

1 **CITY OF ROLLINGWOOD, TEXAS**

2 **ORDINANCE NO. 2023-11-15-03**

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6 **AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS,**
7 **AMENDING THE CITY’S CODE OF ORDINANCES SECTIONS 107-3**
8 **DEFINITIONS TO ADD AD DEFINITION OF SPORT COURT AND 107-35**
9 **SWIMMING POOLS AND TENNIS COURTS TO ADD REGULATIONS**
10 **FOR SPORT COURTS; PROVIDING A SAVINGS CLAUSE, REPEALING**
11 **CONFLICTING LAWS AND ESTABLISHING AN EFFECTIVE DATE**

12 **WHEREAS**, the City of Rollingwood is a General Law Type A City under the statutes of
13 the State of Texas; and

14 **WHEREAS**, the Texas Local Government Code authorizes a municipality to adopt zoning
15 regulations regarding the location and use of buildings, other structures, and land for business,
16 industrial, residential, or other purposes; and

17 **WHEREAS**, the Planning and Zoning Commission held a public hearing and made a
18 recommendation to City Council on an amendment to the Zoning Code; and

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20 **WHEREAS**, the City Council hereby finds and determines that the recommendation of
21 the Planning and Zoning Commission is consistent with and does promote the public health, safety,
22 morals, and general welfare of the Community; and

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24 **WHEREAS**, the City Council hereby finds and determines that the recommendation of
25 the Planning and Zoning Commission is consistent with the general plan for the City; and

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27 **WHEREAS**, the City has complied with all conditions precedent necessary to take this
28 action, has properly noticed and conducted all public hearings and public meetings pursuant to the
29 Texas Local Government Code and Texas Government Code, as applicable.

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

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34 **SECTION 1.** All the above premises are hereby found to be true and correct legislative
35 and factual findings of the City Council and are hereby approved and incorporated into the body
36 of this Ordinance as if copied in their entirety.

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38 **SECTION 2.** The City’s Code of Ordinances Chapter 107, Zoning is amended as follows
39 with underlines be additions and strikethroughs being deletions:
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42 **Sec. 107-3. Definitions.**

43 Sport court means an installed hardscape surface or other compacted ground material utilized in
44 connection with a flat game court structure for play. This definition is to specifically include, but
45 not be limited to basketball courts, tennis courts, hockey rinks, batting cages,
46 racquetball/handball/pickleball courts, and other similar facilities. These game court areas may
47 or may not include a combination of fencing, netting, or boards for the purposes of their use.

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49 **Sec. 107-35. Swimming pools and ~~tennis-sport~~ courts.**

- 50 (a) A swimming pool or ~~tennis-sport~~ court may only be constructed on a lot within the
51 residential or park zoning districts.
- 52 (b) No swimming pool or ~~tennis-sport~~ court shall be constructed or maintained in the area
53 between the front lot line and the front setback line of a lot.
- 54 (c) On a corner lot, no swimming pool or ~~tennis-sport~~ court shall be constructed or maintained
55 in the area between the side setback line and the side lot line that borders a street.
- 56 (d) No swimming pool or ~~tennis-sport~~ court shall be constructed or maintained:
- 57 (1) In the area between the side setback line and a side lot line that does not border a
58 street; nor
- 59 (2) In the area between the rear setback line and a rear lot line.
- 60 (e) A deck or apron designed to serve a swimming pool or ~~tennis-sport~~ court shall be located at
61 least five feet from a side lot line and ten feet from a rear lot line.
- 62 (f) Overhead lighting in swimming pool or ~~tennis-sport~~ court areas is prohibited.
- 63 (g) Each outdoor swimming pool erected, constructed or substantially altered after March 1,
64 1988, shall be completely enclosed by a fence in compliance with all applicable regulations
65 then adopted by the city and in effect from time to time. From and after April 20, 2016, all
66 such new or substantially altered fences shall comply with the requirements of appendix G,
67 section AG 105.1 of the 2012 International Residential Code, except that no building
68 material may be used in the construction of a fence except as permitted by this Code.
- 69 (h) Following the issuance of a certificate of occupancy for a swimming pool or other
70 improvements that include a swimming pool, the swimming pool fence required by
71 subsection (g) of this section shall be maintained in reasonably good condition and in the
72 manner and configuration required by the applicable regulations of the building code
73 adopted by the city and in effect at the time of the original installation of such fencing. Such
74 obligation to maintain shall continue at all times that the swimming pool is in usable
75 condition or holds water. On an annual basis or such other frequency reasonably determined
76 by the responsible city official, a designated agent of the city may require a visual
77 inspection of a swimming pool and related fencing for which a certificate of occupancy has
78 been issued. Any such inspection shall be conducted only after reasonable written or verbal
79 advance notice has been provided to the owner or occupant of the affected property. If a
80 swimming pool fence is found not to comply with applicable regulations, the designated
81 official shall provide written notice of noncompliance by certified mail forwarded to the

82 address where the swimming pool is located. The owner shall make all repairs and
83 corrections to make the fencing fully compliant not later than 30 days after the date written
84 notice of noncompliance is forwarded as provided in this subsection (h) of this section. The
85 designated official shall conduct an inspection to verify timely compliance.

- 86 (i) A failure to timely correct each noncompliance in a swimming pool fence following notice
87 of noncompliance forwarded as provided in subsection (h) of this section shall constitute a
88 Class C misdemeanor. An offense shall be punishable by a fine of not less than \$25.00 nor
89 more than \$500.00 per day the noncompliance continues. The penalty provided in this
90 subsection shall be cumulative and not exclusive of any other civil or injunctive remedy
91 provided by applicable law.

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93 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with
94 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other
95 provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this
96 ordinance shall remain in full force and effect.

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98 **SECTION 4.** Should any sentence, paragraph, subdivision, clause, phrase or section of
99 this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
100 affect the validity of this ordinance as a whole, or any part or provision thereof other than the part
101 so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of
102 Ordinances as a whole.

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104 **SECTION 5.** This ordinance shall take effect immediately from and after its passage and
105 the publication of the caption, as the law and charter in such cases provide.

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107 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas,
108 on the 15th day of November, 2023.

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111 APPROVED:

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114 _____
115 Gavin Massingill, Mayor

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117 ATTEST:

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119 _____
120 Desiree Adair, City Secretary
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