

**ORDINANCE NO. 2025-09-17-22**

**AN ORDINANCE AMENDING CHAPTER 107, SECTION 107-3 AND ADDING SECTION 107-85 OF THE CITY OF ROLLINGWOOD'S CODE OF ORDINANCES RELATED TO PLAYHOUSES AND PLAYSAPES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

**WHEREAS**, the Texas Local Government Code Chapter 211 provides authority to regulate the height, number of stories, and size of buildings and other structures such as playhouses and playscapes; and

**WHEREAS**, the City Council of the City of Rollingwood (“City Council”) finds that scale and placement of playhouses and playscapes can impact the character of residential neighborhoods by affecting the spacing between structures, visibility from adjacent properties, and overall aesthetic harmony; and

**WHEREAS**, the City Council finds and determines that playhouses and playscapes, particularly those of significant height or located near property lines, can impact the privacy and quiet enjoyment of adjacent properties by creating sightlines into private spaces and generating noise; and

**WHEREAS**, the City Council finds and determines that unregulated placement or oversized playhouses and playscapes may create safety concerns, obstruct views, or lead to neighborhood disputes regarding setbacks, visual impact, and compatibility with surrounding structures; and

**WHEREAS**, the City Council finds and declares that establishing reasonable regulations for the size and location of playhouses and playscapes is essential to maintaining the character of residential areas, minimizing conflicts between neighbors, and ensuring that such structures are safely and appropriately integrated within properties.

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

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

**SECTION 2. Code Amendment.** The following sections of the Rollingwood Code of Ordinances are hereby amended as follows with ~~strikethroughs~~ being deletions from the Code and underlines being additions to the Code:

Section 107-3 and 107-85 is amended as follows:

**Sec. 107-3. – Definitions.**

*Playhouse* means a freestanding temporary structure with a roof supported by walls, and is designed as a toy for children's activities, which will not be and not supplied by with utilities.

*Playscape* means a freestanding temporary structure that is mostly unenclosed, hashaving no solid floor at grade level or within 48 inches of grade, and is designed for children's activities. A playscape typically consists of a swing, slide, and climbing walls or ladder.

**Sec. 107- 85 Playhouses and Playscapes.**

(a) Any playhouse or playscape is an accessory building; however, a playhouse or playscape meeting the requirements of this section shall be treated as a "qualifying playhouse" or "qualifying playscape" and shall not require a building permit. One accessory building and one qualifying playhouse or qualifying playscape shall be allowed on a lot.

(b) A "qualifying playscape" means a playscape not exceeding 12 feet in height, as measured from the natural grade, and not exceeding a footprint area of 120 square feet. A qualifying playscape may be located in a side or rear yard but may not be located in a front yard, natural drainage way or public drainage easement, and may not impede access to public utility facilities or any public utility easement. Additionally, on a corner lot, a qualifying playscape may not be located within a side yard adjacent to the side street if the adjacent side street lot faces the side street.

(c) A "qualifying playhouse" means a playhouse not exceeding 12 feet in height, as measured from the natural grade, and not exceeding a footprint area of 120 square feet. A qualifying playhouse may not be located within any required yard, public utility easement, natural drainage way, drainage easement. Additionally, on a corner lot, a qualifying playhouse may not be located within a side yard adjacent to the side street if the adjacent side street lot faces the side street.

(d) Any playhouse or playscape not meeting the requirements of a qualifying playhouse or qualifying playscape as described in this section must meet all requirements of this code applicable to an accessory building.

~~(a) Playhouses and playscapes are exempt from regulations for accessory buildings or structures, if they comply with the regulations outlined in this subsection.~~

~~(d)~~

~~(b) Playscapes may be in a required side or rear yard.~~

~~(c) Playhouses less than six (6) feet in height may be in a required side or rear yard~~

~~(d) Playhouses exceeding six (6) feet in height may be in a required side or rear yard if all of the following conditions are met:~~

~~(1) The maximum height, measured to the topmost part of the playhouse, does not exceed twelve (12) feet above natural grade;~~

~~(2) The total area of the playhouse shall not exceed eneroach one hundred (100) square feet in a required rear yard and not to eneroach fifty (50) square feet in a required side yard; and~~

~~(3) The playhouse must be set back at least six (6) feet from any property line.~~

~~(e) For corner lots a playhouse exceeding more than six (6) feet in height and no taller than twelve (12) feet in height, shall be allowed in both the required side yard and required rear yard so long as it is a minimum of sixteen (16) feet from the curb and no greater than one hundred (100) square feet of surface area.~~

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

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

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

**APPROVED, PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2025

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Gavin Massingill, Mayor

ATTEST:

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115 Makayla Rodriguez, City Secretary