comprehensive Plan Policy 8: Encourage the building of walking and biking paths on commercially zoned lots along the south side of Dry Creek (sometimes called Eanes Creek) on the north side of Bee Caves Road.

New Section 107-110 (c)(4) authorizes incentives in the form of a 10% reduction in required parking if property adjacent to Eanes Creek is dedicated to the city for a trail/pedestrian path.

Comprehensive Plan Policy 9: Enforcement: The City should require an as-built survey as part of its final permitting and Certificate of Occupancy for all new commercial development. In addition, the City should exercise its full discretion and employ all means to enforce all development rules regulating commercially zoned lots.

New Section 103-206(d) [move this?] requires a certificate from a registered professional engineer prior to issuance of a Certificate of Occupancy that the site as built meets the impervious cover requirements, stormwater drainage requirements, water quality requirements and approved impervious cover incentives, and is built per the approved permit. As-built surveys are already required prior to the issuance of a Certificate of Occupancy for new commercial construction. Sec.107-442 addresses enforcement and penalties for violation.

Comprehensive Plan Policy 10: Modify development standards as necessary based on following recommendations: Front setback: the front setback for commercial properties along the north side of Bee Caves Road be reduced from the current 25-foot setback to a 5-foot setback, where the developer has agreed to: 1) contribute any required right of way to TX DOT, and 2) implement a landscape plan, including appropriate irrigation and maintenance, that provides native species shade trees along sidewalks and rear lot pedestrian paths.

New Sections 107-108(c)(ii) and 107-116(d) allow a front setback reduction from 20 ft. to 5ft. where the applicant has adopted a landscape plan providing for trees along sidewalks on Bee Caves Road and has dedicated a pedestrian path along Eanes Creek to the City.

NOTE: The Committee is recommending that the code not require a contribution of right of way to TXDOT, as proposed in the Comprehensive Plan, upon the consideration that such a requirement could negatively impact the City's ability to address ROW negotiations with TxDOT.

Comprehensive Plan Policy 11: Impervious cover: City should establish commercial impervious cover requirements such that impervious cover shall not exceed 55% provided that no new project development will create any increases to storm water runoff (either volume or rate of flow of runoff).

Section 107-115 (b)(1) allows an increase in impervious cover to 55% if the increase does not create an increase in the volume or rate of flow of stormwater runoff.

Comprehensive Plan Policy 12: Incentives: the development code should incentivize permanent low impact development practices such as rainwater harvesting, bio-retention, rain gardens, green roofs, infiltration/filter strips, conservation landscaping using native plants and trees that promote the area's natural habitat including bird-, bee-, butterfly-friendly plants, and natural area preservation over and above required greenbelt setbacks, by development of a schedule of impervious cover limit increases up to an additional 10% for use of such practices: 1) there are no increases to storm water runoff (either volume or rate of flow of runoff), 2) the site plan meets all TCEQ best management practices for water quality, and meets the design elements described below.

An additional 5% of increase in impervious cover (up to a maximum of 60%) is allowed in Section 107-115(b)(2) if the site plan includes permanent low impact development stormwater practices, meets all TCEQ best management practices for water quality and meets the lighting, landscaping and buffering requirements of the Code. See Section 107-115(c) and (d) as to

engineering certificates required to confirm these requirements as proposed and as built.

Comprehensive Plan Policy 13: Certification: all requirements associated with impervious cover incentives, storm water management and water quality be mandatory, not subject to variance, and enforced by requirements for engineering certification that the design meets all requirements as initially submitted in the permitting process and for engineering certification that the design as built meets all impervious cover, storm water management, and water quality requirements before the issuance of any occupancy permit.

Section 103-206(d) requires an engineer's certificate be provided prior to issuance of an occupancy permit certifying that the site as built meets all impervious cover requirements, all stormwater management and water quality requirements, and all impervious cover incentives, and is constructed in accordance with the approved permit.

Comprehensive Plan Policy 14: Design requirements to lessen impact of commercial development to adjacent residential properties: Where roofs are visible from adjacent residential lots, the City should adopt appropriate design requirements that mask and/or eliminate the impact of (i) building mechanical elements (AC units, vents, wireless facilities, etc.) by requiring such elements be located at ground level and not on roofs, or if located on roofs, masked by the roof; (ii) require all solar panels be masked; and (iii) require the site plan to provide a vegetative buffer and safety features between a residential lot and a commercial lot where there is no greenbelt, topographical, or line of sight buffer between the commercial lot and any residential lot.

Buffering and design requirements per this Policy are contained in Sections 107-109 (greenbelt, vegetative buffer, windows, lighting) and 107-116 (screening of storage and mechanical systems, roof design, screening of trash receptacles, landscaping along rights of way, sidewalks, and parking areas.)

Comprehensive Plan Policy 15: The City should adopt lighting design criteria to eliminate impact to adjacent residential properties, down-shield night-time lights, and adopt standards consistent with the "Dark Skies" lighting policies of similarly sized Central Texas Hill Country communities, the International Dark Skies communities or other state-certified "Dark Skies" organization.

A new Section 107-39 has been added to provide for updated lighting requirements consistent with International Dark-Sky policies, specifically shielding of light fixtures, limitations on light trespass onto adjacent properties, maximum intensities, and limits on uplighting. The new policy applies to new builds and as lighting fixtures are updated in zoning districts other than residential.

Comprehensive Plan Policy 16: Review and revise necessary ordinances regarding interior and exterior lighting.

New Section 107-39 provides updated lighting standards consistent with International Dark-Sky policies. See also new Sections 24-90 through 24-95 addressing lighting associated with

commercial signage.

Comprehensive Plan Policy 17: Landscaping/shade/setback incentives for commercial properties: the City should require that landscaping within the setback along Bee Caves Road, where possible, and along any pedestrian walkways, include sufficient trees to shade sidewalks and pedestrian paths.

New Section 107-116(d)(1) requires trees to be installed along rights of way adjacent to Bee Caves Road and any pedestrian path along Eanes Creek - 1 tree per 25 linear feet of frontage, to shade sidewalks and any Eanes Creek pedestrian path.

Comprehensive Plan Policy 18: Employ a tree ordinance similar to that in residential areas that will preserve heritage trees, that requires replacement of heritage trees with a tree or trees of the same species and having the same total caliper inches, and require replacement of other protected trees so as to maintain current tree canopies.

See Section 107-120, Tree Canopy Management **within the Commercial District**, adopts a Tree Canopy Management Policy similar to that applicable to the residential zone **for all other zoning districts**. Using the same definitions of "protected species" as in the residential Tree Canopy Management ordinance, this section protects "protected trees" of a diameter of 12" or greater in diameter by requiring a permit for removal, conditioned on the issuance of a special exception by the board of adjustment. It prohibits the removal of a "heritage tree" (defined as a "protected species" tree of a diameter of 24" or greater) unless a variance is granted by the board of adjustment. It also creates an incentive for protecting existing "protected species" trees by giving a credit against other landscaping requirements where existing protected species trees of a diameter of 4" or greater are kept. Trees permitted to be removed are required to be mitigated by the planting of new trees of the same species. This section also requires protection of protected trees and critical root zones during construction, and provides enforcement mechanisms for these requirements and for wrongful removal of a protected tree.

Comprehensive Plan Policy 19: Safe harbor: the City should permit the renovation and, if necessary, rebuilding of existing structures on commercially zoned lots provided that such renovation or rebuilding 1) was in compliance with all City ordinances at the time it was built; and 2) is limited to the footprint of the existing structure.

On advice of the City Attorney, the proposed ordinance applies the same terms for renovation and rebuilding of non-conforming structures as in the current code, with one exception - where there is no existing 75-foot greenbelt or insufficient space for a 75-foot greenbelt, the applicant can seek a special exception to the greenbelt requirement if certain conditions are met. The conditions for the grant of a special exception are stated in Section 107-491(a)(6), and require findings by the Board of Adjustment, including that the proposed development "as compared to the existing development, mitigates the impact of the existing development upon adjacent residential properties and/or improves to the greatest extent practicable the buffering of the adjacent residential properties, and preserves or enhances existing landscaping to the greatest reasonable extent".

Comprehensive Plan Policy 20: Update commercial signage regulations as needed to bring rules up to date with modern technology and building needs.

New Sections 24-19 through 24-124 updating the Code's existing sign regulation to include: allowance for A-frame and store window signs; clarification of sign measurement methods; prohibition on signs facing adjacent R-zoned properties; replacement of references to neon signs with language allowing lighted signs that are white in color; allowing lighted signs for any commercially zoned property (previously prohibited on office buildings); updating standards for building signs (See §24-91); establishing standards for store window and A-Frame signs (See §24-94(b)).

Comprehensive Plan Policy 21: Post-permit Enforcement and penalties: update enforcement and penalties for zoning ordinance violations as necessary to ensure the City has adequate tools for code enforcement.

Enforcement and penalties for violation of zoning ordinances have been updated and made uniform for zoning violations in a revised Sec.107-422.