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TO: CITY OF ROLLINGWOOD

FROM: LEE SIMMONS, CITY ATTORNEY'S OFFICE

ISSUE: CODE AMENDMENTS RELATED TO PICKLEBALL COURTS

DATE: DECEMBER 15, 2023

BACKGROUND

Earlier this year the City began to receive a complaint regarding the use of a pickleball court on residential property. Partly in response to those complaints, on November 15, 2023, the City Council approved amendments to the Code of Ordinances amending the definition of "sport courts." The Council now desires to study a wholesale amendment to the Code pertaining to the specific regulation of pickleball courts.

ISSUE

How have other cities amended their regulations to place certain restrictions on pickleball courts?

SUMMARY

Some Texas cities have adopted pickleball ordinances pertaining to city-owned courts and courts that operate as commercial businesses, but I found few such regulations for pickleball activities in residential areas. The City of Farmers Branch recently passed an ordinance designating certain residential areas as no-parking zones during a nearby pickleball tournament, including notice to affected residents and police enforcement.

Other cities outside Texas have adopted code amendments regulating the use of pickleball courts in residential zoning districts. One recent ordinance adopted by Park City, Utah, is a good example of the types of restrictions that may be implemented on the use of such courts. Attachment A to this memo provides the ordinance language. The ordinance lists several requirements for obtaining a conditional use permit, including:

- Conducting noise studies and any additional studies as required by the city engineer;
- Establishing setbacks;
- Implementing hours of operation;

- Prohibiting outdoor lighting;
- Regulating parking;
- Requiring owner association notification; and
- Prohibiting fees for the use of pickleball courts in residential districts.

The regulations in Park City, Utah, as provided for in Exhibit A, are mostly zoning related regulations if applied in the State of Texas. The City may utilize a conditional use process for authorizing outdoor pickleball courts. This would necessitate an amendment to the City's zoning code and would require the regulations to go through the legal process for zoning amendments. I have noted in Exhibit A areas where the City may need to deviate from the Park City, Utah regulations. Finally, the Park City, Utah provisions would need a redraft for consistency with existing City regulations and processes.

Attachment A Park City Pickleball Regulations

15-4-22 Outdoor Pickleball Courts in Residential Areas

In addition to the criteria outlined in Section 15-1-10 for Conditional Use Permit review, the Planning Commission shall also consider the criteria of this Section 15-4-22. Prior to the issuance of a Conditional Use Permit for an outdoor Pickleball Court on a residential Lot adjacent to residential Lots, the Planning Commission shall make findings and the Applicant must meet the following requirements: **[FINAL DECISION FOR CONDITIONAL USE PERMIT WOULD NEED TO BE BY CITY COUNCIL]**

A. PRE-APPLICATION CONFERENCE:

An Applicant may request an optional pre-Application conference with Planning and Engineering Department staff to become acquainted with Pickleball Court regulations on residential Lots.

B. APPLICATION:

A complete Application must be submitted to the Planning Department including 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:** The site plan shall be 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 Section. 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. The site plan shall include a grading and drainage plan with stormwater runoff calculations.

3. **NOISE STUDY.** The noise study shall be prepared by a certified professional 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 150 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-development noise levels. The noise study shall demonstrate that the outdoor Pickleball Court will be constructed and used in compliance with Municipal Code Chapter 6-3, *Noise*.

4. **ADDITIONAL STUDIES.** The Applicant shall pay for the third-party review of the submitted noise study, as directed by the City Engineer. The Planning Commission may require Applicants to submit and fund additional studies, including a visual analysis of the proposed outdoor

Pickleball Court. If the Planning Commission requires the Applicant to submit additional studies, the Planning Department and City Engineer may recommend the scope and method of study.

5. FEES: The Applicant shall pay all fees outlined in the adopted Park City Fee Schedule, including fees for public notice mailings.

6. NOTICE: Staff shall mail courtesy notice pursuant to Sections 15-1-12 and 15-1-21. **[NOTICE WOULD NEED TO BE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE AND ANY ADDITIONAL NOTICE AS OTHERWISE REQUIRED BY CITY COUNCIL]**

C. SETBACKS.

(a). The minimum Setback is 600 feet from lot lines of adjacent residential property lines.

(b). The Planning Commission may reduce the minimum Setback to no less than 150 feet when:

- i. The Applicant submits a noise study prepared by a certified professional that demonstrates compliance with Municipal Code of Park City Chapter 6-3, *Noise*.
- ii. The approval is conditioned upon construction and completion of the noise mitigating features included in the noise study.
- iii. The Planning Commission may require additional landscaping for noise mitigating measures.

(c). In the instance of a conflict in Setback requirements, the more restrictive Setback shall apply.

(d). In considering a reduction in Setbacks, the Planning Commission may consider whether a homeowner association (HOA) registered with the City pursuant to Section 15-1-12(F) approves or objects to the proposed use and mitigation. However, applicant failure to obtain such approvals shall not be the sole basis for Planning Commission denial.

D. HOURS OF OPERATION.

Unless otherwise established by Planning Commission, the Use of outdoor Pickleball Courts on residential Lots shall be limited to 8 AM to 8 PM. The Planning Commission may establish more restrictive hours of operations upon findings that corroborate the appropriateness of alternative times of use.

E. OUTDOOR LIGHTING PROHIBITED.

Artificial lighting of outdoor Pickleball Courts in residential areas is prohibited.

F. PARKING.

The Applicant shall demonstrate compliance with Section 15-3-6, *Parking Ratio Requirements For Specific Land Use Categories*. It is required that guest parking shall be provided on site.

G. OWNER ASSOCIATION NOTIFICATION.

For properties within a homeowner association, the Applicant must submit with the Conditional Use Permit application evidence of notification to the appropriate Owner association registered with the City, pursuant to Section 15-1-12 (F), *Owner Association Registration and Notification*. [I DON'T BELIEVE WE COULD REQUIRE THIS AS A GENERAL LAW CITY]

H. FEES PROHIBITED.

No fee may be charged for use of the outdoor pickleball court. Commercial Use of the outdoor pickleball court is prohibited.

I. PERMIT REVOCATION

The Private Recreation Facility permit may be revoked by the Planning Department for non-compliance with the criteria of this Section. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination of permit non-compliance and decide if permit revocation should occur. [UNDER TEXAS LAW A CONDITIONAL USE PERMIT IS A ZONING CHANGE AND, AS SUCH, THE PLANNING DEPARTMENT WOULD NOT BE AUTHORIZED TO REVOKE THE PERMIT. THE TYPICAL ZONING ENFORCEMENT PROVISIONS WOULD APPLY]

15-15-1 Definitions

Recreation Facilities, Private. Recreation facilities operated on private Property and not open to the general public,[.] including Recreation Facilities [typically associated with a homeowner or Condominium association,] such as swimming pools, tennis courts, outdoor Pickleball Courts playgrounds, spas, picnic Areas, and similar facilities for the Use by Owners and guests.

Pickleball Court. Recreation Facilities for an indoor or outdoor game that is played on a level court measuring approximately 20 feet by 44 feet, but no greater than 30 feet by 60 feet, with short-handled paddles and a perforated plastic ball volleyed over a low net by two single players or two pairs of players (4 players).