



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

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

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53 **SECTION 2.** Code Amendments.

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

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59  
60 Division I

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62 Sec. 107-397. - Applicability.

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

68  
69 Sec. 107-402. - General requirements for all special uses.

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

73  
74 Division II

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76       Section 107-403 Applicability

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78           The regulations set forth in this division shall apply to all land, buildings  
79           and structures in the City

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81       Section 107-404 Outdoor Pickleball Courts

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

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87           (b) Special Use Permit (SUP).

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89           (1) An Outdoor Pickleball court is an authorized use in the  
90           City’s Residential district upon the issuance of a SUP.

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92           (2) A SUP is required for each individual Pickleball court.

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(3) The granting of a SUP is considered zoning and as such, all noticing requirements and procedures for changing a zoning district apply to an application for a SUP. After a public hearing and upon the recommendation of the Planning and Zoning Commission, the city council may approve, deny or modify the site plan and issue a SUP containing such requirements and safeguards as necessary to protect adjoining property.

(b) SUP Application. A complete SUP application must be submitted to the City to include the following:

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

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

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

The noise study shall demonstrate that the outdoor Pickleball court shall not produce noise in excess of [REDACTED] decibels as measured at the adjacent property lines for all adjacent lots and all locations within 250 feet of the court.

139                   (4) Additional Studies. The Planning and Zoning Commission  
140 may recommend applicants to submit additional studies, including a visual  
141 analysis of the proposed outdoor Pickleball court. If the Planning and  
142 Zoning Commission requires the Applicant to submit additional studies, the  
143 Planning Department and City Engineer may recommend the scope and  
144 method of study.

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146                   (5) Fees: The applicant shall pay all fees outlined in the adopted  
147 City Fee Schedule.

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149 (c) Setbacks.

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151                   (1) The minimum Setback is [REDACTED] feet from lot lines of  
152 adjacent residential property lines.

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

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157                   (i) The required noise study demonstrates compliance  
158 with Municipal Code Chapter 18, Offenses and Nuisances.

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160                   (ii) The approval is conditioned upon construction and  
161 completion of the noise mitigating features included in the  
162 noise study.

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164                   (3) The Planning and Zoning Commission may recommend  
165 additional noise mitigating measures.

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

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

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174                   (d) Courts per Residential Lot. No more than [REDACTED] Pickleball courts  
175 shall be authorized on any Residential Lot.

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177 (e) Standards for SUP Issuance.

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179                   (1) When considering an application for a SUP, the Planning  
180 and Zoning Commission, in making its recommendation and the city  
181 council in rendering its decision on the application shall, based on the site  
182 plan, the required studies, and other information submitted, evaluate the  
183 impact of the SUP on, and the compatibility of the use with, surrounding  
184 properties and neighborhoods to ensure the appropriateness of the use at a

185 particular location. The Planning and Zoning Commission and the city  
186 council shall approve a SUP only upon a finding that the proposed use meets  
187 all standards specifically applicable to the requirements for Pickleball use  
188 as set forth in this Code and that the proposed Pickleball court location is  
189 compatible with and preserves the character and integrity of adjacent  
190 development and neighborhoods, as required by the circumstances.

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

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195 (i) Adequate parking and ingress and egress to property  
196 and proposed court with reference to vehicular and  
197 pedestrian safety, convenience, and access; and

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

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

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205 (1) A violation of any of the plans, terms, conditions, or  
206 limitations applicable to the SUP; or

207  
208 (2) A violation of any ordinance or regulation applicable to  
209 Pickleball.

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211 (g) *Notice and public hearings.*

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

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217 (h) *Review and recommendation of the commission.*

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219 (1) The commission shall review each proposed SUP revocation  
220 to determine whether the SUP subject to revocation is in violation  
221 of subsection (f)(1) or (f)(2) herein and shall make a separate finding  
222 thereon.

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224 (2) The commission shall forward its findings and  
225 recommendations to the city council in writing.

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227 (i) *Review and action by city council.*

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229 (1) The city council shall hold a public hearing, review the  
230 commission findings and shall determine whether the SUP subject

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to revocation is in violation of subsection (f)(1) or (f)(2) herein and may, in addition to adopting some or all the commission findings, make a separate finding thereon.

**SECTION 4.** Cumulative and Repealer Clause. This ordinance shall be cumulative of all other ordinances of the City and shall not operate to repeal or affect any other ordinances of the City except insofar as the provisions of any less restrictive regulations might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed to the extent of such conflict.

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

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

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

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

CITY OF ROLLINGWOOD,  
TEXAS

by:

\_\_\_\_\_  
GAVIN MASSINGILL, Mayor

ATTEST:

\_\_\_\_\_  
DESIREE ADAIR, City Secretary

APPROVED AS TO FORM:

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CHARLES E. ZECH, City Attorney  
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

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