

**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:

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49

50 Division I. Procedures for issuance of special use permit.

51

52 Sec. 107-397. - Applicability.

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

58

59 Sec. 107-401. – Criteria applicable to individual special uses in zoning districts other than
60 the residential zoning district (R).

61

62 Section 107-402 Outdoor Pickleball Courts

63

64 (a) Definitions.

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

69

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

73

74 (b) *Special Use Permit (SUP) for Pickleball Court. An Outdoor*
75 *Pickleball Court is an authorized use in in any zoning district upon the*
76 *issuance of a SUP.*

77

78 (c) *SUP Application. A SUP application shall include the following:*

79

80 (1) *Site Plan: A site plan shall be submitted to scale not to*
81 *exceed one inch to 100 feet indicating in detail how the proposal will*
82 *comply with the International Building Code and this Code. The site plan*
83 *shall indicate the location of the outdoor Pickleball court on the property*
84 *and clearly show distances from all property lines and structures. The site*
85 *plan shall include elevation contours, adjacent neighboring properties, and*
86 *neighboring residences. For a Pickleball Court in a non-residential zone, an*
87 *overview of the proposed outdoor Pickleball court, including hours of*
88 *operation, anticipated use, evidence of sufficient required off-street parking,*
89 *and other applicable information. The site plan shall also show any*

90 proposed screening and buffering features to minimize noise, visual impact,
91 and setbacks from adjacent users.

92
93 (2) *Noise Study.* A noise study shall be prepared by a certified
94 professional at applicant's cost and shall simulate, through engineering
95 models, field noise level data collection, computer generation, or similar
96 techniques, the impact of the proposed outdoor Pickleball court. The noise
97 study shall indicate the noise impact from at least five (5) locations around
98 and within 250 feet of the proposed outdoor Pickleball Court, in addition to
99 the noise impact measured at all property boundaries. The noise study must
100 also show what alternatives have been considered for the mitigation of noise
101 with the pre- and post-court use noise levels. Noise levels shall be measured
102 by a professional acoustical engineer. Averaging techniques such as
103 equivalent-continuous and maximum fast exponential time weighted sound
104 pressure levels (LAeq and LAmax) are not permitted for the noise level
105 study. Measurement procedures based on the adjusted sound exposure level
106 according to ANSI S12.9 (Quantities And Procedures For Description And
107 Measurement Of Environmental Sound), Part 4 (Noise Assessment and
108 Prediction of Long-Term Community Response) shall be used in the noise
109 study. The noise study shall demonstrate that the outdoor Pickleball court
110 shall not produce noise in excess of forty-seven (47) decibels as measured
111 at the adjacent property lines for all adjacent lots and all locations within
112 250 feet of the court.

113
114 (3) *Fees:* The applicant shall pay all fees outlined in the adopted
115 City Fee Schedule.

116
117
118 (d) *Standards for SUP Issuance.* When considering an application for a
119 SUP, the Planning and Zoning Commission, in making its recommendation
120 and the city council in rendering its decision on the application shall, based
121 on the site plan, the noise study, and other information submitted, evaluate
122 the impact of the SUP on, and the compatibility of the use with, surrounding
123 properties and neighborhoods to ensure the appropriateness of the use at a
124 particular location. The Planning and Zoning Commission and the city
125 council shall approve a SUP only upon a finding that the proposed use meets
126 all standards specifically applicable to the requirements for Pickleball use
127 as set forth in this Code and that the proposed Pickleball court location is
128 compatible with and preserves the character and integrity of adjacent
129 development and neighborhoods, as required by the circumstances.

130
131 Section 107-4023. General requirements for all special uses.

132
133 **SECTION 4.** Cumulative and Repealer Clause. This ordinance shall be cumulative of all
134 other ordinances of the City and shall not operate to repeal or affect any other ordinances
135 of the City except insofar as the provisions of any less restrictive regulations might be

136 inconsistent or in conflict with the provisions of this Ordinance, in which event such
137 conflicting provisions, if any, are hereby repealed to the extent of such conflict.

138
139 **SECTION 5.** Severability Clause. The sections, paragraphs, sentences, clauses, and
140 phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or
141 section of this Ordinance shall be declared unconstitutional or invalid, such
142 unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses,
143 sentences, paragraphs or sections of this Ordinance, since the same would have been
144 enacted by the City Council without the incorporation in this Ordinance of any such
145 unconstitutional or invalid phrase, clause, sentence, paragraph or section.

146
147 **SECTION 6.** Penalty. The Code’s general penalties and specific penalty for nuisances
148 shall be applicable to any violation of this Ordinance.

149
150 **SECTION 7.** Effective Date. That this Ordinance will become effective on its adoption
151 and passage by the City Council.

152
153 PASSED AND APPROVED this _____ day of _____, 2024.

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155
156 CITY OF ROLLINGWOOD,
157 TEXAS
158
159 by:
160 _____
161 Gavin Massingill, Mayor

162
163
164 ATTEST:
165 _____
166 Desiree Adair, City Secretary
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