

**AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS,  
AMENDING PART II, CHAPTER 107, ARTICLE III, PROVIDING  
FOR THE REGULATION OF OUTDOOR PICKLEBALL PLAY  
PROVIDING FOR CONSISTENCY WITH STATE LAW.**

**WHEREAS**, the City is empowered by Chapter 211 of the Texas Local Government Code to establish a zoning ordinance establishing zoning districts and permissible land uses within the incorporated limits of the City, and may from time to time choose to amend, supplement, change or modify the City’s zoning regulations, boundaries, or classifications; and

**WHEREAS**, the City Council finds and determines that pickleball constitutes a significant change in the acoustic environment of the area surrounding and that the impulsive sound produced by the impact of a hard plastic pickleball on the paddle can cause significant noise impact for those living near the courts; and

**WHEREAS**, City Council finds and determines that persistent impulsive sounds create annoyance as they are like general sounds that contain important information about our environment such as footsteps, a door opening, a tap at the window, or speech to which indicate a possible necessary response; and

**WHEREAS**, the City Council finds and determines that the continuous false alarms created by the popping sound created by pickleball paddle impacts make it difficult to relax, concentrate, or sleep soundly without disturbance as each time a pop is heard it draws the attention, creating distraction; and

**WHEREAS**, the City Council finds and determines that the noise created by pickleball play necessitates the following regulations which are in the best interest of the general welfare of the City of Rollingwood by furthering the public health; and

**WHEREAS**, the City Council finds that the City’s zoning regulations, as amended herein, are necessary for the promotion of the aesthetics, health, safety, general welfare and convenience of the citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS:**

**SECTION 1.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**SECTION 2.** Code Amendments.

45 The Rollingwood Code of Ordinances Chapter 107, Article III, Special Uses is amended  
46 as follows with underlines being additions to the Code and ~~strikethroughs~~ being deletions  
47 from the Code:

48

49 Division I

50

51 Sec. 107-397. - Applicability.

52

53 The regulations set forth in this ~~article~~ division shall apply to land, buildings and structures  
54 located in a professional and business office district (C-1), a business district (C-2), a  
55 government and institutional zoning district (GI), a park zoning district (P), a hospital  
56 zoning district (H), and a PUD.

57

58 Sec. 107-402. - General requirements for all special uses.

59

60 ~~(b) — Duration. The duration or life of a special use permit shall be prescribed by the city~~  
61 ~~council.~~ {The remaining subsections of Section 107-402 to be renumbered accordingly}

62

63 Division II

64

65 Section 107-403 Applicability

66

67 The regulations set forth in this division shall apply to all land, buildings  
68 and structures in the City.

69

70 Section 107-404 Outdoor Pickleball Courts

71

72 (a) Definitions.

73

74 (1) “Pickleball” means an outdoor game that is played on a level  
75 court with short- handled paddles and a perforated plastic ball volleyed over  
76 a low net by two single players or two pairs of players.

77

78 (2) “Pickleball Court” means any newly constructed permanent  
79 surface or structure intended for Pickleball and any existing surface or  
80 structure which is converted into a playing space for Pickleball.

81

82 (b) Special Use Permit (SUP).

83

84 (1) An Outdoor Pickleball Court is an authorized use upon the  
85 issuance of a SUP.

86

87 (2) A SUP is required for each individual Pickleball Court.

88

89 (3) The granting of a SUP is considered zoning and as such, all  
90 noticing requirements and procedures for changing a zoning district apply

91 to an application for a SUP. After a public hearing and upon the  
92 recommendation of the Planning and Zoning Commission, the city council  
93 may approve, deny or modify the site plan and issue a SUP containing such  
94 requirements and safeguards as necessary to protect adjoining property.

95  
96 (c) SUP Application. A complete SUP application must be submitted  
97 to the City to include the following:

98  
99 (1) General Description: An overview of the proposed outdoor  
100 Pickleball court, including hours of operation, anticipated use, evidence of  
101 sufficient required off-street parking, and other applicable information.

102  
103 (2) Site Plan: A site plan shall be submitted to scale not to  
104 exceed one inch to 100 feet indicating in detail how the proposal will  
105 comply with the International Building Code and this Code. The site plan  
106 shall indicate the location of the outdoor Pickleball court on the property  
107 and clearly show distances from all property lines and structures. The site  
108 plan shall include elevation contours, adjacent neighboring properties, and  
109 neighboring residences.

110  
111 (3) Noise Study. A noise study shall be prepared by a certified  
112 professional at applicant's cost and shall simulate, through engineering  
113 models, field noise level data collection, computer generation, or similar  
114 techniques, the impact of the proposed outdoor Pickleball court. The noise  
115 study shall indicate the noise impact from at least five (5) locations around  
116 and within 250 feet of the proposed outdoor Pickleball Court, in addition to  
117 the noise impact measured at all property boundaries. The noise study must  
118 also show what alternatives have been considered for the mitigation of noise  
119 with the pre- and post-court use noise levels. Noise levels shall be measured  
120 by a professional acoustical engineer. Averaging techniques such as  
121 equivalent-continuous and maximum fast exponential time weighted sound  
122 pressure levels (LAeq and LAm<sub>ax</sub>) are not permitted for the noise level  
123 study. Measurement procedures based on the adjusted sound exposure level  
124 according to ANSI S12.9 (Quantities And Procedures For Description And  
125 Measurement Of Environmental Sound), Part 4 (Noise Assessment and  
126 Prediction of Long-Term Community Response) shall be used in the noise  
127 study.

128  
129 The noise study shall demonstrate that the outdoor Pickleball court  
130 shall not produce noise in excess of forty-seven (47) decibels as measured  
131 at the adjacent property lines for all adjacent lots and all locations within  
132 250 feet of the court.

133  
134 (4) Additional Studies. The Planning and Zoning Commission  
135 may recommend applicants to submit additional studies, including a visual  
136 analysis of the proposed outdoor Pickleball court. If the Planning and

137 Zoning Commission requires the Applicant to submit additional studies, the  
138 Planning Department and City Engineer may recommend the scope and  
139 method of study.

140  
141 (5) Fees: The applicant shall pay all fees outlined in the adopted  
142 City Fee Schedule.

143  
144 (d) Setbacks.

145  
146 (1) The minimum Setback is [REDACTED] feet from lot lines of  
147 adjacent residential property lines.

148  
149 (2) The Planning and Zoning Commission may reduce the  
150 minimum Setback to no less than [REDACTED] feet if:

151  
152 (i) The required noise study demonstrates compliance  
153 with Municipal Code Chapter 18, Offenses and Nuisances.

154  
155 (ii) The approval is conditioned upon construction and  
156 completion of the noise mitigating features included in the  
157 noise study.

158  
159 (3) The Planning and Zoning Commission may recommend  
160 additional noise mitigating measures.

161  
162 (4) In no instance shall the midpoint of a Pickleball court be  
163 closer to a neighboring residential lot line than to the nearest outside edge  
164 of the home on the premises where the Pickleball court is located.

165  
166 (5) In the instance of a conflict in setback or distance requirements,  
167 the more restrictive setback or distance requirement shall apply.

168  
169 (e) Standards for SUP Issuance.

170  
171 (1) When considering an application for a SUP, the Planning  
172 and Zoning Commission, in making its recommendation and the city  
173 council in rendering its decision on the application shall, based on the site  
174 plan, the required studies, and other information submitted, evaluate the  
175 impact of the SUP on, and the compatibility of the use with, surrounding  
176 properties and neighborhoods to ensure the appropriateness of the use at a  
177 particular location. The Planning and Zoning Commission and the city  
178 council shall approve a SUP only upon a finding that the proposed use meets  
179 all standards specifically applicable to the requirements for Pickleball use  
180 as set forth in this Code and that the proposed Pickleball court location is  
181 compatible with and preserves the character and integrity of adjacent  
182 development and neighborhoods, as required by the circumstances.

183  
184           (2) A SUP may require improvements or modifications to  
185 mitigate development-related adverse impacts, including but not limited to:

186  
187           (i) Adequate parking and ingress and egress to property  
188 and proposed court with reference to vehicular and  
189 pedestrian safety, convenience, and access; and

190  
191           (ii) Screening and buffering, features to minimize noise,  
192 visual impacts, and/or setbacks from adjacent uses.

193  
194 (f) *Revocation.* The city council, after compliance with this section,  
195 may revoke any SUP for one or more of the following reasons:

196  
197           (1) A violation of any of the plans, terms, conditions, or  
198 limitations applicable to the SUP; or

199  
200           (2) A violation of any ordinance or regulation applicable to  
201 Pickleball.

202  
203 (g) *Notice and public hearings.*

204  
205           (1) The commission and city council shall provide notice and  
206 hold a public hearing on each application for a special use permit,  
207 pursuant section 107-518(b).

208  
209 (h) *Review and recommendation of the commission.*

210  
211           (1) The commission shall review each proposed SUP revocation  
212 to determine whether the SUP subject to revocation is in violation  
213 of subsection (f)(1) or (f)(2) herein and shall make a separate finding  
214 thereon.

215  
216           (2) The commission shall forward its findings and  
217 recommendations to the city council in writing.

218  
219 (i) *Review and action by city council.*

220  
221           (1) The city council shall hold a public hearing, review the  
222 commission findings and shall determine whether the SUP subject  
223 to revocation is in violation of subsection (f)(1) or (f)(2) herein and  
224 may, in addition to adopting some or all the commission findings,  
225 make a separate finding thereon.

226  
227 **SECTION 4.** Cumulative and Repealer Clause. This ordinance shall be cumulative of all  
228 other ordinances of the City and shall not operate to repeal or affect any other ordinances

229 of the City except insofar as the provisions of any less restrictive regulations might be  
230 inconsistent or in conflict with the provisions of this Ordinance, in which event such  
231 conflicting provisions, if any, are hereby repealed to the extent of such conflict.

232  
233 **SECTION 5.** Severability Clause. The sections, paragraphs, sentences, clauses, and  
234 phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or  
235 section of this Ordinance shall be declared unconstitutional or invalid, such  
236 unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses,  
237 sentences, paragraphs or sections of this Ordinance, since the same would have been  
238 enacted by the City Council without the incorporation in this Ordinance of any such  
239 unconstitutional or invalid phrase, clause, sentence, paragraph or section.

240  
241 **SECTION 6.** Penalty. The Code’s general penalties and specific penalties shall be  
242 applicable to any violation of this Ordinance.

243  
244 **SECTION 7.** Effective Date. That this Ordinance will become effective on its adoption  
245 and passage by the City Council.

246  
247 PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

248  
249  
250 CITY OF ROLLINGWOOD,  
251 TEXAS  
252  
253 by:  
254 \_\_\_\_\_  
255 Gavin Massingill, Mayor  
256

257  
258 ATTEST:  
259  
260  
261 \_\_\_\_\_  
262 Desiree Adair, City Secretary