CITY OF ROLLINGWOOD
PLANNING AND ZONING COMMISSION MEETING
AGENDA

Wednesday, October 07, 2026

Notice is hereby given that the City Council and the Planning and Zoning Commission of the City of Rollingwood, Texas will hold a joint meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on October 07, 2026 at 6:00 PM. Members of the public, the City Council, and the Planning and Zoning Commission may participate in the meeting virtually, as long as a quorum of the City Council and Planning and Zoning Commission, and the respective presiding officers are physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. The public may watch this meeting live and have the opportunity to comment via audio devices at the link below. The public may also participate in this meeting by dialing one of the toll-free numbers below and entering the meeting ID and Passcode.

Link: https://us02web.zoom.us/j/5307372193?pwd=QmNUbmZBQ1IwUlNjNmk5RnJrelRFUT09

Toll-Free Numbers: (833) 548-0276 or (833) 548-0282

Meeting ID: 530 737 2193

Password: 9fryms

The public will be permitted to offer public comments via their audio devices when logged in to the meeting or telephonically by calling in as provided by the agenda and as permitted by the presiding officer during the meeting. If a member of the public is having difficulties accessing the public meeting, they can contact the city at citysecretary@rollingwoodtx.gov. Written questions or comments may be submitted up to two hours before the meeting. A video recording of the meeting will be made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL REGULAR CITY COUNCIL MEETING TO ORDER

1. City Council Roll Call
2. Planning and Zoning Commission Roll Call

PUBLIC COMMENTS

Citizens wishing to address the City Council or Planning and Zoning Commission for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, the City Council and Planning and Zoning Commission are restricted from discussing or taking action on items not listed on the agenda.

Citizens who wish to address the City Council or Planning and Zoning Commission with regard to matters on the agenda will be received at the time the item is considered.

PUBLIC HEARING

3. Public hearing on the proposed ordinance to amend Chapter 107- Zoning, Division IV. Changes in Regulations or Zoning District Boundaries of the Rollingwood Code of Ordinances to conform to statutory changes

4. Public hearing on the proposed ordinance to amend Section 101- 256- Tree Protection Requirements and Chapter 107- Zoning of the Rollingwood Code of Ordinances to adopt non- substantive corrections, add cross-references, and clarify existing references

5. Public hearing on the proposed ordinance to amend Section 101-256 - Tree Protection Requirements and Chapter 107 - Zoning of the Rollingwood Code of Ordinances regarding tree protection standards and requirements during construction activities

6. Public hearing on the proposed ordinance to amend Chapter 107 - Zoning, Section 107-3 of the Rollingwood Code of Ordinances related to playhouses and playscapes

REGULAR AGENDA

7. Discussion & possible action on the proposed ordinance to amend Chapter 107- Zoning, Division IV. Changes in Regulations or Zoning District Boundaries of the Rollingwood Code of Ordinances to conform to statutory changes

8. Discussion and possible action on the proposed ordinance to amend Section 101- 256- Tree Protection Requirements and Chapter 107- Zoning of the Rollingwood Code of Ordinances to adopt non- substantive corrections, add cross-references, and clarify existing references

9. Discussion and possible action on the proposed ordinance to amend Section 101-256 - Tree Protection Requirements and Chapter 107 - Zoning of the Rollingwood Code of Ordinances regarding tree protection standards and requirements during construction activities

10. Discussion and possible action on the proposed ordinance to amend Chapter 107 - Zoning, Section 107-3 of the Rollingwood Code of Ordinances related to playhouses and playscapes

ADJOURNMENT OF MEETING

CERTIFICATION OF POSTING

I hereby certify that the above Notice of Meeting was posted on the bulletin board at the Rollingwood Municipal Building, in Rollingwood, Texas and to the City website at www.rollingwoodtx.gov prior to 5:30 PM on October 1, 2026.

Erin Penney, City Secretary

NOTICE -

The City of Rollingwood is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact the City Secretary, at (512) 327-1838 for information. Hearing-impaired or

speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

The City Council and the Planning and Zoning Commission will announce that it will go into executive session, if necessary, to deliberate any matter listed on this agenda for which an exception to open meetings requirements permits such closed deliberation, including but not limited to consultation with the city's attorney(s) pursuant to Texas Government Code section 551.071, as announced at the time of the closed session.

Consultation with legal counsel pursuant to section 551.071 of the Texas Government Code;
discussion of personnel matters pursuant to section 551.074 of the Texas Government Code;
real estate acquisition pursuant to section 551.072 of the Texas Government Code;
prospective gifts pursuant to section 551.073 of the Texas Government Code;
security personnel and device pursuant to section 551.076 of the Texas Government Code;
and/or economic development pursuant to section 551.087 of the Texas Government Code.
Action, if any, will be taken in open session.

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 7, 2026

Submitted By:

Staff

Agenda Item:

Public hearing on the proposed ordinance to amend Chapter 107- Zoning, Division IV. Changes in Regulations or Zoning District Boundaries of the Rollingwood Code of Ordinances to conform to statutory changes

Description:

Sections 211.006 and 211.0061 of the Texas Local Government Code, as amended by House Bill 24 of the 89th Legislative Session, establish procedures for protests to proposed changes in zoning regulations or district boundaries, including thresholds for property owners' written protests, rules for calculating affected land area, and voting requirements for city councils, including a higher threshold for certain residential development changes.

Sections 211.007 and 211.020 of the Texas Local Government Code, as amended by House Bill 4506 of the 89th Legislative Session, authorize municipalities to provide required notices of zoning hearings electronically to property owners who have opted in, in addition to traditional mailed notices, to improve accessibility and efficiency of public notice.

Portions of the City's existing zoning procedures are also inconsistent with current state law as amended by House Bill 929 of the 88th Legislative Session, which are addressed in the proposed ordinance language.

At the **August 5, 2026, Planning and Zoning Commission meeting**, **Jay van Bavel moved that the Commission report this item and the proposed amendments made this evening be sent to the City Council with the recommendation that it be set for public hearing. Jerry Fleming seconded the motion. The motion carried with 5 in favor and 0 against.**

At the **August 19, 2026, City Council meeting, Councilmember Brook Brown moved to approve scheduling a joint public hearing with the Planning and Zoning Commission to address the proposed ordinance to amend Chapter 107 – Zoning, Article IV. – Changes in Regulations or Zoning District Boundaries to conform to statutory changes affecting Chapter 107 – Zoning at the first available date that staff can provide. Mayor Pro Temp Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

Action Requested:

Hold Public Hearing

Fiscal Impacts:

No fiscal impacts are anticipated at this time.

Attachments:

- Draft ordinance amending Chapter 107- Zoning, Article V.- Administration and enforcement, Division 4.- Changes in regulations or zoning district boundaries of the Rollingwood Code of Ordinances
- Redlined Exhibit A - Chapter 107- Zoning, Article V.- Administration and enforcement, Division 4 amendments

ORDINANCE NO. 2026-XX-XX

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, CHAPTER 107, ARTICLE V. ADMINISTRATION AND ENFORCEMENT, DIVISION 4. CHANGES IN REGULATIONS OR ZONING DISTRICT BOUNDARIES OF THE CODE OF ORDINANCES ESTABLISHING UPDATED PROCEDURES FOR ZONING AMENDMENTS, NOTICE, AND PUBLIC HEARINGS; DEFINING PROPOSED COMPREHENSIVE ZONING CHANGES; PROVIDING ENABLING AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 portions of the City's existing zoning procedures are inconsistent with current state law; and

WHEREAS, the City Council desires to update its Code of Ordinances to align its zoning procedures with changes in state law, including protest thresholds, voting requirements, and electronic notice provisions, notice to school districts, while continuing to preserve appropriate review and protections for affected property owners.

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. The City of Rollingwood Code of Ordinances, Part II, Chapter 107 - Zoning, Article V- Administration and Enforcement, Division IV- Changes in Regulations or Zoning District Boundaries, is hereby amended as provided for in the attached Exhibit A with underlines being added to the code and ~~strikethroughs~~ being deletions from the Code.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. This Ordinance shall be effective upon its adoption by City Council.

PASSED AND APPROVED this _____ day of _____, 2026.

_____
Gavin Massingill, Mayor

ATTEST:

_____
Erin Penney, City Secretary

DIVISION 4. CHANGES IN REGULATIONS OR ZONING DISTRICT BOUNDARIES

Section 107-515. Applicability.

(a) Applicability.

This Division governs the procedures for the adoption of any zoning change as defined in this Division.

(b) Zoning changes shall be processed in accordance with this Article and Chapter 211, Texas Local Government Code, as amended.

Sec. 107-516. Changes initiated by city council or commission.

The city council or commission may, from time to time, on its own motion, initiate (without payment of application or petition fee) amendments, supplements, changes, or modifications to the city's zoning regulations, boundaries or classifications. Any such proposed zoning change will be subject to the hearings and procedures prescribed by this division.

Sec. 107-517. Definitions.

For purposes of this Division, the following terms shall have the meanings set forth below:

(a) “Comprehensive Zoning Change” means a proposal to:

(1) amend existing zoning regulations in a manner that:

a) has the effect of permitting a greater amount or intensity of residential development than was allowed under the prior regulation; and

b) applies uniformly to each parcel within one or more zoning districts; or

(2) adopt a new zoning code or zoning map that will apply to the entire municipality; or

(3) establish a zoning overlay district that:

a) has the effect of permitting a greater amount or intensity of residential development than is allowed without the overlay district; and

b) includes property located along a major roadway, highway, or transit corridor.

(b) “Non-Comprehensive Zoning Change” means any proposed zoning change that does not meet the criteria for a Comprehensive Zoning Change.

(c) "Zoning change" means the adoption of any change to an existing zoning regulation, zoning map or zoning district boundary by amendment, repeal or other change, the adoption of a new zoning classification, zoning code or zoning map, or other change of a zoning regulation or boundary.

Sec. 107-5187. Applications and petitions.

(a) Any property owner (or such property owner's authorized agent) applying to or petitioning the city for a zoning change ~~in zoning boundaries or classifications~~ applicable to such applicant's property shall do so upon forms provided by the city. All petitions or applications for ~~for changes in~~ a zoning change ~~boundaries or classifications~~ shall be filed with the city together with all applicable fees.

(b) Each such petition or application shall:

(1) Contain the petitioner's/applicant's name, address and interest in the petition/application; and

(2) Include a survey prepared by a registered surveyor in the state and a properly recorded subdivision plat which accurately shows the location and boundaries of the property for which the change is requested, the current zoning classification of the property, and the names and addresses of all owners of property lying within 200 feet of the subject property (as reflected on the current city tax roll).

(c) The commission may make nonmandatory requests for supplemental information from the applicant or petitioner with regard to a zoning change request including, but not limited to, a preliminary plat plan of the anticipated use and improvement of the property.

(d) A zoning change application includes a properly recorded subdivision plat of the applicable property which is the subject of such application. In lieu thereof, a property owner may simultaneously process a subdivision application to properly subdivide the property provided that the zoning change will not be approved until a subdivision plat of the property has been approved. A city council or commission initiated change does not require that the property be subject to a properly recorded subdivision plat nor does it require a survey of such property.

Sec. 107-519. Public hearings.

(a) Planning and Zoning Commission.

The Planning and Zoning Commission shall conduct at least one public hearing on each proposed zoning change, except where state law permits otherwise. The City Administrator shall establish the date, time, and place of the public hearing.

(b) City Council.

The City Council shall conduct at least one public hearing on each proposed zoning change before adopting any change.

(c) Joint public hearing.

The city council may, at its discretion at a properly noticed public meeting, determine that a public hearing shall be held before both the planning and zoning commission and the city council. If such a determination is made, the planning and zoning commission and the city council may conduct a joint public hearing and take action on the application in the following manner:

1. The city council on its own motion shall establish the date of the joint public hearing.
2. The city council shall cause notice of the joint public hearing to be provided in the same manner as required by Section 107-520.
3. The planning and zoning commission and the city council shall be convened for the hearing and for any action to be taken on the petition or application.
4. The planning and zoning commission and the city council may take action on the application at the same meeting; however, the city council shall not take action until the report and recommendation of the planning and zoning commission has been received.

(d) Hearing Administration.

The City Administrator or designee shall ensure compliance with all applicable notice requirements.

Sec. 107-52018. ~~Hearing and n~~Notice of Public Hearing.

(a) Zoning changes other than Comprehensive Zoning Changes.

1. Notice of hearing shall be provided as stipulated in this section and in accordance with Texas Local Government Code.

2. **Newspaper and Internet Notice.** Notice of each hearing shall be published in an official newspaper of general circulation and posted as required by law not later than 16 (sixteen) days before the hearing date.

3. **Mailed Notice.** Not less than 20 (Twenty) days before the hearing, or as otherwise required by law, written notice of the time and place of the Commission and City Council hearings shall be sent by mail to the applicant and to owners of real property within 250 feet of the property for which the change is proposed, as their ownership appears on the last approved tax roll. If the application for a change in zoning classification requests a change to a zoning district other than a residential district, the notice must be mailed, not less than 20 (twenty) days prior to the hearing, to all owners of property (as such ownership is shown on the current city tax roll) within the city. The notice may be served by depositing it in the U.S. mail with the proper address and postage.

4. **Electronic Notice.** Not less than 20 (twenty) days before the hearing, or as otherwise required by law, notice may be delivered electronically, by email or text, if the recipient has elected to receive the notice electronically and the City has established an online portal on the City's website through which a recipient may: (1) elect to receive notice electronically and (2) manage recipient preferences for receiving notice electronically. The City shall request that the recipient of notice delivered electronically acknowledges the receipt of the notice and must provide notice as required in Subsection (c) if the recipient does not acknowledge receipt of the notice delivered electronically.

5. **Contents of notice.** All notices shall include the purpose, date, time, and place of the hearing and a general description of the proposed zoning change sufficient to inform the public. The notice shall also describe any variances the applicant has requested and state the location and times at which the zoning change application and supporting documents are available for public inspection. The time and place of the public hearing to be held before the city council shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing before the city council will be available at a later date.

(b) Notice of public hearing for comprehensive zoning changes.

(1) For a proposed comprehensive zoning change, the notice requirements are as follows:

a. Not later than 16 (sixteen) days before the hearing date before the Commission or City Council, notice of the time and place of the hearing must be:

(i) published in an official newspaper or a newspaper of general circulation in the municipality; and

(ii) if the municipality maintains an Internet website, published on the municipality's Internet website.

(2) In addition to the notice required by Subdivision (1), if a proposed comprehensive zoning change would cause a current conforming use of property to become a nonconforming use, the notice described in Subsection (c) must also be provided in the manner and within the time required by that subsection.

(c) Notice of public hearing for Creation of Non-Conforming Use.

This subsection applies to any proposed zoning change, whether a Comprehensive Zoning Change or a Non-Comprehensive Zoning Change, under which a current conforming use of property would become a nonconforming use.

(1) Written notice of each public hearing, before the commission or City Council, regarding any proposed zoning change under which a current conforming use of a property would become a nonconforming use if the regulation or boundary is adopted or changed. The notice must:

(i) be mailed by United States mail or delivered electronically to each owner of real or business personal property where the proposed nonconforming use is located as indicated by the

most recently approved municipal tax roll and each occupant of the property not later than the 10th day before the hearing date;

(ii) contain the time and place of the hearing; and

(iii) include the following text in bold 14-point type or larger:

"THE [MUNICIPALITY NAME] IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."

(d) Notice of public hearing to School District

Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail or by electronic delivery.

(e) Recordkeeping.

The City shall maintain a record of all notices and all affidavits of publication provided under this Article, including the manner and date of notice, which shall be made part of the official zoning file.

~~(a) The commission will hold a public hearing on all proposed changes to zoning regulations and classifications.~~

~~(b) *Notice requirements.*~~

~~(1) Not less than 16 days prior to the city council public hearing, notice of the date, time and location thereof will be published in the official newspaper of the city or in a newspaper of general circulation in the city.~~

~~(2) In the case of a proposed change in zoning classification, written notice of a public hearing will be mailed, not less than 20 days prior to each required public hearing of the planning and zoning commission and city council, to all owners of property (as such ownership is shown on the current city tax roll) lying within 250 feet of the property that is the subject of the proposed zoning classification change. If the application for a change in zoning classification requests a change to a zoning district other than a residential district, the notice must be mailed, not less than 20 days prior to the hearing, to all owners of property (as such ownership is shown on the current city tax roll) within the city. The notice may be served by depositing it in the U.S. mail with the proper address and postage.~~

~~(3) Such notice shall state the purpose, date, time, and place of the hearing, together with a brief description of the proposed development, including its nature, scope, and location. The notice shall also describe any variances the applicant has requested and state the location and times at which the zoning classification change application and supporting documents are available for public inspection. The time and place of the public hearing to be held before the city council shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing before the city council will be available at a later date.~~

~~(c) *Public hearing required.* Whenever a public hearing is required, the city administrator or his/her designee shall establish the date, time and place of the public hearing and shall cause any notice required to be prepared and made accordingly.~~

~~(d) *Joint public hearing.* The city council may, at its discretion at a properly noticed public meeting, determine that a public hearing shall be held before both the planning and zoning commission and the city council. If such a determination is made, the planning and zoning commission and the city council may conduct a joint public hearing and take action on the application in the following manner:~~

~~(1) The city council on its own motion shall establish the date of the joint public hearing.~~

~~(2) The city council shall cause notice of the joint public hearing to be provided as required.~~

~~(3) The planning and zoning commission and the city council shall be convened for the hearing and for any action to be taken on the petition or application.~~

~~(4) The planning and zoning commission and the city council may take action on the application at the same meeting; however, the city council shall not take action until the report and recommendation of the planning and zoning commission has been received.~~

Sec. 107-521~~9~~. Commission recommendation.

(a) After the public hearing, the commission will make its recommendation regarding the proposed zoning change. ~~the change in zoning regulations or boundaries.~~

(b) The recommendation made by the commission will be submitted to the city council, in writing, and the applicant/petitioner will be notified of the action of the commission.

(c) The city will establish and maintain a separate file for each petition/application received, and will record the names and addresses of all persons to whom notices were mailed, including the date of mailing and the persons by whom notices were mailed. All records and files herein provided will be made part of the official files of the city.

Sec. 107-522~~0~~. Procedure before the city council.

(a) After receiving the recommendation of the commission, the city council will, at the earliest practicable time, hold a public hearing on the zoning change ~~application/petition~~, at which parties in interest and citizens will have an opportunity to be heard. Notice of the hearing will be given in the manner required under section 107-52018~~(b)~~.

(b) If the commission recommends approval or disapproval of the zoning change ~~in zoning regulations or boundaries~~ requested in the zoning change ~~application/petition~~, the city council may, except as otherwise provided by this Division, by majority vote, either accept, reject or take other action on the zoning change ~~application/petition.~~

~~(c) If the commission recommends disapproval of the change in zoning regulations or boundaries requested in the application/petition, or if there is filed with the city a written protest against such change, signed by the owners of 20 percent or more, either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extended 200 feet therefrom, such change will not be approved except by the favorable vote of at least four/fifths of the whole number of members of the city council.~~

(c~~d~~) The city council may approve, at such time as a zoning change requested by a property owner (or the property owner's authorized agent) is granted, a development agreement between the city and the applicant containing such assurances as the city council may determine are reasonably necessary regarding the development of the property, including, but not limited to, development of the property substantially in accordance with a preliminary plat plan, in form reasonably satisfactory to the city council (the "development agreement"). The city council may require that the development agreement be recorded in the real property records of the county and constitute covenants running with the land. Thereafter, any requested modifications, amendments or variances to the development agreement must be considered by and receive the prior approval of the city council. All representations, whether written or oral, made by an applicant or his agent in connection with a

zoning change request at any of the public hearings held in connection therewith will be binding upon such applicant and the property which is subject to the zoning classification change. It will be unlawful for the applicant to vary or breach any of such representations without first obtaining the prior written approval of the city council.

(e) Any zoning change ~~in zoning regulations or boundaries~~ must be enacted in the form of an ordinance amending this article.

(f) If a zoning change application filed by or on behalf of a property owner with regard to such property is denied by the city council, then a zoning application for such property requesting a zoning change to the same zoning change ~~classification~~ previously requested may not be filed with the city for a period of six months from the date of the prior denial by city council.

Section 107-523. Protests of non-comprehensive zoning changes.

(a) A protest of a change to a zoning regulation or district boundary that is not a comprehensive zoning change must be written and signed by the owners of:

(1) at least 20 percent of the area of the lots or land covered by the proposed change;

(2) except as provided by Subdivision (3), at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or

(3) at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change has the effect of allowing more residential development than the existing zoning regulation or district boundary and does not have the effect of allowing additional commercial or industrial uses unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development.

(b) In computing the percentage of land area under Subsection (a):

(1) the area of streets and alleys shall be included; and

(2) the land area is not calculated individually for each tract of land subject to a proposed change in a zoning regulation or district boundary but in the aggregate for all tracts of land subject to the change.

(c) If a proposed change to a zoning regulation or district boundary is protested in accordance with Subsection (a), the proposed change must receive, to take effect, the affirmative vote of at least:

(1) three-fourths of all members of the governing body for a protest described by Subsection (a)(1) or (2); or

(2) a majority of all members of the governing body for a protest described by Subsection (a)(3).

Sec. 107-5241~~1~~. Suspending issuance of permits and approval of site plans pending amendments.

No application for site plan approval will be accepted for filing nor processed, and no building, site clearance, or grading permit will be issued for any work, other than in connection with a single-family residential use, for a period of no more than 90 days on land which is being considered for a change in zoning classification or is subject to an amendment to the zoning ordinance being considered by the city council. Such 90-day period will begin on the date the proposed zoning classification change or proposed zoning ordinance amendment is published for public hearing by the commission. Properties with respect to which building permits or final site plans have been approved prior to such date are excepted from this restriction. The time period for such restriction will expire upon the earlier to occur of expiration of such 90-day period or final determination of such zoning change or amendment by the city council. The foregoing notwithstanding, a site plan may be approved by the city council (and a building permit may be issued)

simultaneously with the approval of a zoning change classification or an amendment to the zoning ordinance by the city council.

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 7, 2026

Submitted By:

Staff

Agenda Item:

Public hearing on the proposed ordinance to amend Section 101-256 - Tree Protection Requirements and Chapter 107 - Zoning of the Rollingwood Code of Ordinances to adopt non-substantive corrections, add cross-references, and clarify existing references

Description:

At the **March 4, 2026, Planning and Zoning Commission meeting**, a subcommittee was created consisting of Commissioners Jerry Fleming, Genie Nyer, and Dave Bench to review Chapter 107 of the Code of Ordinances and identify any inconsistencies or provisions requiring clarification.

At the **April 1, 2026, Planning and Zoning Commission meeting**, Commissioners discussed the subcommittee's findings. With assistance from Council Member Brown, the subcommittee prepared redlines for Chapter 107. Chair Bench noted that no substantive changes were made, and that all revisions were limited to rephrasing and improved application of existing definitions within the text. These redlines were forwarded to legal counsel for ordinance language preparation.

At the **August 5, 2026, Planning and Zoning Commission meeting**, Commissioners discussed the proposed revisions, reiterating that the amendments were intended as housekeeping changes only and were separate from any future substantive ordinance revisions, including those related to tree regulations. Chair Dave Bench remarked that a change requested by the subcommittee regarding italicizing and bolding definition terms in the definition section would be something that is handled administratively through Municode and is therefore not part of the proposed ordinance.

> **Tony Stein moved to forward the proposed ordinance, as presented, to the City Council, with the recommendation that it be set for public hearing. Jerry Fleming seconded the motion. The motion carried with 5 in favor and 0 against.**

At the **August 19, 2026, City Council meeting,** Councilmembers discussed the scheduling of a joint public hearing with the Planning and Zoning Commission regarding the drafted ordinance

amending Chapters 101-256 (Tree Protection Requirements) and 107- Zoning, to adopt non-substantive corrections, add cross-references, and clarify references.

> **Councilmember Brook Brown moved to approve scheduling a joint public hearing with the Planning and Zoning Commission to address the proposed ordinance to amend the Rollingwood Code of Ordinances Chapters 101-256 (Tree Protection Requirements) and 107 – Zoning, to adopt non-substantive corrections, add cross-references, and clarify references at the first available date that staff can provide. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

Action Requested:

Hold a public hearing

Fiscal Impacts:

No fiscal impacts

Attachments:

- Draft Ordinance non-substantive Ch. 101
- Exhibit A to draft ordinance redlined

ORDINANCE NO. 2026-XX-XX-XX

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING THE CODE OF ORDINANCES, PART II, CHAPTER 101 AND CHAPTER 107, ZONING, TO AMEND SECTION 101-256 (TREE PROTECTION REQUIREMENTS), SECTION 107-34 (FENCES), SECTION 107-71 (BUILDING HEIGHT), SECTION 107-83 (SPECIAL EXCEPTION), SECTION 107-118 (SPECIAL USES), SECTION 107-370 (APPLICABILITY), SECTION 107-386 (NON-RESIDENTIAL TREE CANOPY MANAGEMENT), AND SECTION 107-422 (NONCONFORMING BUILDINGS, STRUCTURES); CLARIFYING CROSS-REFERENCES GOVERNING THE PROTECTION OF TREES AND CRITICAL ROOT ZONES; CONSOLIDATING SPECIAL EXCEPTION RELIEF FROM BUILDING HEIGHT LIMITATIONS; ELIMINATING REDUNDANT AND OBSOLETE PROVISIONS; CONFORMING THE CODE TO STATE LAW; PROVIDING FINDINGS OF FACT; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR OPEN MEETINGS; AND PROVIDING 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 City Council periodically reviews the City's land development and zoning regulations set forth in the Code of Ordinances to ensure clarity, internal consistency, and conformity with state law; and

WHEREAS, the City Council finds that certain provisions of Chapter 101 and Chapter 107 of the Code of Ordinances should be amended to clarify the cross-references governing the protection of trees and their critical root zones, to consolidate the standards for special exception relief from the building height limitations within the building height regulations, to eliminate redundant and obsolete provisions, and to conform the Code to the limitations imposed by Chapter 3000, Texas Government Code, on the regulation of building materials and products; and

WHEREAS, after notice and public hearing as required by state and local law, and following the recommendation of the Planning and Zoning Commission, the City Council has determined that the amendments set forth herein promote the public health, safety, and general welfare of the City and its residents.

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. The City of Rollingwood Code of Ordinances, Part II, Chapter 101 and Chapter 107, Zoning, are hereby amended as provided for in the attached Exhibit A, with underlines being added to the Code and ~~strikethroughs~~ being deletions from the Code.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. This Ordinance shall be effective upon its adoption by City Council.

PASSED AND APPROVED this _____ day of _____, 2026.

_____
Gavin Massingill, Mayor

ATTEST:

_____
Erin Penney, City Secretary

Sec. 101-256. Tree protection requirements.

(a) Tree root protection shall be installed prior to the start of any site work, including demolition or site preparation, and be maintained continuously throughout the project. Tree protection shall be removed at the end of the project after all construction and final grading is complete, but before final inspection. Any premature removal or failure of tree protection can lead to root damage and require remedial tree care.

(b) Fencing is the primary method of tree protection and is intended to prevent access to the Critical Root Zone (CRZ). Tree fencing shall have a minimum height of five feet. Fencing shall be chain link installed on steel t-posts with a maximum spacing of ten feet between posts. Fencing shall be installed around or beyond the CRZ of all preserved trees or any natural areas designated for preservation. "Critical Root Zone" as used in this section has the same definition as used in section 107-371 for the residential zoning district or Section 107-386 for zoning districts other than the residential district.

(c) Mulch is required for any section of the CRZ that is not protected by fencing or under existing hardscape and has not been approved for impacts (such as building footprint or driveway). Mulch used for tree protection shall be any natural wood type. Rough single grind mulch, which resists compaction better than double grind and is usually less expensive is preferred, but any natural wood type is acceptable. Dyed mulch or mulch made from non-biological material such as rubber or stone shall not be used as tree protection.

(d) Mulch shall be installed to a minimum depth of eight inches and maximum of 12 inches. Mulch shall be replenished as required and shall not be piled against the tree trunk.

Sec. 107-34. Fences.

(a) Except as otherwise provided in this section, no front-yard fence may be erected or maintained.

(b) A front-yard fence complying with the criteria provided in this subsection (b) of this section is allowed on property in a residential zoning district. The following criteria shall apply to such a fence:

(1) The height shall not exceed three feet measured perpendicular from the adjacent finish grade;

(2) Piers or posts may exceed the maximum height and fencing adjacent to the pier or post by four inches;

(3) On sloped lots, to accommodate variations in elevation of the ground beneath a fence segment between two piers or posts, a fence may exceed the maximum height by up to six inches, provided that the average height of such fence segment does not exceed the maximum height;

(4) The fence shall be constructed of such materials or in a manner to allow for an average of 80 percent visibility through the fence;

(5) All fence components shall be a minimum of 15 feet from the curb, or edge of the street pavement where there is no curb;

(6) The fence shall have columns, posts, or supports that are metal, brick, rock, stone, or wood;

(7) If only one side of the fence is stained wood or other finished material, the finished side shall face away from the interior of the property; if support components are provided on only one side of the fence, such support components shall be on the side facing the interior of the property;

(8) If a fence crosses a driveway or means of vehicular access to the property, the fence and any gate shall be located so that entering vehicles will be completely off the street when stopped for the gate to open, and such gate shall open parallel to or away from the street;

(9) No chain link, barbed wire, or electrified fences shall be installed or maintained;

(10) No fence, including decorative or ornamental fence tops, shall be designed to include or be constructed of barbed wire, broken glass or any exposed sharp or pointed materials that may penetrate or impale persons or animals.

(c) On a corner lot, a fence may be erected and maintained in a side yard and rear yard adjacent to a street, but may be located no closer than 15 feet from:

(1) The edge of the street curb closest to the property, if the street has a curb; or

(2) The edge of the street pavement, if there is no curb.

(d) If a fence along the side or rear of a lot or property is erected to the property line, adequate access to utility lines and meters shall be provided.

(e) In no event may a fence be erected or maintained in or upon a city right-of-way or public right-of-way, except when installed by the city or its agents for municipal purposes.

(f) All fences shall be maintained in good condition.

(g) See Section 107-32(d) for additional corner lot requirements and Section 107-81 for additional residential fence requirements.

Sec. 107-35. Swimming pools and sport courts.

(a) A swimming pool or sport court may only be constructed on a lot within the residential or park zoning districts.

(b) No swimming pool or sport court shall be constructed or maintained in the area between the front lot line and the front setback line of a lot.

(c) On a corner lot, no swimming pool or sport court shall be constructed or maintained in the area between the side setback line and the side lot line that borders a street.

(d) No swimming pool or sport court shall be constructed or maintained:

(1) In the area between the side setback line and a side lot line that does not border a street; nor

(2) In the area between the rear setback line and a rear lot line.

(e) A deck or apron designed to serve a swimming pool or sport court shall be located at least five feet from a side lot line and ten feet from a rear lot line.

(f) Overhead lighting in swimming pool or sport court areas is prohibited.

(g) Residential swimming pool equipment shall comply with section 107-84

(hg) Each outdoor swimming pool erected, constructed or substantially altered after March 1, 1988, shall be completely enclosed by a fence in compliance with all applicable regulations then adopted by the city and in effect from time to time. From and after April 20, 2016, all such new or substantially altered fences shall comply with the requirements of appendix G, section AG 105.1 of the 2012 International Residential Code, except that no building material may be used in the construction of a fence except as permitted by this Code.

(ih) Following the issuance of a certificate of occupancy for a swimming pool or other improvements that include a swimming pool, the swimming pool fence required by subsection (g) of this section shall be maintained in reasonably good condition and in the manner and configuration required by the applicable regulations of the building code adopted by the city and in effect at the time of the original installation of such fencing. Such obligation to maintain shall continue at all times that the swimming pool is in usable condition or holds water. On an annual basis or such other frequency reasonably determined by the responsible city official, a designated agent of the city may require a visual inspection of a swimming pool and related fencing for which a certificate of occupancy has been issued. Any such inspection shall be conducted only after reasonable written or verbal advance notice has been provided to the owner or occupant of the affected property. If a swimming pool fence is found not to comply with applicable regulations, the designated official shall provide written notice of noncompliance by certified mail forwarded to the address where the swimming pool is located. The owner shall make all repairs and corrections to make the fencing fully compliant not later than 30 days after the date written notice of noncompliance is forwarded as provided in this subsection (h) of this section. The designated official shall conduct an inspection to verify timely compliance.

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

Sec. 107-71. Building height.

(a) No portion of any building or structure (except a chimney, attic vent, lightning rod, or any equipment required by the city building code) may exceed 35 feet in height. Except as may be required by applicable codes, no chimney, attic vent, lightning rod or required equipment may extend more than three feet above the highest point of the following: the coping of a flat roof, the deck line of a mansard roof, or the gable of a pitched or hipped roof.

(b) No part of a building or structure, exclusive of the exceptions outlined in this chapter may break this plane. The maximum allowable building height is 25 feet at a horizontal distance of ten feet from the property line, as measured from the original native ground surface or finished grade, whichever is lower. For each additional foot of horizontal distance beyond ten feet from the property line, the building height may increase by one foot, up to a maximum of 35 feet. The maximum height of 35 feet is allowed at a horizontal distance of at least 20 feet from the nearest property line.

(c) Should a landowner believe the slope of a lot be so severe that the requirements proposed above have extreme adverse impact on the lot, an owner may seek relief from these requirements by variance granted by the board of adjustment.

(d) Original native ground surface may be adjusted graphically as a straight line across unusual or minor topographic variations, including pools, ponds, existing basements, rock outcroppings, depressions, and natural drainage ways, with the intent to approximate the original grade of the property without penalty for previous construction.

(e) Building height may be increased below the parallel plane by way of excavation, when starting a minimum of 20 feet horizontal from the side or rear property lines, as follows:

(1) As to the portion of the building above the excavated area: Forty feet above finished floor for uppermost surface of eave/parapet;

(2) As to the portion of the building above the excavated area: Forty-five feet above finished floor for ridgeline of sloped roof with a minimum of three over twelve roof pitch.

(3) Any exposed foundation resulting from this increase may not exceed 18 inches.

(f) The parallel plane may not be breached.

(g) Foundation exposure within public view from the right-of-way cannot exceed six feet in height. Foundation exposure within public view from the right-of-way must be screened such that the unscreened portion does not exceed two and a half feet in height.

(h) Should some portion of the buildable area reside on or have a common boundary with a flood plain or drainage easement, and it can be shown that such conditions would have extreme adverse impact on the lot's buildable area, an owner may seek relief from the requirements of section 107-71(b) by special exception granted by the board of adjustment. In such cases, the board may grant a special exception such that the maximum height limits as stated in Section 107-71(b) are increased for up to five additional feet of building height.

Sec 107-83. Reserved

~~Should some portion of the buildable area reside on or have a common boundary with a flood plain or drainage easement, and it can be shown that such conditions would have extreme adverse impact on the lot's buildable area, an owner may seek relief from the requirements of section 107-71(b) by special exception granted by the board of adjustment. In such cases, the board may grant a special exception such that the maximum height limits as stated in section 107-71(b) are increased for up to five additional feet of building height.~~

Sec. 107-118. Special uses.

(a) Subject to approval by the city council, the following special uses may be permitted in the C district:

(1) Facilities for assembling of and testing electronics components;

(2) Child day care facilities, provided this is the only use on the particular lot;

(3) Banks or savings and loan associations, including automated teller machines (ATMs);

(4) Parking garages, provided that the garage is an accessory to the primary use on the same lot or an adjacent commercial lot;

(5) For lots with frontage on Bee Cave Road, a personal wireless telephone service facility;

(6) Research laboratories;

(7) Cafes, cafeterias, or restaurants without outdoor dining;

(8) Cafes, cafeterias, or restaurants with outdoor dining;

(9) Convenience stores;

(10) Grocery or food specialty stores;

(11) Package liquor stores;

(12) Automotive service stations;

~~(13) Parking garages, provided that the garage is an accessory to the primary use on the same lot or an adjacent commercial lot;~~

(1~~4~~3) Clinics without overnight facilities;

(1~~5~~4) Hardware stores; and

(1~~6~~5) Facilities for assembling computer software products.

Sec. 107-370. Applicability.

This subdivision applies to property in the residential zoning district. ~~and to any other property to which section 107-341 of this Code does not apply.~~

Sec. 107-386. Non-residential tree canopy management.

(a) *Definitions.* For purposes of this section,

(1) A "protected tree" means a tree of a "protected species" tree as defined in part II, Land Development Code, chapter 107, division 10, subdivision 3 (sections 107-369 through 107-385) having a trunk with a diameter not less than 12 inches nor more than 24 inches, measured 4½ feet above natural grade, as measured by an arborist.

(2) "Heritage tree" means a tree of a "protected species" as defined in part II, Land Development Code, chapter 107, division 10, subdivision 3 (sections 107-369 through 107-385) having a diameter of 24 inches or more, measured 4½ feet above natural grade, or a tree cluster, as measured by an arborist.

(3) "Diameter at breast height" or (DBH) means the diameter of a tree at a height of 4½ feet above natural grade.

(4) "Critical root zone" means "the area around and under a tree having a radius of one foot per inch of DBH from the trunk of the tree outwards and 24 inches in depth. For example, for a tree having a ten-inch DBH, the critical root zone is ten feet out from the trunk and 24 inches deep.

(5) "Tree cluster" means a cluster of two or more trees of a "protected species" located less than ten feet apart having a combined total diameter of 24 inches or more.

(b) The requirements of Part II, Land Development Code, chapter 107, division 10, subdivision 3 (sections 107-369 through 107-385) addressing protection of protected trees, shall apply to any property within any zoning district other than the residential zoning district. To the extent of any conflict between part II, Land Development Code, chapter 107, division 10, subdivision 3 (sections 107-369 through 107-385) and this section, this section shall control.

(c) In addition to the requirements of subsection (b), the following requirements for the preservation and protection of protected and heritage trees shall apply to any property, including any property within the city's rights-of-way, within any zoning district other than the residential zoning district.

(1) *Permit required.* A grading plan, tree survey, and tree protection plan shall be submitted prior to any tree removal, clearing or grading, filling, or other form of site development. No tree may be removed, nor shall any clearing or grading permit, site development plan, building permit, or tree removal permit be issued until a tree survey is submitted and tree protection plan is submitted and approved.

(2) *Tree survey requirements.* The tree survey shall address all requirements specified in section 107-376, development application requirements, indicate all existing, live, healthy trees with an eight-inch or larger diameter and all protected and heritage trees, and shall indicate the diameter, location, and species of each tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by circles indicating the diameter of the tree. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed, including trees identified to be distressed. Protected trees proposed to be removed to accommodate the development shall be indicated, along with the proposed replacement trees.

(3) *Credit for preservation of existing trees.* Preservation of existing protected species trees and heritage trees that are located outside the required 75-foot greenbelt may be credited toward required plantings (for example, landscape requirements, street trees, trees in parking areas) but not for required mitigation according to the following table:

Type of tree	DBH	Credit factor *
Protected species	4-7.9 inches	1.15:1
Protected species	8-12 inches	1.5:1
Protected species	greater than 12 inches	2.0:1
Tree cluster		1.5:1 for each inch within the cluster

*Credit factor provides tree credits per tree preserved.

Where the application of a credit factor produces a fractional number, rounding up to the next whole number of "credited" trees is permitted.

Example: Preservation of one ten-inch diameter protected species tree produces a credit equal to 1.5 trees of required planting.

(4) *Mitigation.* Any protected or heritage trees that are removed as a result of approval of a tree removal permit must be mitigated by planting of a tree of the same species on the same property in the following ratios:

a. For each protected tree removed, one new tree of a protected species having a similar mature canopy spread as the removed tree, with a DBH of at least four inches and 14 feet in height,

b. For each heritage tree removed, three new trees of a protected species having a similar mature canopy spread as the removed tree, with a DBH of at least four inches and 14 feet in height.

An exception to the mitigation requirements may be granted by the building official, with the approval of the city arborist, if the applicant demonstrates: (1) the existing tree canopy would prohibit the growth of the replacement tree(s); or (2) the required replacement trees to be installed would be planted under the canopy of an existing tree. A permit authorizing the removal of a protected or heritage tree shall require mitigation as specified above.

(5) *Prohibition on removal of heritage trees.* Removal of a heritage tree is prohibited unless a heritage tree removal special exception is granted under subsection (6) or a certified arborist confirms that the heritage tree is either: (i) dead; (ii) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree, in whole or in part; or (iii) is diseased and restoration to sound condition is not practicable or the disease may be transmitted to other trees and endanger their health. The city administrator shall have the authority to determine whether such documentation is in order and may consider specific safety situations in light of potential hazards to life or property. In the case of an imminent hazard to life or property under subsection (ii), documentation may be submitted within 72 hours after the action is taken.

(6) *Heritage tree removal special exception.* Except as provided in subsection (5), removal of a heritage tree is prohibited unless a heritage tree removal special exception is granted by the board of adjustment upon a finding that: (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property.

(7) *Limitation on removal of a protected tree.* A protected tree may be removed upon the determination of the city arborist and approval of the building official if: (i) the tree is damaged by natural causes or is diseased beyond the point of recovery, (ii) the tree is in danger of falling, or (iii) the tree is dead. Any application to remove a protected tree shall be supported by certification by a certified arborist that one or more of these conditions exists and such conditions shall be reviewed by the city arborist. In addition, removal may be approved upon the grant of a special exception by the board of adjustment upon a finding that (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property.

(d) *Pre- and post-construction tree protection plan.* A pre- and post-construction tree protection plan shall be submitted with the tree permit and shall include the following:

(1) Irrigation and fertilization are required for any protected or heritage tree that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be

phosphate-free. The tree protection plan shall describe the plan for irrigation and fertilization during the construction period until final installation of all landscaping.

(2) The tree protection plan shall describe all measures to be taken during construction to protect any protected and heritage trees from damage during construction, including rigid fencing, shielding, and signage, as necessary. Tree protection shall include rigid fencing placed with a radius of at least ten feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of chain link or wood fencing not less than four feet high at the drip line of the tree. Stakes shall be no more than six feet apart and at least 1½ deep into the ground. Rigid fencing shall be at least three feet in height. Tree protection shall remain in place until final landscaping installation is approved by the city administrator or designee.

(3) *Protection of critical root zone.* Construction within or impervious paving over the critical root zone of any protected or heritage tree is prohibited. A minimum of 50 percent of the critical root zone of any protected tree or heritage tree must be preserved at natural grade and with natural ground cover. No cut or fill nor any deposit or stockpiling of earthen materials in their natural state greater than four inches will be located closer to the tree trunk than one-half the CRZ radial distance. No grade changes, excavation or trenching shall be permitted within the limits of the critical root zone unless adequate construction methods are approved by the city arborist.

(4) Parking or storing of vehicles, equipment or materials allowed within the critical root zone or any protected or heritage tree is prohibited. The plan shall designate where all construction equipment and materials will be stored outside the critical root zone.

(5) Activities requiring approval of the city arborist shall be identified in the tree protection plan and shall be submitted for review and comment to the city arborist, along with such fees as are required by the city to cover all costs of the review process.

(e) *Violations/penalties.*

(1) It shall be an offense for a person:

a. To fail to perform an act required by the provisions of this section;

b. To fail to timely comply with any term of a permit issued pursuant to this section, including terms regarding the preservation of heritage trees and the planting and maintenance of required replacement trees;

c. To hire, engage, or permit any person engaged in the business of tree planting, maintenance, or removal to perform such services on property in the city without a permit issued by the city pursuant to this Code;

d. Except as expressly allowed pursuant to this subdivision, to remove or to cause the removal of a heritage or protected tree without first obtaining a permit therefor;

e. To transfer property subject to obligations arising from a permit issued pursuant to this section if all obligations with respect to such permit are not then fulfilled unless the transferee of the property agrees in writing submitted to the city secretary to assume such permit and all obligations with respect to the protection of heritage trees and the planting and maintenance of required replacement trees; or

f. To fail to submit an application for a permit as required by this section.

(2) An offense shall constitute a Class C misdemeanor punishable by a fine not to exceed $1,000.00. An offense committed intentionally, knowingly, recklessly, or with criminal negligence shall be punishable by a fine not to exceed $2000.00 per offense. Each tree damaged or removed in violation of this division shall constitute a separate offense. A failure to plant and maintain a required replacement tree shall constitute a separate offense. Each day a violation continues shall constitute a separate offense. The owner or tenant of any building, structure, or premises and any designer, builder, contractor,

agent or other person who knowingly commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and subject to the penalties as provided herein.

(3) The city arborist, city council, or other duly authorized city official may issue a stop work order in connection with site clearing, site preparation, any permitted development of the property from which a heritage tree is removed without authorization or upon the occurrence of any other violation of this subdivision or of any term of a permit issued pursuant to this subdivision. Any person, including a workman on the site, who fails to comply with a stop work order shall be guilty of a misdemeanor punishable as provided for in the penalty section hereof. It shall be unlawful for any person to do any work on the site covered by the stop work order unless and until a new permit, application, or site plan has been filed and processed in accordance with the provisions of this chapter and the city council has granted approval to a new permit, application, or site plan which corrects the violations covered in the stop work order and all fees and fines have been paid.

(4) No certificate of occupancy shall be issued for a building or other structure that is not then in compliance with any permit issued pursuant to this subdivision. No certificate of occupancy shall be issued for a building or other structure that is not then in compliance with any permit issued pursuant to this subdivision for removal of a protected tree.

(5) Any temporary occupancy permit issued pending any completion of any required planting due to seasonal suitability of planting shall state the day by which planting shall be completed or an extension requested, and shall be revoked if the required planting is not completed or an extension granted by the stated date.

(6) *Injunction and other remedies.* Any tree removal or other work done contrary to any of the provisions of this section or to any of the details contained in any final site plan approved by the city or to any of the conditions imposed in connection with the granting of any application required by this section is hereby declared to be unlawful and shall constitute a violation of this section. The city council may direct the city attorney to initiate injunction, mandamus, abatement, or any other action available in law or equity to prevent, enjoin, abate, or correct unlawful tree removal or other work.

(f) *To the extent of conflict with another section of the Code, this section controls.*

Sec. 107-422. Nonconforming buildings, structures.

Any nonconforming building or structure may, so long as it remains otherwise lawful, be continued subject to the following requirements and limitations:

(1) Except as otherwise required by ordinance or law, a nonconforming building or structure may not be altered in a manner that increases the extent of its nonconformity.

(2) Except as otherwise required by ordinance or law, a nonconforming building or structure must be brought into conformity if:

a. Fifty percent of the square footage of the building or structure is demolished, excluding a permit for interior construction or remodeling only; or

b. If the nonconforming building or structure is moved, it shall conform to the regulations for the district within or into which it is moved.

(3) The provisions of subsection (2)a of this section do not apply to the demolition of the roof of a building or structure.

(4) If the nonconforming building or structure, other than a dwelling, is damaged or destroyed by fire or other accident or natural means, the building official shall, upon application by the owner thereof, issue a permit for repair or reconstruction of the building or structure, provided that the repair or reconstruction conforms with ~~the construction materials standards set forth in section 107-107,~~ the compatibility standards set forth in section 107-116, and will not increase the extent of the nonconformity of the building or structure.

(5) If the nonconforming building or structure that is a dwelling is damaged or destroyed by fire or other accidental or natural means, the building official shall, upon application by the owner thereof, issue a permit for repair or reconstruction of the building or structure if the repair or reconstruction will not increase the extent of the nonconformity of the building or structure.

(6) Nothing in this article shall be deemed to:

a. Prevent ordinary repairs to nonconforming buildings or structures;

b. Prevent alterations of or extensions to nonconforming building or structures as required by law or ordinance; or

c. Prevent the restoration to a safe condition of any nonconforming building or structure, or portion thereof, declared to be unsafe by the building official or other duly authorized official.

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 7, 2026

Submitted By:

Staff

Agenda Item:

Public hearing on the proposed ordinance to amend Section 101-256 - Tree Protection Requirements and Chapter 107 - Zoning of the Rollingwood Code of Ordinances regarding tree protection standards and requirements during construction activities

Description:

In **April of 2026, the Planning and Zoning Commission** identified the need for stronger tree protection guidelines during construction activities. Although the current code includes some restrictions, compliance has been inconsistent, prompting the Commission to explore ways to strengthen and better enforce existing standards.

To address this, the Commission formed a subcommittee to review the relevant code provisions governing tree protection during construction. While Chapter 101 of the Rollingwood Code of Ordinances addresses tree protection during construction and falls outside the Commission's direct scope, its close relationship with Chapter 107, which addresses Tree Canopy Management provisions, led the Commission to include it in its review. The subcommittee prepared the suggested edits to both chapters for consideration.

At the **August 5, 2026 Planning and Zoning Commission meeting,** redlined edits compiled by the subcommittee were presented and were approved **with 3 in favor (Nyer, Van Bavel & Fleming) and 2 against (Bench & Stein).**

The following revisions were made to the attached proposed ordinance and exhibit for your review: Section 107-376(a)(1): Change the proposed threshold from "8 inches DBH" to "12 inches DBH", and revise Section 107-375(j) to read: "A heritage tree permitted to be removed within the buildable area of a residential property or a heritage tree within the City's right-of-way property..." by inserting "heritage tree" immediately before "within the City's right-of-way property."

At the **September 2, 2026 Planning and Zoning Commission meeting**, Commissioners reviewed the amendments in redlined, ordinance form and made some additional language amendments. **The Commission reports to the City Council the proposed redlined ordinance amending Chapter 101 and Chapter 107 of the Rollingwood Code of Ordinances regarding tree protection standards and requirements during construction activities, as amended at this meeting, with the recommendation that it be set for public hearing. Approved with 5 in favor and 0 against.**

Action Requested:

Hold a public hearing

Fiscal Impacts:

No fiscal impacts

Attachments:

- Ordinance Sec 101 Tree Protection
- Exhibit A Sec 101 Tree Protection
- Ordinance Sec 107 Tree Protection
- Exhibit A Sec 107 Tree Protection

ORDINANCE NO. 2026-XX-XX

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING CHAPTER 101 ARTICLE I and ARTICLE VI; PROVIDING ENABLING AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 City Council acts under the City's police powers and authority to regulate land development and protect public resources for the benefit of the community; and

WHEREAS, the City Council finds that the updated regulations protect neighborhood character by preserving significant trees, guide compatible development, and safeguard public and private infrastructure from damage attributable to altered grades, soil compaction, and other construction-related impacts within critical root zones; and

WHEREAS, the City Council further finds that clarifying and strengthening tree protection standards benefits residents, property owners, and builders by providing clear, objective requirements for compliance during development and construction activities; and

WHEREAS, the City Council finds that construction-related activities can significantly and permanently damage tree health and stability and therefore must be managed through enforceable standards for protection of the critical root zone, fencing, mulching, watering, and pruning; and

WHEREAS, the City Council determines that the amendments adopted by this ordinance are reasonable, necessary, and intended to promote the public health, safety, and welfare, to prevent and abate nuisances, to reduce wildfire and storm-related risks, and to safeguard public infrastructure and utility services; and

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. The City of Rollingwood Code of Ordinances, Part II, Chapter 101 Article I Section 101-1 definitions and Article VI section 101-256 Tree Protection Requirements- are hereby amended as provided for in the attached Exhibit A with underlines being added to the code and ~~strikethroughs~~ being deletions from the Code.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. This Ordinance shall be effective upon its adoption by City Council.

PASSED AND APPROVED this _____ day of _____, 2026.

_____
Gavin Massingill, Mayor

ATTEST:

_____
Erin Penney, City Secretary

EXHIBIT A TO ORDINANCE # 2026-XX-XX-XX

Sec. 101-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board of appeals means the board of adjustment of the city.

Critical root zone (CRZ) means the area around and under a tree having a radius of one foot per inch of DBH from the trunk of the tree outwards and 24 inches in depth. For example, the CRZ of a tree having twelve-inch DBH extends twelve feet out from the trunk and 24 inches deep.

1/2 CRZ means the area around and under a tree having a radius of 1/2 foot per inch of DBH from trunk outwards and 24 inches in depth. For a tree having a twelve-inch DBH, the 1/2 critical root zone (1/2 CRZ) extends six feet out from the trunk outwards and 24 inches depth

1/4 CRZ means the area around and under a tree having a radius of 1/4 foot per inch of DBH from trunk outwards and 24 inches depth. For a tree having a twelve-inch DBH, the 1/4 CRZ extends three feet out from the trunk and 24 inches depth.

"Diameter at breast height" or (DBH) means the diameter of a tree measured in inches at a height of 4-1/2 feet above natural grade.

Sec. 101-256. Tree protection requirements.

(a) Tree ~~root~~ protection shall be installed for all trees shown on tree protection plans to be preserved, prior to the start of any site work, including demolition or site preparation, and be maintained continuously throughout the project. Tree protection shall be removed at the end of the project after all construction and final grading is complete, but before final inspection. For a construction project involving only demolition or stopping after demolition or site preparation, the tree protection may be removed if the construction fencing is also removed but shall be reinstalled before any further construction activity resumes. Any premature removal or failure of tree protection can lead to root damage and require remedial tree care. Construction impacts, including but not limited to, digging, trenching, or excavating; soil compaction; grade changes; and chemical exposure and spills, are not allowed in the 1/4 CRZ. No litter, material, tool storage nor any cut or fill greater than 4 inches is allowed within the 1/2 CRZ. At least 50% of the full CRZ shall be preserved at natural grade, with natural grade cover and without any construction impact. For definitions of CRZ, 1/2 CRZ, and 1/4 CRZ refer to Sec 101-1.

(b) Fencing is the primary method of tree protection and is intended to prevent access to the Critical Root Zone (CRZ). Tree fencing shall have a minimum height of five feet. Fencing shall be chain link installed on steel t-posts with a maximum spacing of ten feet between posts. Fencing shall be installed around or beyond the 1/2 CRZ of all preserved trees or any natural areas designated for preservation.

(c) Mulch is required for any section of the CRZ that is not protected by fencing or under existing hardscape and has not been approved for impacts (such as building footprint or driveway). Mulch used for tree protection shall be any natural wood type. Rough single grind mulch, which resists compaction better than double grind and is usually less expensive is preferred, but any natural wood type is acceptable. Dyed mulch or mulch made from non-biological material such as rubber or stone shall not be used as tree protection.

(d) Whenever protected fencing is located closer than five feet to trunk or when fencing cannot be placed around a tree, tree wrapping shall be installed to protect the first 8 ft of tree height. Material for wrapping shall be dimensional lumber, such as 2x4's, which shall be oriented parallel to and continuously around trunk and secured in place by tightening wires run around the outside of the lumber. Wrapping shall never be secured directly to the tree by screws or other means. Wrapping shall be loosened and retightened every six

months to prevent tree from damage as it grows. Branch wrapping may be required whenever a major limb is over an access route or close to proposed structure.

(e) Mulch- outside fencing shall be installed to a minimum depth of eight inches and maximum of 12 inches. Mulch inside fencing shall be installed to a depth of four inches. Mulch shall be replenished as required and shall not be piled against the tree trunk.

(g) Landscaping installation within the 1/4 CRZ of preserved trees, including trenching for irrigation, soil and planting shall be prohibited.

(h) Any pruning of trees shall be in compliance with ANSI A300 Standard for tree care. Not more than twenty-five percent of the foliage shall be removed within an annual growing season.

(i) Protected trees experiencing construction impacts shall receive supplemental watering as reasonably necessary to maintain tree health as determined by the city arborist based upon weather, soil conditions, and species.

(j) If the building official or the police department determines that there is a violation of this section, such building official or police officer may issue a ticket, citation or stop work order.

(k) Additionally, the building official in collaboration with city arborist consultant shall determine the proper tree remedial action. The building official may waive imposing daily fines for proper plant health care treatments including planting replacement trees.

(l) A violation of this section shall constitute a class C misdemeanor that, upon conviction, may result in a fine not exceeding $2,000.00 per violation. Each day that such violation continues shall constitute a separate offense. Failure to install tree protection fencing before site work commences shall be a $2,000 fine.

ORDINANCE NO. 2026-XX-XX

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING CHAPTER 107-ZONING; PROVIDING ENABLING AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 City Council acts under the City's police powers and authority to regulate land development and protect public resources for the benefit of the community; and

WHEREAS, the City Council finds that the updated regulations protect neighborhood character by preserving significant trees, guide compatible development, and safeguard public and private infrastructure from damage attributable to altered grades, soil compaction, and other construction-related impacts within critical root zones; and

WHEREAS, the City Council further finds that clarifying and strengthening tree protection standards benefits residents, property owners, and builders by providing clear, objective requirements for compliance during development and construction activities; and

WHEREAS, the City Council finds that construction-related activities can significantly and permanently damage tree health and stability and therefore must be managed through enforceable standards for protection of the critical root zone, fencing, mulching, watering, and pruning; and
Ordinance
WHEREAS, the City Council determines that the amendments adopted by this ordinance are reasonable, necessary, and intended to promote the public health, safety, and welfare, to prevent and abate nuisances, to reduce wildfire and storm-related risks, and to safeguard public infrastructure and utility services; and
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. The City of Rollingwood Code of Ordinances, Part II, Chapter 107 -Zoning, is hereby amended as provided for in the attached Exhibit A with underlines being added to the code and ~~strikethroughs~~ being deletions from the Code.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. This Ordinance shall be effective upon its adoption by City Council.

PASSED AND APPROVED this _____ day of _____, 2026.

_____
Gavin Massingill, Mayor

ATTEST:

_____
Erin Penney, City Secretary

EXHIBIT A TO ORDINANCE # 2026-XX-XX-XX

Sec. 107-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or structure means a building or structure which does not share a common roof or common wall, including, but not limited to, a toolhouse, home workshop, greenhouse, garage, carport, children's playhouse, or swimming pool house, which:

(1) Is located on the same lot as a dwelling;

(2) Is subordinate in area to the dwelling and is used for a purpose customarily incidental to the dwelling;

(3) Is detached from the dwelling except that a connected foundation or walkway may exist with the dwelling;

(4) Does not provide complete independent living facilities for one or more persons which include permanent provisions for living, sleeping, and sanitation facilities; and

(5) Is not used for lease or rental, or for a commercial purpose other than a home occupation by a resident of the main dwelling.

Addition means a construction project that causes an existing structure to increase in total square footage.

Alley means a minor public or private right-of-way which:

(1) Is used primarily for vehicular traffic to the rear or side of properties which abut a public street; and

(2) Affords secondary means of access to abutting property.

Amenity means an indoor area or an outdoor area located anywhere on a lot, or the roof of a structure, or any other building including, but not limited to, pools, sport courts, patio areas, outdoor kitchens, grills, landscaped areas, and areas of decking, decorative paving or other similar surface, used for recreational purposes.

Block means a parcel or tract of land entirely surrounded by streets, and occupied by or intended for occupancy by buildings or structures.

Board means the board of adjustment of the city.

Building means any structure which is:

(1) Permanently affixed to the land;

(2) Has a roof supported by columns or walls; and

(3) Is built for the enclosure, shelter or protection of persons, animals or property of any kind.

Building footprint means the horizontal surface area measured by taking the aggregate outside horizontal dimensions of the building and covered structures, including garages, carports, and covered porches and/or decks. Uncovered decks are not included in the measurement.

Building height, as used in chapter 107, division 2, Residential (R) Zoning District, means the vertical distance from the Original Native Ground Surface or finished grade, whichever is lower, to the highest point directly above.

Building height, nonresidential, means the vertical distance from the lowest finished floor elevation (including a garage floor) to the highest part of the following: the coping of a flat roof; the deck line of a mansard roof; or the gable of a pitched or hipped roof, where, due to topographical or other conditions, the lowest finished floor elevation of a building differs from one part to another, the maximum permissible height shall be computed separately for each portion of such building containing a differing lowest finished floor elevation. If the lowest finished floor elevation is more than four feet directly above the point where the foundation intersects the natural

grade, then the vertical distance must be measured from a point that is four feet directly above the point where the foundation intersects the natural grade to the highest point described above.

Certificate of occupancy means a document issued by the building official which:

(1) Certifies that the construction of a building or structure or use of premises complies with the requirements of this article and other applicable city ordinances; and

(2) Authorizes the occupancy or use of the premises for which the certificate is issued.

City arborist means an ISA certified arborist as designated by the city.

Commercial district means the commercial district (C).

Commission means the planning and zoning commission of the city.

Critical root zone (CRZ) means the area around and under a tree having a radius of one foot per inch of DBH from the trunk of the tree outwards and 24 inches in depth. For example, the CRZ of a tree having twelve-inch DBH extends twelve feet out from the trunk and 24 inches deep.

1/2 CRZ means the area around and under a tree having a radius of 1/2 foot per inch of DBH from trunk outwards and 24 inches in depth. For a tree having a twelve-inch DBH, the 1/2 critical root zone (1/2 CRZ) extends six feet out from the trunk outwards and 24 inches depth

1/4 CRZ means the area around and under a tree having a radius of 1/4 foot per inch of DBH from trunk outwards and 24 inches depth. For a tree having a twelve-inch DBH, 1/4 CRZ extends three feet out from the trunk and 24 inches depth.

Demolition means the taking down of a building while carefully preserving valuable elements for reuse. The term "demolition" may also include the total and complete deconstruction and removal of a building and its foundation to make room for the construction of a new building.

Diameter at breast height (DBH) means the diameter of a tree measured in inches at a height of 4-1/2 feet above natural grade.

District means a zoned section of the city for which regulations governing the area, height or use of buildings and premises are uniform for each type and class of structure.

Dwelling.

(1) The term "dwelling" means a building which:

a. Is designed and constructed for occupancy as a residence;

b. Includes bathroom facilities;

c. Includes facilities for food preparation and sleeping; and

d. Is not attached to any other building by any means.

(2) A dwelling's extent consists of all aspects of the structure that share:

a. A common framed, decked, and sheathed roof; and

b. A common concrete slab-on-grade or wood framed and decked floor.

Easement means a privilege, or right of use or enjoyment, granted on, above, under or across a particular tract of land by one party to another.

Fence means a fixed-in-place physical barrier, including a wall, that wholly or partially encloses, screens, separates, or establishes a border for a portion of real property (e.g., yard or field) and is commonly used to control access, to confine, or to mark a boundary. Unless otherwise specifically provided, the term "fence" does not include temporary barriers, including, but not limited to, silt fencing or other erosion controls, or temporary construction barriers.

Front-yard fence means that portion of a fence that extends beyond the front foundation line of the primary residential structure located on the property toward the front building setback line (or for unplatted property, toward the street from which the front building setback line would be measured). In the case of undeveloped property, a front-yard fence is:

(1) The portion of a fence located closer to a street fronting the property than the front setback line of a platted lot; or

(2) For an unplatted property, the portion of a fence located closer to a street than the front setback line that would be required by this Code if the property were being platted pursuant to the regulations of this Code at the time of installation of such fence.

Garage, detached means an accessory building, separated and independent of the main building on a lot, designed to shelter motor vehicles.

Gate means a movable door or obstruction that closes an opening in a wall, fence, or other barrier.

Grade means the elevation of the original or finished surface of the ground, paving or sidewalk within the area between setback lines of the lot.

Greenbelt means an open area not occupied by any structures or impervious surfaces which:

(1) Is left undisturbed in its natural state; or

(2) Is landscaped as required under the city's landscaping regulations; provided that the width of all greenbelts shall be maintained as required under this article, notwithstanding the provisions of the city's landscape ordinance.

Ground floor area means the floor area of a building or structure measured by taking the aggregate outside horizontal dimensions of the building or structure, at foundation level, excluding the floor area of garages, basements, or open or screened porches.

Heritage tree means a protected tree and has a DBH of 24 inches or more. To determine the DBH of a multi-trunk tree, measure all the trunks; add the total DBH of the largest trunk to ½ the DBH of each additional trunk. A multi-trunk tree having a total DBH of 24 inches or more is a heritage tree.

Home occupation means an activity or occupation, including, but not limited to, an accountant, engineer, architect, music teacher, tailor, artist, or activity associated with management of property or assets, which is performed in a dwelling for gain, whether or not paid or provided by a third party, and which:

(1) Is conducted by a members of the family residing in the dwelling;

(2) Is conducted as a use that is clearly incidental and secondary to the use of the dwelling for ordinary residential purposes;

(3) Does not require structural alterations in the dwelling or the installation of machinery or equipment other than that customary to ordinary household activities;

(4) Does not involve the display of a sign to advertise the occupation;

(5) Is not detrimental or injurious to adjoining property by reason of the creation of noise or other obnoxious conditions, such as the emission of odor or generation of light, smoke or other objectionable conditions;

(6) Does not generate a substantial increase in motor vehicle traffic; and

(7) Is conducted in the single-family residence where the operator of the home occupation resides.

Impervious cover means any area where the natural absorption of runoff water by the land is prevented by site development.

Job trailer means an enclosed building or structure, including a mobile or relocatable office unit, the use of which is incidental to construction work being done under a valid building permit on the premises, which:

(1) Is erected on a temporary foundation, such as skids or plywood;

(2) Is located on the same lot as an existing main building or a main building under construction;

(3) Does not contain plumbing or sanitation facilities;

(4) Is not connected to any city water, wastewater or gas utility service; and

(5) Is removed upon completion or cessation of the activity for which the structure was erected.

Lot means a portion of a subdivision or other parcel of land designated as a unit for transfer of ownership or for development.

Lot, area of, means the total area encompassed within the lines of a lot, excluding any street or alley rights-of-way.

Lot, corner, means a lot located at the angle of two intersecting streets.

Lot line means the boundary of a lot.

Lot line, front, means the front line of a lot, which is also the right-of-way line of the street abutting such lot.

Lot line, rear, means the lot line most nearly opposite and most distant from the front lot line.

Lot line, side, means any lot line other than a front or rear lot line.

Main building means a building (not including an accessory building) within which is conducted the principal use of the site upon which the building is located. In a residential district, all dwellings are deemed to be main buildings.

Masonry means clay brick, concrete, hollow clay tile, natural stone, stucco, marble, or any combination of these materials, on the exterior surface of a building.

Mayor means the mayor of the city.

Mechanical equipment means heating and air conditioning units, pool equipment, and household generators.

Mirrored glass means glass with a reflectivity factor of 20 percent or greater.

Motor vehicle means a vehicle, motor home, trailer, boat, mobile home, camper, travel trailer, bus, tractor, commercial vehicle, truck, recreational vehicle or other vehicle that either has its own motive power, including a sailboat, or is mounted on or towed by another vehicle.

New construction means a construction project that begins on a vacant lot or on a lot in which the walls and foundation of a preexisting building and any related structures have been demolished completely and removed from the lot.

Nonconforming building or structure means a building or structure, the size, dimensions or location of which were lawful prior to the date of adoption of the ordinance from which this article is derived or amendments thereto, but which fails by reason of such adoption or amendments to conform to the regulations of the district in which they are located.

Nonconforming lot means a lot, the area, dimensions or location of which were lawful prior to the date of adoption of the ordinance from which this article is derived or amendments thereto, but which fails by reason of such adoption or amendments to conform to the regulations of the district in which it is located.

Nonconforming use means a use or activity which was lawful prior to the date of adoption of the ordinance from which this article is derived or amendments thereto, but which fails by reason of such adoption or amendments to conform to the regulations of the district in which it is located.

Original native ground surface, as used in chapter 107, division 2, Residential (R) Zoning District, means the existing grade on a lot prior to development of the new residential building, as may be shown on a certified topographic survey of the property.

Parallel plane, as used in chapter 107, division 2, Residential (R) Zoning District, is an imaginary plane that is 35 feet above and parallel to the original native ground surface.

Parking space means a paved area of at least 180 square feet (measuring not less than nine feet wide and not less than 18 feet in length), enclosed or unenclosed, having a paved driveway which connects the parking space with a street or alley and which permits ingress or egress of motor vehicles. The term "parking space" does not include a driveway, aisle or any area on a public street.

Personal wireless telephone service facility means a tower and related fixtures and equipment for the provision of wireless cellular telephone signals by one or more commercial operators of wireless telephone services.

Planned unit development means a tract of land developed as a single entity, pursuant to a unified site design which makes provisions for common open spaces and variegated building types and land uses, and which provides for the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

Premises means land, together with any buildings or structures occupying it.

Protected tree means a tree of a "protected species" as defined in Section 107-371 and has a DBH of 12 inches or more.

Public view means the view as seen from any private property in a residential district or public street within the city.

Reconstruction means a construction project that constitutes the rebuilding, using the original building footprint, of a building, or structure, whether a dwelling or other that is damaged or destroyed by fire or other accidental or natural means.

Remodel means any addition or alteration to an existing building or its foundation or any component thereof, including, but not limited to, the addition or alteration of any porch, deck, or garage.

Residence, resident or *reside* means to have residence in, to be a resident of, or to reside in a dwelling, the dwelling must be the place where the person primarily lives, sleeps, bathes, and maintains personal possessions such as clothing.

Residential plot plan or *residential site plan* means a site plan drawn to a scale of one inch to 50 feet depicting existing and proposed contours in two-foot elevations on the property, the existing and proposed drainage patterns and the 50- and 100-year floodplains if they exist on the property.

Resubdivision means the division of an existing subdivision, together with any change of lot sizes therein, or with the relocation of any street lines.

Retaining wall means any fence or wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the soil or other materials being retained.

Setback means the minimum horizontal distance between a lot line and the closest wall or face of a building or foundation or projection thereof, excluding uncovered steps or unenclosed balconies or porches, or cantilevered roof cornices, eaves, or facias, located on the lot.

Setback line means a line within a lot, which is parallel to and is measured from a corresponding lot line, which governs the placement of structures and uses on the lot.

Special exception means a use that is not permitted in a particular district under this article, but which is permitted in such district following approval by the board of adjustment, upon a showing that the use will comply with all of the conditions prescribed by the board for such use.

Special use means a use that may be authorized by the city council in the district in which it is allowed.

Sport court means an installed hardscape surface or other compacted ground material utilized in connection with a flat game court structure for play. This definition is to specifically include, but not be limited to basketball courts, tennis courts, hockey rinks, batting cages, racquetball/handball/pickleball courts, and other similar

facilities. These game court areas may or may not include a combination of fencing, netting, or boards for the purposes of their use.

Square feet of floor space means the square footage of a building computed from the exterior perimeter footprint of each story of such building, or portion thereof. Provided, that when the term "square feet of floor" is used with reference to a dwelling, the computation of square footage shall not include attached garages, attics, basements or porches. Provided further, that when the term "square feet of floor" is used with reference to a building that is not a dwelling, the computation shall include, but not be limited to, atriums, vents, elevator shafts, exterior balconies and porches, mechanical and storage rooms, elevator lobbies, halls and corridors, but shall exclude courtyards.

Story means that portion of a building, other than a basement, open or screened porch, attached garage or attic, which is included between the surface of one floor and the surface of the floor next above it, or, if there is only one floor, the term "story" means the space between such floor and the ceiling above it.

Street means a public thoroughfare, other than an alley, which has been improved and dedicated for use as a roadway and provides principal vehicular and pedestrian access to adjacent properties.

Structure means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including, but not limited to, signs, and excepting utility poles, berms, fences, mailboxes and retaining walls.

Subdivision means a division of any tract of land situated within the city limits, or within one-half mile of such limits, in two or more parts for the purpose of laying out any subdivision of any tract of land, or for laying out suburban lots or building lots, or any lots, streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. The term "subdivision" includes resubdivision. The term "subdivision" includes those parcels being platted in accordance with section 105-23(b).

Subdivision sales office means a temporary building or structure, including a mobile or relocatable office unit, used as an office to sell property in a new or developing subdivision tract.

Temporary building means an enclosed building or structure which is erected on a temporary foundation, such as skids; is located on the same lot as an existing main building or a main building under construction; does not contain plumbing or sanitation facilities; and is not connected to any electrical, water, wastewater or gas utility service.

Use of property means the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, principal, means the main use of land or buildings as distinguished from the subordinate or accessory use of such land or buildings.

Variance means an authorization by the board of adjustment granting specific relief from the literal enforcement of the provisions of this chapter.

Veterinary services means an establishment which provides care for small domestic animals for treatment; but excluding overnight convalescence boarding, pet grooming facilities, animal training centers and clubs, and facilities where animals are boarded during the day or overnight.

Wall means a masonry structure enclosing real property (e.g., a yard or field).

Yard means an unoccupied space on a lot which:

(1) Is open and unobstructed from the ground upward to the sky except for fencing, walls, and those encroachments expressly allowed by this chapter;

(2) Extends between a main building and the lines of the lot upon which the main building is located; and

(3) Has a depth between the front, side or rear lot lines and the main buildings as required for the district in which the lot is located.

Yard, front, means a yard which abuts the addressed street of the lot, is located between the main building on a lot and the street easement or front line of the lot, and extends across the front of a lot between the side lot lines.

Yard, rear, means a yard which is located between the main building on a lot and the rear line of the lot, and extends across the rear of the lot between the side lot lines.

Yard, side, means a yard which is located between the main building on a lot and the side lines of the lot, and extends across the side of a lot between the front yard and the rear yard.

Sec. 107-370. Applicability.

This subdivision applies to property in the residential zoning district. ~~and to any other property to which section 107-341 of this Code does not apply.~~

Sec. 107-371. Definitions.

In this subdivision:

(a) *Protected species* means:

(1) Ash, Texas

(2) Cypress, Bald

(3) Elm, American

(4) Elm, Cedar

(5) Madrone, Texas

(6) Maple, Bigtooth

(7) All Oaks

(8) Pecan

(9) Walnut, Arizona

(10) Walnut, Eastern Black

(b) *Protected tree* Refer to Sec. 107- 3. Definitions ~~means a tree that has a trunk with a diameter of 12 inches or more, measured four and one-half feet above ground, and is one of the protected species;~~

(c) *Replacement species* means:

(1) For trees planted within 20 feet of an above-ground power, cable, or telephone line:

a. Anacacho Orchid Tree

b. Common Tree Senna

c. Crape Myrtle (dwarf)

d. Desert Willow

e. Evergreen Sumac

f. Eve's Necklace

g. Flameleaf Sumac

h. Goldenball Leadtree

i. Mexican Buckeye

j. Mexican Plum

k. Possumhaw Holly

l. Rough Leaf Dogwood

m. Texas Mountain Laurel

n. Texas Persimmon

o. Texas Pistache

p. Texas Redbud

q. Wax Myrtle

r. Yaupon Holly

s. Cherry Laurel

(2) For all other trees planted within a property, a protected species.

(d) *Replacement tree* means:

(1) For the replacement species listed in subsection (c)(l), a tree at least eight feet high when planted, which shall be maintained in a healthy condition after planting;

(2) For the replacement species listed in subsection (c)(2), a tree with a DBH ~~diameter~~ equal to not less than one-fourth the diameter of the protected tree it replaces up to a maximum DBH~~diameter~~ of five inches, which shall be maintained in a healthy condition after planting. The diameter of protected and replacement trees shall be measured four and one-half feet above the ground when planted.

(e) *Heritage tree* Refer to Sec. 107- 3. Definitions ~~means a protected tree of a protected species, having a diameter of 24 inches or more, measured 4½ feet above natural grade. To determine the diameter of a multi-trunk tree, measure all the trunks; add the total diameter of the largest trunk to ½ the diameter of each additional trunk. A multi-trunk tree having a total diameter of 24 inches is a heritage tree.~~

(f) *Critical root zone* ("CRZ") Refer to Sec. 107- 3. Definitions ~~means the area around and under a tree having a radius of one foot per inch of diameter from the trunk of the tree outwards and 24 inches in depth. For example, for a tree having a ten-inch diameter, the critical root zone is ten feet out from the trunk and 24 inches deep.~~

(g) *Removal* means an intentional act that causes or may be reasonably expected to cause a tree to die, including:

(1) Uprooting;

(2) Severing the main trunk;

(3) Damaging the root system, including, but not limited to:

a. Adjusting the grading of a lot to cover or uncover a tree trunk or root system to the extent that the adjusted grading causes or may be reasonably expected to cause the tree to die; or

b. Placing fixtures over the root system to the extent that the placement of the fixtures causes or may be reasonable expected to cause the tree to die.

(4) Construction ~~or disturbance that occurs within an area that constitutes more than 50 percent of the total *Critical root zone* ("CRZ") and ½ the radial distance of the CRZ for each tree being preserved, including protected trees and heritage trees.~~ impacts in violation of Section 101-256 which will require mitigation in accordance

with the terms of this subdivision. However, flatwork, decking, or similar construction above ground and not disturbing roots is permitted within the CRZ, and such work shall be approved and shall not be classified as removal.

(5) Pruning not in accordance with ANSI A300 and as determined by the city arborist. Not more thantwenty-five percent of the foliage shall be removed within an annual growing season. ~~If the proposed or actual protection of the CRZ before construction, during construction, and following construction does not meet the requirements of sec 101-256, then the tree shall be considered removed and require mitigation in accordance with the terms of this subdivision.~~

~~(6) Excessive pruning, including, but not limited to, pruning that exceeds 25 percent of the canopy of the tree.~~

(h) *City arborist* Refer to Sec. 107- 3. Definitions ~~means an ISA certified arborist as designated by the city.~~

(i) Mitigation means such remedies as are approved by the city development officer in consultation with the city arborist.

(j) "Building official" for the purposes of this subdivision means the city development officer.

Sec. 107-375. Conditions for approval.

(a) If a protected tree is removed from a required yard, the protected tree shall be replaced with a total of three replacement trees that must include a selection of replacement trees under subsection 107-371(a).

(b) Each protected tree removed from an area not within a required yard shall be replaced by one replacement tree under subsection 107-371(d)(2).

(c) For protected trees removed from within 20 feet of an above-ground power, cable, or telephone line the species selected from section 107-371 (c) (1) shall be used for replacement.

(d) If a protected or heritage tree straddles the boundary between the yard and buildable area, it shall be considered to be within the required yard if 25 percent or more of the trunk diameter is in the required yard.

(e) If the building official determines under subsection 107-373(b)(3) that an emergency existed at the time of removal that necessitated expedited removal or an applicant provides documentation from a certified arborist that a protected tree is diseased, dead, or poses an imminent or immediate threat to persons or property due to natural causes only and the protected tree falls under subsection 107-375(a), the city arborist may reduce the replacement tree requirement to one replacement tree under either subsection 107-371(d)(1) or subsection 107-371(d)(2).

(f) If a protected tree is required to be removed under section 18-209, the building official may reduce or waive the replacement tree requirement for the protected tree and reduce or waive the tree replacement application fee.

(g) The mayor may act to waive the replacement tree requirement under this subsection 107-375 for a storm event, wildfire or other calamity that causes widespread or costly damage to multiple protected trees throughout the city.

(h) For a permit filed with an application for development of any improvements or structures, if the density of protected trees in an area described in subsection 107-375(b) is greater than seven protected trees, the number of replacement trees required under subsection 107-375(b) for a removal from such area is capped at seven replacement trees, at least three of which shall meet the requirements of subsection 107-371(d)(2).

(i~~i~~) If a protected tree has a trunk on a first property and its CRZ and/or canopy extend into a second property, the owner of the second property is required to obtain a tree removal permit for removal of the protected tree prior to performing any actions that constitute removal under subsection 107-371(g) on the second property. For purposes of determining removal under this subsection for 107-371(g), damage to the root system is assessed within the area that is a number of feet in diameter from the outer edge of the tree trunk

at four and one-half feet from the ground based on a ratio of one foot for each inch of diameter of the tree trunk. If the actions by the owner of the second property as to the protected tree trigger a requirement for the owner of the first property to apply for a tree removal permit for the protected tree, the application review fee as to the protected tree on the first property is waived.

(jk) A heritage tree permitted to be removed, whether on a residential property or a heritage tree within the adjacent City's right-of-way property~~including a heritage Tree within the buildable area~~, must be replaced with one tree five inches in DBH ~~diameter~~, or more, for every 12 inches in DBH ~~diamete~~r of the removed tree. For example: 24 inches = two five-inch diameter trees, 36 inches = three trees, etc. to be replaced. The replacement trees must be of a species listed in subsection 107-371(a). A special exception to these mitigation requirements may be granted by the zoning board of adjustment, if the applicant demonstrates: (1) the existing tree canopy would prohibit the growth of these replacement tree(s); or (2) the required replacement trees to be installed would have to be planted under the canopy of an existing tree.

Sec. 107-376. Development application requirements.

(a) An application for a building permit must:

(1) Include a tree survey and protection plan of all existing protected trees on the property. The tree survey shall also depict protected trees located on adjoining property whose critical root zones is reasonably believed to extend onto the subject property or public right-of-way. ~~that are at least 12 inches in diameter measured four and one-half feet above the ground.~~ The plan must also identify the type, diameter, and species of each tree, indicate whether the tree is designated as a heritage tree, and show the full CRZ, 1/2 CRZ and 1/4 CRZ ~~CRZ~~ for each protected tree.

(2) Include a grading and tree protection plan for protecting all protected trees that are not approved for removal. The tree protection plan submitted for these trees must include actions necessary for the best chance of survival of these protected trees, including adequate watering before, during, and after construction per Sec. 101-256 -until a certificate of occupancy is granted.

(3) Include on the tree survey /protection plan the following plan notes.

Before Construction Notes:

1. All trees shown on plan to be preserved shall be protected per Sec. 101-256.
2. Tree protection shall be installed prior to start of any site work, including demolition or site preparation. Refer to Sec.101-256. Failure to provide tree protection before site work may result in a $2,000 per day fine. A pre-construction meeting before site work to verify that tree protection complies with drawings and ordinances is recommended.
3. Fencing for tree protection shall be chain-link mesh with minimum height of 5 feet and shall be installed around or beyond the 1/2 Critical Root Zone except as allowed by Sec. 101-256
4. Unfenced sections of the Critical Root Zone shall be covered with mulch at a minimum depth of 8 inches and a maximum depth of 12 inches per Sec. 101-256.

5 Where fencing is located 5 feet or less from trunk of a preserved tree, trunk wrapping shall be installed per Sec. 101-256.

6 Erosion and sedimentation controls shall be installed and maintained so as not to cause silt discharge off property per Sec. 101-250.

During Construction Notes:

1. Trees approved for removal shall be removed in a manner that maintains preservation criteria for trees that remain. Refer to Sec. 107-376.

2. Fencing may not be temporarily moved or removed during development without prior authorization. The fenced 1/2 or beyond Critical Root Zone shall not be used for temporary fill including tool or material storage of any kind and shall be kept free of litter. Refer to Sec. 101-256.
3. Pruning shall be in compliance with current ANSI A300 standard for tree care per Sec. 101-256. No more than twenty-five percent of the foliage shall be removed within an annual growing season.
4. If the building official or the police department determines that there is a violation of this section, such building official or police officer may issue a ticket, citation or stop work order. Additionally, the building official in consultation with city arborist shall determine the proper tree mitigation.
5. A violation of this section shall constitute a class C misdemeanor that, upon conviction, may result in a fine not exceeding $2,000.00 per violation. Each day that such violation continues shall constitute a separate offense.

After construction Notes:

1. Tree protection, including the mulch outside the fencing, shall be removed at the end of the project after all construction and final grading is complete, but before final inspection. Refer to Sec. 101-256.
2. Landscape installation within the 1/4 CRZ of preserved trees, including irrigation, soil and plantings, shall comply with Sec. 101-256.

(43) Demonstrate that the design will preserve the existing natural character of the landscape as to any protected trees not approved for removal; and

(54) Include a tree removal permit application with required fees for review of each proposed removal of a protected tree.

(6) Include the planting of any replacement trees as determined by Sec. 107-375, if development under a proposed site plan will remove a protected tree, as a condition of site plan approval.

(b) The building official may not release or renew a building permit until a tree removal permit for each protected tree proposed to be removed has been submitted. While the tree removal permit and the building permit may be processed concurrently, the tree removal permit shall not be approved prior to approval of the building permit.

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 7, 2026

Submitted By:

Staff

Agenda Item:

Public hearing on the proposed ordinance to amend Chapter 107 - Zoning, Section 107-3 of the Rollingwood Code of Ordinances related to playhouses and playscapes

Description:

At the **May 20, 2026, Planning and Zoning Commission meeting**, Commissioners discussed proposed language that amends the current definition of Accessory building or structure and adds a definition for Exempt children's playhouse and Playscape.

> **Commissioner Jay van Bavel moved to approve the amended Section 107-3 definition of accessory building or structure as presented, with the following modifications to the exempt children's playhouse definition: maximum area of 100 square feet, maximum height of 10 feet, and a minimum setback of 8 feet from the lot line. The motion was seconded by Patricia Barnes. The motion carried with 4 in favor and 1 opposed (Fleming).**

At the **July 1, 2026, Planning and Zoning Commission meeting**, Commissioners discussed the drafted ordinance regarding playhouses and playscapes.

> **Dave Bench moved to send the proposed ordinance to City Council to set a public hearing. Jay van Bavel seconded the motion. The motion carried with 4 in favor and 0 opposed.**

At the **August 19 City Council meeting,** Councilmembers discussed the scheduling of a joint public hearing with the Planning and Zoning Commission regarding the drafted ordinance amending Chapter 107, Section 107-3 of the Code of Ordinances related to playhouses and playscapes.

> **Councilmember Brook Brown amended her motion to approve scheduling a joint public hearing with the Planning and Zoning Commission to address the proposed ordinance to amend Chapter 107, Section 107-3 of the Rollingwood Code of Ordinances related to Playhouses and Playscapes at the first available date that staff can provide. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

Action Requested:

Hold public hearing.

Fiscal Impacts:

No fiscal impacts are anticipated at this time.

Attachments:

- Draft Ordinance amending Ch.107, Section 107-3 of the City of Rollingwood's Code of Ordinances related to playhouses and playscapes

ORDINANCE NO. 2026-XX-XX

AN ORDINANCE AMENDING CHAPTER 107, SECTION 107-3 OF THE CITY OF ROLLINGWOOD'S CODE OF ORDINANCES RELATED TO PLAYHOUSES AND PLAYSCAPES; 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 <u>underlines</u> being additions to the Code:

Section 107-3 is amended amending the definition of "Accessory building or structure" and adding a definition for "Exempt children's playhouse" and "Playscape":

Sec. 107-3. – Definitions.

Accessory building or structure means a building or structure which does not share a common roof or common wall, including, but not limited to, a toolhouse, home workshop, greenhouse, garage, carport, children's playhouse (excluding an "exempt children's playhouse" or "playscape" as defined herein), or swimming pool house, which:

(1) Is located on the same lot as a dwelling;

(2) Is subordinate in area to the dwelling and is used for a purpose customarily incidental to the dwelling;

(3) Is detached from the dwelling except that a connected foundation or walkway may exist with the dwelling;

(4) Does not provide complete independent living facilities for one or more persons which include permanent provisions for living, sleeping, and sanitation facilities; and

(5) Is not used for lease or rental, or for a commercial purpose other than a home occupation by a resident of the main dwelling.

Exempt children's playhouse means a temporary, freestanding structure not permanently affixed to the ground, with a roof supported by walls, designed for children's activities, with no utility facilities, not exceeding 100 square feet in area or 10 feet in height, located in a side or rear yard no closer than 8 feet from the lot line and outside of any drainage easement, public utility easement or public right of way, and, on a corner lot where the lot's rear yard abuts the neighboring property's front yard, an exempt children's playhouse must be located behind a fence, or, if there is no fence, no closer than 20 feet from the property line along the front yard of the abutting lot and no closer than 15 feet from the adjacent street.

Playscape means a freestanding temporary structure, not permanently affixed to the ground, mostly unenclosed, having no solid floor at grade level or within 48 inches of grade, and designed for children's activities. A playscape typically consists of a combination of swings, slides, climbing walls and/or ladders.

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 _____, 2026.

_____

Gavin Massingill, Mayor

ATTEST:

_____

Erin Penney, City Secretary

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 7, 2026

Submitted By:

Staff

Agenda Item:

Discussion & possible action on the proposed ordinance to amend Chapter 107- Zoning, Division IV. Changes in Regulations or Zoning District Boundaries of the Rollingwood Code of Ordinances to conform to statutory changes

Description:

Sections 211.006 and 211.0061 of the Texas Local Government Code, as amended by House Bill 24 of the 89th Legislative Session, establish procedures for protests to proposed changes in zoning regulations or district boundaries, including thresholds for property owners' written protests, rules for calculating affected land area, and voting requirements for city councils, including a higher threshold for certain residential development changes.

Sections 211.007 and 211.020 of the Texas Local Government Code, as amended by House Bill 4506 of the 89th Legislative Session, authorize municipalities to provide required notices of zoning hearings electronically to property owners who have opted in, in addition to traditional mailed notices, to improve accessibility and efficiency of public notice.

Portions of the City's existing zoning procedures are also inconsistent with current state law as amended by House Bill 929 of the 88th Legislative Session, which are addressed in the proposed ordinance language.

At the **August 5, 2026, Planning and Zoning Commission meeting**, **Jay van Bavel moved that the Commission report this item and the proposed amendments made this evening be sent to the City Council with the recommendation that it be set for public hearing. Jerry Fleming seconded the motion. The motion carried with 5 in favor and 0 against.**

At the **August 19, 2026, City Council meeting, Councilmember Brook Brown moved to approve scheduling a joint public hearing with the Planning and Zoning Commission to address the proposed ordinance to amend Chapter 107 – Zoning, Article IV. – Changes in Regulations or Zoning District Boundaries to conform to statutory changes affecting Chapter 107 – Zoning at the first available date that staff can provide. Mayor Pro Temp Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

Action Requested:

Make a recommendation to approve or deny the proposed ordinance to amend Chapter 107- Zoning, Division IV. Changes in Regulations or Zoning District Boundaries of the Rollingwood Code of Ordinances to conform to statutory changes

Fiscal Impacts:

No fiscal impacts are anticipated at this time.

Attachments:

- Ordinance amending Chapter 107- Zoning, Article V.- Administration and enforcement, Division 4.- Changes in regulations or zoning district boundaries of the Rollingwood Code of Ordinances
- Exhibit A - Chapter 107- Zoning, Article V.- Administration and enforcement, Division 4 amendments

ORDINANCE NO. 2026-XX-XX

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, CHAPTER 107, ARTICLE V. ADMINISTRATION AND ENFORCEMENT, DIVISION 4. CHANGES IN REGULATIONS OR ZONING DISTRICT BOUNDARIES OF THE CODE OF ORDINANCES ESTABLISHING UPDATED PROCEDURES FOR ZONING AMENDMENTS, NOTICE, AND PUBLIC HEARINGS; DEFINING PROPOSED COMPREHENSIVE ZONING CHANGES; PROVIDING ENABLING AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 portions of the City's existing zoning procedures are inconsistent with current state law; and

WHEREAS, the City Council desires to update its Code of Ordinances to align its zoning procedures with changes in state law, including protest thresholds, voting requirements, and electronic notice provisions, notice to school districts, while continuing to preserve appropriate review and protections for affected property owners.

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. The City of Rollingwood Code of Ordinances, Part II, Chapter 107 - Zoning, Article V- Administration and Enforcement, Division IV- Changes in Regulations or Zoning District Boundaries, is hereby amended as provided for in the attached Exhibit A with underlines being added to the code and ~~strikethroughs~~ being deletions from the Code.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. This Ordinance shall be effective upon its adoption by City Council.

PASSED AND APPROVED this _____ day of _____, 2026.

_____
Gavin Massingill, Mayor

ATTEST:

_____
Erin Penney, City Secretary

DIVISION 4. CHANGES IN REGULATIONS OR ZONING DISTRICT BOUNDARIES

Section 107-515. Applicability.

(a) Applicability.

This Division governs the procedures for the adoption of any zoning change as defined in this Division.

(b) Zoning changes shall be processed in accordance with this Article and Chapter 211, Texas Local Government Code, as amended.

Sec. 107-516. Changes initiated by city council or commission.

The city council or commission may, from time to time, on its own motion, initiate (without payment of application or petition fee) amendments, supplements, changes, or modifications to the city's zoning regulations, boundaries or classifications. Any such proposed zoning change will be subject to the hearings and procedures prescribed by this division.

Sec. 107-517. Definitions.

For purposes of this Division, the following terms shall have the meanings set forth below:

(a) “Comprehensive Zoning Change” means a proposal to:

(1) amend existing zoning regulations in a manner that:

a) has the effect of permitting a greater amount or intensity of residential development than was allowed under the prior regulation; and

b) applies uniformly to each parcel within one or more zoning districts; or

(2) adopt a new zoning code or zoning map that will apply to the entire municipality; or

(3) establish a zoning overlay district that:

a) has the effect of permitting a greater amount or intensity of residential development than is allowed without the overlay district; and

b) includes property located along a major roadway, highway, or transit corridor.

(b) “Non-Comprehensive Zoning Change” means any proposed zoning change that does not meet the criteria for a Comprehensive Zoning Change.

(c) "Zoning change" means the adoption of any change to an existing zoning regulation, zoning map or zoning district boundary by amendment, repeal or other change, the adoption of a new zoning classification, zoning code or zoning map, or other change of a zoning regulation or boundary.

Sec. 107-5187. Applications and petitions.

(a) Any property owner (or such property owner's authorized agent) applying to or petitioning the city for a zoning change ~~in zoning boundaries or classifications~~ applicable to such applicant's property shall do so upon forms provided by the city. All petitions or applications for ~~for changes in~~ a zoning change ~~boundaries or classifications~~ shall be filed with the city together with all applicable fees.

(b) Each such petition or application shall:

(1) Contain the petitioner's/applicant's name, address and interest in the petition/application; and

(2) Include a survey prepared by a registered surveyor in the state and a properly recorded subdivision plat which accurately shows the location and boundaries of the property for which the change is requested, the current zoning classification of the property, and the names and addresses of all owners of property lying within 200 feet of the subject property (as reflected on the current city tax roll).

(c) The commission may make nonmandatory requests for supplemental information from the applicant or petitioner with regard to a zoning change request including, but not limited to, a preliminary plat plan of the anticipated use and improvement of the property.

(d) A zoning change application includes a properly recorded subdivision plat of the applicable property which is the subject of such application. In lieu thereof, a property owner may simultaneously process a subdivision application to properly subdivide the property provided that the zoning change will not be approved until a subdivision plat of the property has been approved. A city council or commission initiated change does not require that the property be subject to a properly recorded subdivision plat nor does it require a survey of such property.

Sec. 107-519. Public hearings.

(a) Planning and Zoning Commission.

The Planning and Zoning Commission shall conduct at least one public hearing on each proposed zoning change, except where state law permits otherwise. The City Administrator shall establish the date, time, and place of the public hearing.

(b) City Council.

The City Council shall conduct at least one public hearing on each proposed zoning change before adopting any change.

(c) Joint public hearing.

The city council may, at its discretion at a properly noticed public meeting, determine that a public hearing shall be held before both the planning and zoning commission and the city council. If such a determination is made, the planning and zoning commission and the city council may conduct a joint public hearing and take action on the application in the following manner:

1. The city council on its own motion shall establish the date of the joint public hearing.
2. The city council shall cause notice of the joint public hearing to be provided in the same manner as required by Section 107-520.
3. The planning and zoning commission and the city council shall be convened for the hearing and for any action to be taken on the petition or application.
4. The planning and zoning commission and the city council may take action on the application at the same meeting; however, the city council shall not take action until the report and recommendation of the planning and zoning commission has been received.

(d) Hearing Administration.

The City Administrator or designee shall ensure compliance with all applicable notice requirements.

Sec. 107-52018. ~~Hearing and n~~Notice of Public Hearing.

(a) Zoning changes other than Comprehensive Zoning Changes.

1. Notice of hearing shall be provided as stipulated in this section and in accordance with Texas Local Government Code.

2. **Newspaper and Internet Notice.** Notice of each hearing shall be published in an official newspaper of general circulation and posted as required by law not later than 16 (sixteen) days before the hearing date.

3. **Mailed Notice.** Not less than 20 (Twenty) days before the hearing, or as otherwise required by law, written notice of the time and place of the Commission and City Council hearings shall be sent by mail to the applicant and to owners of real property within 250 feet of the property for which the change is proposed, as their ownership appears on the last approved tax roll. If the application for a change in zoning classification requests a change to a zoning district other than a residential district, the notice must be mailed, not less than 20 (twenty) days prior to the hearing, to all owners of property (as such ownership is shown on the current city tax roll) within the city. The notice may be served by depositing it in the U.S. mail with the proper address and postage.

4. **Electronic Notice.** Not less than 20 (twenty) days before the hearing, or as otherwise required by law, notice may be delivered electronically, by email or text, if the recipient has elected to receive the notice electronically and the City has established an online portal on the City's website through which a recipient may: (1) elect to receive notice electronically and (2) manage recipient preferences for receiving notice electronically. The City shall request that the recipient of notice delivered electronically acknowledges the receipt of the notice and must provide notice as required in Subsection (c) if the recipient does not acknowledge receipt of the notice delivered electronically.

5. **Contents of notice.** All notices shall include the purpose, date, time, and place of the hearing and a general description of the proposed zoning change sufficient to inform the public. The notice shall also describe any variances the applicant has requested and state the location and times at which the zoning change application and supporting documents are available for public inspection. The time and place of the public hearing to be held before the city council shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing before the city council will be available at a later date.

(b) Notice of public hearing for comprehensive zoning changes.

(1) For a proposed comprehensive zoning change, the notice requirements are as follows:

a. Not later than 16 (sixteen) days before the hearing date before the Commission or City Council, notice of the time and place of the hearing must be:

(i) published in an official newspaper or a newspaper of general circulation in the municipality; and

(ii) if the municipality maintains an Internet website, published on the municipality's Internet website.

(2) In addition to the notice required by Subdivision (1), if a proposed comprehensive zoning change would cause a current conforming use of property to become a nonconforming use, the notice described in Subsection (c) must also be provided in the manner and within the time required by that subsection.

(c) Notice of public hearing for Creation of Non-Conforming Use.

This subsection applies to any proposed zoning change, whether a Comprehensive Zoning Change or a Non-Comprehensive Zoning Change, under which a current conforming use of property would become a nonconforming use.

(1) Written notice of each public hearing, before the commission or City Council, regarding any proposed zoning change under which a current conforming use of a property would become a nonconforming use if the regulation or boundary is adopted or changed. The notice must:

(i) be mailed by United States mail or delivered electronically to each owner of real or business personal property where the proposed nonconforming use is located as indicated by the

most recently approved municipal tax roll and each occupant of the property not later than the 10th day before the hearing date;

(ii) contain the time and place of the hearing; and

(iii) include the following text in bold 14-point type or larger:

"THE [MUNICIPALITY NAME] IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."

(d) Notice of public hearing to School District

Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail or by electronic delivery.

(e) Recordkeeping.

The City shall maintain a record of all notices and all affidavits of publication provided under this Article, including the manner and date of notice, which shall be made part of the official zoning file.

~~(a) The commission will hold a public hearing on all proposed changes to zoning regulations and classifications.~~

~~(b) *Notice requirements.*~~

~~(1) Not less than 16 days prior to the city council public hearing, notice of the date, time and location thereof will be published in the official newspaper of the city or in a newspaper of general circulation in the city.~~

~~(2) In the case of a proposed change in zoning classification, written notice of a public hearing will be mailed, not less than 20 days prior to each required public hearing of the planning and zoning commission and city council, to all owners of property (as such ownership is shown on the current city tax roll) lying within 250 feet of the property that is the subject of the proposed zoning classification change. If the application for a change in zoning classification requests a change to a zoning district other than a residential district, the notice must be mailed, not less than 20 days prior to the hearing, to all owners of property (as such ownership is shown on the current city tax roll) within the city. The notice may be served by depositing it in the U.S. mail with the proper address and postage.~~

~~(3) Such notice shall state the purpose, date, time, and place of the hearing, together with a brief description of the proposed development, including its nature, scope, and location. The notice shall also describe any variances the applicant has requested and state the location and times at which the zoning classification change application and supporting documents are available for public inspection. The time and place of the public hearing to be held before the city council shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing before the city council will be available at a later date.~~

~~(c) *Public hearing required.* Whenever a public hearing is required, the city administrator or his/her designee shall establish the date, time and place of the public hearing and shall cause any notice required to be prepared and made accordingly.~~

~~(d) *Joint public hearing.* The city council may, at its discretion at a properly noticed public meeting, determine that a public hearing shall be held before both the planning and zoning commission and the city council. If such a determination is made, the planning and zoning commission and the city council may conduct a joint public hearing and take action on the application in the following manner:~~

~~(1) The city council on its own motion shall establish the date of the joint public hearing.~~

~~(2) The city council shall cause notice of the joint public hearing to be provided as required.~~

~~(3) The planning and zoning commission and the city council shall be convened for the hearing and for any action to be taken on the petition or application.~~

~~(4) The planning and zoning commission and the city council may take action on the application at the same meeting; however, the city council shall not take action until the report and recommendation of the planning and zoning commission has been received.~~

Sec. 107-521~~9~~. Commission recommendation.

(a) After the public hearing, the commission will make its recommendation regarding the proposed zoning change. ~~the change in zoning regulations or boundaries.~~

(b) The recommendation made by the commission will be submitted to the city council, in writing, and the applicant/petitioner will be notified of the action of the commission.

(c) The city will establish and maintain a separate file for each petition/application received, and will record the names and addresses of all persons to whom notices were mailed, including the date of mailing and the persons by whom notices were mailed. All records and files herein provided will be made part of the official files of the city.

Sec. 107-522~~0~~. Procedure before the city council.

(a) After receiving the recommendation of the commission, the city council will, at the earliest practicable time, hold a public hearing on the zoning change ~~application/petition~~, at which parties in interest and citizens will have an opportunity to be heard. Notice of the hearing will be given in the manner required under section 107-52018~~(b)~~.

(b) If the commission recommends approval or disapproval of the zoning change ~~in zoning regulations or boundaries~~ requested in the zoning change ~~application/petition~~, the city council may, except as otherwise provided by this Division, by majority vote, either accept, reject or take other action on the zoning change ~~application/petition.~~

~~(c) If the commission recommends disapproval of the change in zoning regulations or boundaries requested in the application/petition, or if there is filed with the city a written protest against such change, signed by the owners of 20 percent or more, either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extended 200 feet therefrom, such change will not be approved except by the favorable vote of at least four/fifths of the whole number of members of the city council.~~

(c~~d~~) The city council may approve, at such time as a zoning change requested by a property owner (or the property owner's authorized agent) is granted, a development agreement between the city and the applicant containing such assurances as the city council may determine are reasonably necessary regarding the development of the property, including, but not limited to, development of the property substantially in accordance with a preliminary plat plan, in form reasonably satisfactory to the city council (the "development agreement"). The city council may require that the development agreement be recorded in the real property records of the county and constitute covenants running with the land. Thereafter, any requested modifications, amendments or variances to the development agreement must be considered by and receive the prior approval of the city council. All representations, whether written or oral, made by an applicant or his agent in connection with a

zoning change request at any of the public hearings held in connection therewith will be binding upon such applicant and the property which is subject to the zoning classification change. It will be unlawful for the applicant to vary or breach any of such representations without first obtaining the prior written approval of the city council.

(e) Any zoning change ~~in zoning regulations or boundaries~~ must be enacted in the form of an ordinance amending this article.

(f) If a zoning change application filed by or on behalf of a property owner with regard to such property is denied by the city council, then a zoning application for such property requesting a zoning change to the same zoning change ~~classification~~ previously requested may not be filed with the city for a period of six months from the date of the prior denial by city council.

Section 107-523. Protests of non-comprehensive zoning changes.

(a) A protest of a change to a zoning regulation or district boundary that is not a comprehensive zoning change must be written and signed by the owners of:

(1) at least 20 percent of the area of the lots or land covered by the proposed change;

(2) except as provided by Subdivision (3), at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or

(3) at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change has the effect of allowing more residential development than the existing zoning regulation or district boundary and does not have the effect of allowing additional commercial or industrial uses unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development.

(b) In computing the percentage of land area under Subsection (a):

(1) the area of streets and alleys shall be included; and

(2) the land area is not calculated individually for each tract of land subject to a proposed change in a zoning regulation or district boundary but in the aggregate for all tracts of land subject to the change.

(c) If a proposed change to a zoning regulation or district boundary is protested in accordance with Subsection (a), the proposed change must receive, to take effect, the affirmative vote of at least:

(1) three-fourths of all members of the governing body for a protest described by Subsection (a)(1) or (2); or

(2) a majority of all members of the governing body for a protest described by Subsection (a)(3).

Sec. 107-5241~~1~~. Suspending issuance of permits and approval of site plans pending amendments.

No application for site plan approval will be accepted for filing nor processed, and no building, site clearance, or grading permit will be issued for any work, other than in connection with a single-family residential use, for a period of no more than 90 days on land which is being considered for a change in zoning classification or is subject to an amendment to the zoning ordinance being considered by the city council. Such 90-day period will begin on the date the proposed zoning classification change or proposed zoning ordinance amendment is published for public hearing by the commission. Properties with respect to which building permits or final site plans have been approved prior to such date are excepted from this restriction. The time period for such restriction will expire upon the earlier to occur of expiration of such 90-day period or final determination of such zoning change or amendment by the city council. The foregoing notwithstanding, a site plan may be approved by the city council (and a building permit may be issued)

simultaneously with the approval of a zoning change classification or an amendment to the zoning ordinance by the city council.

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 7, 2026

Submitted By:

Staff

Agenda Item:

Discussion and possible action on the proposed ordinance to amend Section 101- 256- Tree Protection Requirements and Chapter 107- Zoning of the Rollingwood Code of Ordinances to adopt non- substantive corrections, add cross-references, and clarify existing references

Description:

At the **March 4, 2026, Planning and Zoning Commission meeting**, a subcommittee was created consisting of Commissioners Jerry Fleming, Genie Nyer, and Dave Bench to review Chapter 107 of the Code of Ordinances and identify any inconsistencies or provisions requiring clarification.

At the **April 1, 2026, Planning and Zoning Commission meeting**, Commissioners discussed the subcommittee's findings. With assistance from Council Member Brown, the subcommittee prepared redlines for Chapter 107. Chair Bench noted that no substantive changes were made, and that all revisions were limited to rephrasing and improved application of existing definitions within the text. These redlines were forwarded to legal counsel for ordinance language preparation.

At the **August 5, 2026, Planning and Zoning Commission meeting**, Commissioners discussed the proposed revisions, reiterating that the amendments were intended as housekeeping changes only and were separate from any future substantive ordinance revisions, including those related to tree regulations. Chair Dave Bench remarked that a change requested by the subcommittee regarding italicizing and bolding definition terms in the definition section would be something that is handled administratively through Municode and is therefore not part of the proposed ordinance.

> **Tony Stein moved to forward the proposed ordinance, as presented, to the City Council, with the recommendation that it be set for public hearing. Jerry Fleming seconded the motion. The motion carried with 5 in favor and 0 against.**

At the **August 19, 2026, City Council meeting,** Councilmembers discussed the scheduling of a joint public hearing with the Planning and Zoning Commission regarding the drafted ordinance

amending Chapters 101-256 (Tree Protection Requirements) and 107- Zoning, to adopt non-substantive corrections, add cross-references, and clarify references.

> **Councilmember Brook Brown moved to approve scheduling a joint public hearing with the Planning and Zoning Commission to address the proposed ordinance to amend the Rollingwood Code of Ordinances Chapters 101-256 (Tree Protection Requirements) and 107 – Zoning, to adopt non-substantive corrections, add cross-references, and clarify references at the first available date that staff can provide. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

Action Requested:

Discussion and make a recommendation to approve or deny a proposed ordinance to amend Section 101- 256- Tree Protection Requirements and Chapter 107- Zoning of the Rollingwood Code of Ordinances to adopt non- substantive corrections, add cross-references, and clarify existing references

Fiscal Impacts:

No fiscal impacts

Attachments:

- Ordinance non-substantive Ch. 101 & Ch. 107
- Exhibit A to Ordinance non-substantive Ch. 101 & Ch. 107

ORDINANCE NO. 2026-XX-XX-XX

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING THE CODE OF ORDINANCES, PART II, CHAPTER 101 AND CHAPTER 107, ZONING, TO AMEND SECTION 101-256 (TREE PROTECTION REQUIREMENTS), SECTION 107-34 (FENCES), SECTION 107-71 (BUILDING HEIGHT), SECTION 107-83 (SPECIAL EXCEPTION), SECTION 107-118 (SPECIAL USES), SECTION 107-370 (APPLICABILITY), SECTION 107-386 (NON-RESIDENTIAL TREE CANOPY MANAGEMENT), AND SECTION 107-422 (NONCONFORMING BUILDINGS, STRUCTURES); CLARIFYING CROSS-REFERENCES GOVERNING THE PROTECTION OF TREES AND CRITICAL ROOT ZONES; CONSOLIDATING SPECIAL EXCEPTION RELIEF FROM BUILDING HEIGHT LIMITATIONS; ELIMINATING REDUNDANT AND OBSOLETE PROVISIONS; CONFORMING THE CODE TO STATE LAW; PROVIDING FINDINGS OF FACT; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR OPEN MEETINGS; AND PROVIDING 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 City Council periodically reviews the City's land development and zoning regulations set forth in the Code of Ordinances to ensure clarity, internal consistency, and conformity with state law; and

WHEREAS, the City Council finds that certain provisions of Chapter 101 and Chapter 107 of the Code of Ordinances should be amended to clarify the cross-references governing the protection of trees and their critical root zones, to consolidate the standards for special exception relief from the building height limitations within the building height regulations, to eliminate redundant and obsolete provisions, and to conform the Code to the limitations imposed by Chapter 3000, Texas Government Code, on the regulation of building materials and products; and

WHEREAS, after notice and public hearing as required by state and local law, and following the recommendation of the Planning and Zoning Commission, the City Council has determined that the amendments set forth herein promote the public health, safety, and general welfare of the City and its residents.

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. The City of Rollingwood Code of Ordinances, Part II, Chapter 101 and Chapter 107, Zoning, are hereby amended as provided for in the attached Exhibit A, with underlines being added to the Code and ~~strikethroughs~~ being deletions from the Code.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. This Ordinance shall be effective upon its adoption by City Council.

PASSED AND APPROVED this _____ day of _____, 2026.

_____
Gavin Massingill, Mayor

ATTEST:

_____
Erin Penney, City Secretary

Sec. 101-256. Tree protection requirements.

(a) Tree root protection shall be installed prior to the start of any site work, including demolition or site preparation, and be maintained continuously throughout the project. Tree protection shall be removed at the end of the project after all construction and final grading is complete, but before final inspection. Any premature removal or failure of tree protection can lead to root damage and require remedial tree care.

(b) Fencing is the primary method of tree protection and is intended to prevent access to the Critical Root Zone (CRZ). Tree fencing shall have a minimum height of five feet. Fencing shall be chain link installed on steel t-posts with a maximum spacing of ten feet between posts. Fencing shall be installed around or beyond the CRZ of all preserved trees or any natural areas designated for preservation. "Critical Root Zone" as used in this section has the same definition as used in section 107-371 for the residential zoning district or Section 107-386 for zoning districts other than the residential district.

(c) Mulch is required for any section of the CRZ that is not protected by fencing or under existing hardscape and has not been approved for impacts (such as building footprint or driveway). Mulch used for tree protection shall be any natural wood type. Rough single grind mulch, which resists compaction better than double grind and is usually less expensive is preferred, but any natural wood type is acceptable. Dyed mulch or mulch made from non-biological material such as rubber or stone shall not be used as tree protection.

(d) Mulch shall be installed to a minimum depth of eight inches and maximum of 12 inches. Mulch shall be replenished as required and shall not be piled against the tree trunk.

Sec. 107-34. Fences.

(a) Except as otherwise provided in this section, no front-yard fence may be erected or maintained.

(b) A front-yard fence complying with the criteria provided in this subsection (b) of this section is allowed on property in a residential zoning district. The following criteria shall apply to such a fence:

(1) The height shall not exceed three feet measured perpendicular from the adjacent finish grade;

(2) Piers or posts may exceed the maximum height and fencing adjacent to the pier or post by four inches;

(3) On sloped lots, to accommodate variations in elevation of the ground beneath a fence segment between two piers or posts, a fence may exceed the maximum height by up to six inches, provided that the average height of such fence segment does not exceed the maximum height;

(4) The fence shall be constructed of such materials or in a manner to allow for an average of 80 percent visibility through the fence;

(5) All fence components shall be a minimum of 15 feet from the curb, or edge of the street pavement where there is no curb;

(6) The fence shall have columns, posts, or supports that are metal, brick, rock, stone, or wood;

(7) If only one side of the fence is stained wood or other finished material, the finished side shall face away from the interior of the property; if support components are provided on only one side of the fence, such support components shall be on the side facing the interior of the property;

(8) If a fence crosses a driveway or means of vehicular access to the property, the fence and any gate shall be located so that entering vehicles will be completely off the street when stopped for the gate to open, and such gate shall open parallel to or away from the street;

(9) No chain link, barbed wire, or electrified fences shall be installed or maintained;

(10) No fence, including decorative or ornamental fence tops, shall be designed to include or be constructed of barbed wire, broken glass or any exposed sharp or pointed materials that may penetrate or impale persons or animals.

(c) On a corner lot, a fence may be erected and maintained in a side yard and rear yard adjacent to a street, but may be located no closer than 15 feet from:

(1) The edge of the street curb closest to the property, if the street has a curb; or

(2) The edge of the street pavement, if there is no curb.

(d) If a fence along the side or rear of a lot or property is erected to the property line, adequate access to utility lines and meters shall be provided.

(e) In no event may a fence be erected or maintained in or upon a city right-of-way or public right-of-way, except when installed by the city or its agents for municipal purposes.

(f) All fences shall be maintained in good condition.

(g) See Section 107-32(d) for additional corner lot requirements and Section 107-81 for additional residential fence requirements.

Sec. 107-35. Swimming pools and sport courts.

(a) A swimming pool or sport court may only be constructed on a lot within the residential or park zoning districts.

(b) No swimming pool or sport court shall be constructed or maintained in the area between the front lot line and the front setback line of a lot.

(c) On a corner lot, no swimming pool or sport court shall be constructed or maintained in the area between the side setback line and the side lot line that borders a street.

(d) No swimming pool or sport court shall be constructed or maintained:

(1) In the area between the side setback line and a side lot line that does not border a street; nor

(2) In the area between the rear setback line and a rear lot line.

(e) A deck or apron designed to serve a swimming pool or sport court shall be located at least five feet from a side lot line and ten feet from a rear lot line.

(f) Overhead lighting in swimming pool or sport court areas is prohibited.

(g) Residential swimming pool equipment shall comply with section 107-84

(hg) Each outdoor swimming pool erected, constructed or substantially altered after March 1, 1988, shall be completely enclosed by a fence in compliance with all applicable regulations then adopted by the city and in effect from time to time. From and after April 20, 2016, all such new or substantially altered fences shall comply with the requirements of appendix G, section AG 105.1 of the 2012 International Residential Code, except that no building material may be used in the construction of a fence except as permitted by this Code.

(ih) Following the issuance of a certificate of occupancy for a swimming pool or other improvements that include a swimming pool, the swimming pool fence required by subsection (g) of this section shall be maintained in reasonably good condition and in the manner and configuration required by the applicable regulations of the building code adopted by the city and in effect at the time of the original installation of such fencing. Such obligation to maintain shall continue at all times that the swimming pool is in usable condition or holds water. On an annual basis or such other frequency reasonably determined by the responsible city official, a designated agent of the city may require a visual inspection of a swimming pool and related fencing for which a certificate of occupancy has been issued. Any such inspection shall be conducted only after reasonable written or verbal advance notice has been provided to the owner or occupant of the affected property. If a swimming pool fence is found not to comply with applicable regulations, the designated official shall provide written notice of noncompliance by certified mail forwarded to the address where the swimming pool is located. The owner shall make all repairs and corrections to make the fencing fully compliant not later than 30 days after the date written notice of noncompliance is forwarded as provided in this subsection (h) of this section. The designated official shall conduct an inspection to verify timely compliance.

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

Sec. 107-71. Building height.

(a) No portion of any building or structure (except a chimney, attic vent, lightning rod, or any equipment required by the city building code) may exceed 35 feet in height. Except as may be required by applicable codes, no chimney, attic vent, lightning rod or required equipment may extend more than three feet above the highest point of the following: the coping of a flat roof, the deck line of a mansard roof, or the gable of a pitched or hipped roof.

(b) No part of a building or structure, exclusive of the exceptions outlined in this chapter may break this plane. The maximum allowable building height is 25 feet at a horizontal distance of ten feet from the property line, as measured from the original native ground surface or finished grade, whichever is lower. For each additional foot of horizontal distance beyond ten feet from the property line, the building height may increase by one foot, up to a maximum of 35 feet. The maximum height of 35 feet is allowed at a horizontal distance of at least 20 feet from the nearest property line.

(c) Should a landowner believe the slope of a lot be so severe that the requirements proposed above have extreme adverse impact on the lot, an owner may seek relief from these requirements by variance granted by the board of adjustment.

(d) Original native ground surface may be adjusted graphically as a straight line across unusual or minor topographic variations, including pools, ponds, existing basements, rock outcroppings, depressions, and natural drainage ways, with the intent to approximate the original grade of the property without penalty for previous construction.

(e) Building height may be increased below the parallel plane by way of excavation, when starting a minimum of 20 feet horizontal from the side or rear property lines, as follows:

(1) As to the portion of the building above the excavated area: Forty feet above finished floor for uppermost surface of eave/parapet;

(2) As to the portion of the building above the excavated area: Forty-five feet above finished floor for ridgeline of sloped roof with a minimum of three over twelve roof pitch.

(3) Any exposed foundation resulting from this increase may not exceed 18 inches.

(f) The parallel plane may not be breached.

(g) Foundation exposure within public view from the right-of-way cannot exceed six feet in height. Foundation exposure within public view from the right-of-way must be screened such that the unscreened portion does not exceed two and a half feet in height.

(h) Should some portion of the buildable area reside on or have a common boundary with a flood plain or drainage easement, and it can be shown that such conditions would have extreme adverse impact on the lot's buildable area, an owner may seek relief from the requirements of section 107-71(b) by special exception granted by the board of adjustment. In such cases, the board may grant a special exception such that the maximum height limits as stated in Section 107-71(b) are increased for up to five additional feet of building height.

Sec 107-83. Reserved

~~Should some portion of the buildable area reside on or have a common boundary with a flood plain or drainage easement, and it can be shown that such conditions would have extreme adverse impact on the lot's buildable area, an owner may seek relief from the requirements of section 107-71(b) by special exception granted by the board of adjustment. In such cases, the board may grant a special exception such that the maximum height limits as stated in section 107-71(b) are increased for up to five additional feet of building height.~~

Sec. 107-118. Special uses.

(a) Subject to approval by the city council, the following special uses may be permitted in the C district:

(1) Facilities for assembling of and testing electronics components;

(2) Child day care facilities, provided this is the only use on the particular lot;

(3) Banks or savings and loan associations, including automated teller machines (ATMs);

(4) Parking garages, provided that the garage is an accessory to the primary use on the same lot or an adjacent commercial lot;

(5) For lots with frontage on Bee Cave Road, a personal wireless telephone service facility;

(6) Research laboratories;

(7) Cafes, cafeterias, or restaurants without outdoor dining;

(8) Cafes, cafeterias, or restaurants with outdoor dining;

(9) Convenience stores;

(10) Grocery or food specialty stores;

(11) Package liquor stores;

(12) Automotive service stations;

~~(13) Parking garages, provided that the garage is an accessory to the primary use on the same lot or an adjacent commercial lot;~~

(1~~4~~3) Clinics without overnight facilities;

(1~~5~~4) Hardware stores; and

(1~~6~~5) Facilities for assembling computer software products.

Sec. 107-370. Applicability.

This subdivision applies to property in the residential zoning district. ~~and to any other property to which section 107-341 of this Code does not apply.~~

Sec. 107-386. Non-residential tree canopy management.

(a) *Definitions.* For purposes of this section,

(1) A "protected tree" means a tree of a "protected species" tree as defined in part II, Land Development Code, chapter 107, division 10, subdivision 3 (sections 107-369 through 107-385) having a trunk with a diameter not less than 12 inches nor more than 24 inches, measured 4½ feet above natural grade, as measured by an arborist.

(2) "Heritage tree" means a tree of a "protected species" as defined in part II, Land Development Code, chapter 107, division 10, subdivision 3 (sections 107-369 through 107-385) having a diameter of 24 inches or more, measured 4½ feet above natural grade, or a tree cluster, as measured by an arborist.

(3) "Diameter at breast height" or (DBH) means the diameter of a tree at a height of 4½ feet above natural grade.

(4) "Critical root zone" means "the area around and under a tree having a radius of one foot per inch of DBH from the trunk of the tree outwards and 24 inches in depth. For example, for a tree having a ten-inch DBH, the critical root zone is ten feet out from the trunk and 24 inches deep.

(5) "Tree cluster" means a cluster of two or more trees of a "protected species" located less than ten feet apart having a combined total diameter of 24 inches or more.

(b) The requirements of Part II, Land Development Code, chapter 107, division 10, subdivision 3 (sections 107-369 through 107-385) addressing protection of protected trees, shall apply to any property within any zoning district other than the residential zoning district. To the extent of any conflict between part II, Land Development Code, chapter 107, division 10, subdivision 3 (sections 107-369 through 107-385) and this section, this section shall control.

(c) In addition to the requirements of subsection (b), the following requirements for the preservation and protection of protected and heritage trees shall apply to any property, including any property within the city's rights-of-way, within any zoning district other than the residential zoning district.

(1) *Permit required.* A grading plan, tree survey, and tree protection plan shall be submitted prior to any tree removal, clearing or grading, filling, or other form of site development. No tree may be removed, nor shall any clearing or grading permit, site development plan, building permit, or tree removal permit be issued until a tree survey is submitted and tree protection plan is submitted and approved.

(2) *Tree survey requirements.* The tree survey shall address all requirements specified in section 107-376, development application requirements, indicate all existing, live, healthy trees with an eight-inch or larger diameter and all protected and heritage trees, and shall indicate the diameter, location, and species of each tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by circles indicating the diameter of the tree. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed, including trees identified to be distressed. Protected trees proposed to be removed to accommodate the development shall be indicated, along with the proposed replacement trees.

(3) *Credit for preservation of existing trees.* Preservation of existing protected species trees and heritage trees that are located outside the required 75-foot greenbelt may be credited toward required plantings (for example, landscape requirements, street trees, trees in parking areas) but not for required mitigation according to the following table:

Type of tree	DBH	Credit factor *
Protected species	4-7.9 inches	1.15:1
Protected species	8-12 inches	1.5:1
Protected species	greater than 12 inches	2.0:1
Tree cluster		1.5:1 for each inch within the cluster

*Credit factor provides tree credits per tree preserved.

Where the application of a credit factor produces a fractional number, rounding up to the next whole number of "credited" trees is permitted.

Example: Preservation of one ten-inch diameter protected species tree produces a credit equal to 1.5 trees of required planting.

(4) *Mitigation.* Any protected or heritage trees that are removed as a result of approval of a tree removal permit must be mitigated by planting of a tree of the same species on the same property in the following ratios:

a. For each protected tree removed, one new tree of a protected species having a similar mature canopy spread as the removed tree, with a DBH of at least four inches and 14 feet in height,

b. For each heritage tree removed, three new trees of a protected species having a similar mature canopy spread as the removed tree, with a DBH of at least four inches and 14 feet in height.

An exception to the mitigation requirements may be granted by the building official, with the approval of the city arborist, if the applicant demonstrates: (1) the existing tree canopy would prohibit the growth of the replacement tree(s); or (2) the required replacement trees to be installed would be planted under the canopy of an existing tree. A permit authorizing the removal of a protected or heritage tree shall require mitigation as specified above.

(5) *Prohibition on removal of heritage trees.* Removal of a heritage tree is prohibited unless a heritage tree removal special exception is granted under subsection (6) or a certified arborist confirms that the heritage tree is either: (i) dead; (ii) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree, in whole or in part; or (iii) is diseased and restoration to sound condition is not practicable or the disease may be transmitted to other trees and endanger their health. The city administrator shall have the authority to determine whether such documentation is in order and may consider specific safety situations in light of potential hazards to life or property. In the case of an imminent hazard to life or property under subsection (ii), documentation may be submitted within 72 hours after the action is taken.

(6) *Heritage tree removal special exception.* Except as provided in subsection (5), removal of a heritage tree is prohibited unless a heritage tree removal special exception is granted by the board of adjustment upon a finding that: (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property.

(7) *Limitation on removal of a protected tree.* A protected tree may be removed upon the determination of the city arborist and approval of the building official if: (i) the tree is damaged by natural causes or is diseased beyond the point of recovery, (ii) the tree is in danger of falling, or (iii) the tree is dead. Any application to remove a protected tree shall be supported by certification by a certified arborist that one or more of these conditions exists and such conditions shall be reviewed by the city arborist. In addition, removal may be approved upon the grant of a special exception by the board of adjustment upon a finding that (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property.

(d) *Pre- and post-construction tree protection plan.* A pre- and post-construction tree protection plan shall be submitted with the tree permit and shall include the following:

(1) Irrigation and fertilization are required for any protected or heritage tree that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be

phosphate-free. The tree protection plan shall describe the plan for irrigation and fertilization during the construction period until final installation of all landscaping.

(2) The tree protection plan shall describe all measures to be taken during construction to protect any protected and heritage trees from damage during construction, including rigid fencing, shielding, and signage, as necessary. Tree protection shall include rigid fencing placed with a radius of at least ten feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of chain link or wood fencing not less than four feet high at the drip line of the tree. Stakes shall be no more than six feet apart and at least 1½ deep into the ground. Rigid fencing shall be at least three feet in height. Tree protection shall remain in place until final landscaping installation is approved by the city administrator or designee.

(3) *Protection of critical root zone.* Construction within or impervious paving over the critical root zone of any protected or heritage tree is prohibited. A minimum of 50 percent of the critical root zone of any protected tree or heritage tree must be preserved at natural grade and with natural ground cover. No cut or fill nor any deposit or stockpiling of earthen materials in their natural state greater than four inches will be located closer to the tree trunk than one-half the CRZ radial distance. No grade changes, excavation or trenching shall be permitted within the limits of the critical root zone unless adequate construction methods are approved by the city arborist.

(4) Parking or storing of vehicles, equipment or materials allowed within the critical root zone or any protected or heritage tree is prohibited. The plan shall designate where all construction equipment and materials will be stored outside the critical root zone.

(5) Activities requiring approval of the city arborist shall be identified in the tree protection plan and shall be submitted for review and comment to the city arborist, along with such fees as are required by the city to cover all costs of the review process.

(e) *Violations/penalties.*

(1) It shall be an offense for a person:

a. To fail to perform an act required by the provisions of this section;

b. To fail to timely comply with any term of a permit issued pursuant to this section, including terms regarding the preservation of heritage trees and the planting and maintenance of required replacement trees;

c. To hire, engage, or permit any person engaged in the business of tree planting, maintenance, or removal to perform such services on property in the city without a permit issued by the city pursuant to this Code;

d. Except as expressly allowed pursuant to this subdivision, to remove or to cause the removal of a heritage or protected tree without first obtaining a permit therefor;

e. To transfer property subject to obligations arising from a permit issued pursuant to this section if all obligations with respect to such permit are not then fulfilled unless the transferee of the property agrees in writing submitted to the city secretary to assume such permit and all obligations with respect to the protection of heritage trees and the planting and maintenance of required replacement trees; or

f. To fail to submit an application for a permit as required by this section.

(2) An offense shall constitute a Class C misdemeanor punishable by a fine not to exceed $1,000.00. An offense committed intentionally, knowingly, recklessly, or with criminal negligence shall be punishable by a fine not to exceed $2000.00 per offense. Each tree damaged or removed in violation of this division shall constitute a separate offense. A failure to plant and maintain a required replacement tree shall constitute a separate offense. Each day a violation continues shall constitute a separate offense. The owner or tenant of any building, structure, or premises and any designer, builder, contractor,

agent or other person who knowingly commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and subject to the penalties as provided herein.

(3) The city arborist, city council, or other duly authorized city official may issue a stop work order in connection with site clearing, site preparation, any permitted development of the property from which a heritage tree is removed without authorization or upon the occurrence of any other violation of this subdivision or of any term of a permit issued pursuant to this subdivision. Any person, including a workman on the site, who fails to comply with a stop work order shall be guilty of a misdemeanor punishable as provided for in the penalty section hereof. It shall be unlawful for any person to do any work on the site covered by the stop work order unless and until a new permit, application, or site plan has been filed and processed in accordance with the provisions of this chapter and the city council has granted approval to a new permit, application, or site plan which corrects the violations covered in the stop work order and all fees and fines have been paid.

(4) No certificate of occupancy shall be issued for a building or other structure that is not then in compliance with any permit issued pursuant to this subdivision. No certificate of occupancy shall be issued for a building or other structure that is not then in compliance with any permit issued pursuant to this subdivision for removal of a protected tree.

(5) Any temporary occupancy permit issued pending any completion of any required planting due to seasonal suitability of planting shall state the day by which planting shall be completed or an extension requested, and shall be revoked if the required planting is not completed or an extension granted by the stated date.

(6) *Injunction and other remedies.* Any tree removal or other work done contrary to any of the provisions of this section or to any of the details contained in any final site plan approved by the city or to any of the conditions imposed in connection with the granting of any application required by this section is hereby declared to be unlawful and shall constitute a violation of this section. The city council may direct the city attorney to initiate injunction, mandamus, abatement, or any other action available in law or equity to prevent, enjoin, abate, or correct unlawful tree removal or other work.

(f) *To the extent of conflict with another section of the Code, this section controls.*

Sec. 107-422. Nonconforming buildings, structures.

Any nonconforming building or structure may, so long as it remains otherwise lawful, be continued subject to the following requirements and limitations:

(1) Except as otherwise required by ordinance or law, a nonconforming building or structure may not be altered in a manner that increases the extent of its nonconformity.

(2) Except as otherwise required by ordinance or law, a nonconforming building or structure must be brought into conformity if:

a. Fifty percent of the square footage of the building or structure is demolished, excluding a permit for interior construction or remodeling only; or

b. If the nonconforming building or structure is moved, it shall conform to the regulations for the district within or into which it is moved.

(3) The provisions of subsection (2)a of this section do not apply to the demolition of the roof of a building or structure.

(4) If the nonconforming building or structure, other than a dwelling, is damaged or destroyed by fire or other accident or natural means, the building official shall, upon application by the owner thereof, issue a permit for repair or reconstruction of the building or structure, provided that the repair or reconstruction conforms with ~~the construction materials standards set forth in section 107-107,~~ the compatibility standards set forth in section 107-116, and will not increase the extent of the nonconformity of the building or structure.

(5) If the nonconforming building or structure that is a dwelling is damaged or destroyed by fire or other accidental or natural means, the building official shall, upon application by the owner thereof, issue a permit for repair or reconstruction of the building or structure if the repair or reconstruction will not increase the extent of the nonconformity of the building or structure.

(6) Nothing in this article shall be deemed to:

a. Prevent ordinary repairs to nonconforming buildings or structures;

b. Prevent alterations of or extensions to nonconforming building or structures as required by law or ordinance; or

c. Prevent the restoration to a safe condition of any nonconforming building or structure, or portion thereof, declared to be unsafe by the building official or other duly authorized official.

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 7, 2026

Submitted By:

Staff

Agenda Item:

Discussion and possible action on the Planning and Zoning Commission's recommendation regarding proposed ordinance to amend Section 101-256 - Tree Protection Requirements and Chapter 107 - Zoning of the Rollingwood Code of Ordinances regarding tree protection standards and requirements during construction activities

Description:

In **April of 2026, the Planning and Zoning Commission** identified the need for stronger tree protection guidelines during construction activities. Although the current code includes some restrictions, compliance has been inconsistent, prompting the Commission to explore ways to strengthen and better enforce existing standards.

To address this, the Commission formed a subcommittee to review the relevant code provisions governing tree protection during construction. While Chapter 101 of the Rollingwood Code of Ordinances addresses tree protection during construction and falls outside the Commission's direct scope, its close relationship with Chapter 107, which addresses Tree Canopy Management provisions, led the Commission to include it in its review. The subcommittee prepared the suggested edits to both chapters for consideration.

At the **August 5, 2026 Planning and Zoning Commission meeting,** redlined edits compiled by the subcommittee were presented and were approved **with 3 in favor (Nyer, Van Bavel & Fleming) and 2 against (Bench & Stein).**

The following revisions were made to the attached proposed ordinance and exhibit for your review: Section 107-376(a)(1): Change the proposed threshold from "8 inches DBH" to "12 inches DBH", and revise Section 107-375(j) to read: "A heritage tree permitted to be removed within the buildable area of a residential property or a heritage tree within the City's right-of-way property..." by inserting "heritage tree" immediately before "within the City's right-of-way property."

At the **September 2, 2026 Planning and Zoning Commission meeting**, Commissioners reviewed the amendments in redlined, ordinance form and made some additional language amendments. **The Commission reports to the City Council the proposed redlined ordinance amending Chapter 101 and Chapter 107 of the Rollingwood Code of Ordinances regarding tree protection standards and requirements during construction activities, as amended at this meeting, with the recommendation that it be set for public hearing. Approved with 5 in favor and 0 against.**

Action Requested:

Make a recommendation to approve or deny the proposed ordinance to amend Section 101-256 - Tree Protection Requirements and Chapter 107 - Zoning of the Rollingwood Code of Ordinances regarding tree protection standards and requirements during construction activities

Fiscal Impacts:

No fiscal impacts

Attachments:

- Ordinance Sec 101 Tree Protection
- Exhibit A Sec 101 Tree Protection
- Ordinance Sec 107 Tree Protection
- Exhibit A Sec 107 Tree Protection

ORDINANCE NO. 2026-XX-XX

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING CHAPTER 101 ARTICLE I and ARTICLE VI; PROVIDING ENABLING AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 City Council acts under the City's police powers and authority to regulate land development and protect public resources for the benefit of the community; and

WHEREAS, the City Council finds that the updated regulations protect neighborhood character by preserving significant trees, guide compatible development, and safeguard public and private infrastructure from damage attributable to altered grades, soil compaction, and other construction-related impacts within critical root zones; and

WHEREAS, the City Council further finds that clarifying and strengthening tree protection standards benefits residents, property owners, and builders by providing clear, objective requirements for compliance during development and construction activities; and

WHEREAS, the City Council finds that construction-related activities can significantly and permanently damage tree health and stability and therefore must be managed through enforceable standards for protection of the critical root zone, fencing, mulching, watering, and pruning; and

WHEREAS, the City Council determines that the amendments adopted by this ordinance are reasonable, necessary, and intended to promote the public health, safety, and welfare, to prevent and abate nuisances, to reduce wildfire and storm-related risks, and to safeguard public infrastructure and utility services; and

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. The City of Rollingwood Code of Ordinances, Part II, Chapter 101 Article I Section 101-1 definitions and Article VI section 101-256 Tree Protection Requirements- are hereby amended as provided for in the attached Exhibit A with <u>underlines</u> being added to the code and ~~strikethroughs~~ being deletions from the Code.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. This Ordinance shall be effective upon its adoption by City Council.

PASSED AND APPROVED this _____ day of _____, 2026.

_____
Gavin Massingill, Mayor

ATTEST:

_____
Erin Penney, City Secretary

EXHIBIT A TO ORDINANCE # 2026-XX-XX-XX

Sec. 101-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board of appeals means the board of adjustment of the city.

Critical root zone (CRZ) means the area around and under a tree having a radius of one foot per inch of DBH from the trunk of the tree outwards and 24 inches in depth. For example, the CRZ of a tree having twelve-inch DBH extends twelve feet out from the trunk and 24 inches deep.

1/2 CRZ means the area around and under a tree having a radius of 1/2 foot per inch of DBH from trunk outwards and 24 inches in depth. For a tree having a twelve-inch DBH, the 1/2 critical root zone (1/2 CRZ) extends six feet out from the trunk outwards and 24 inches depth

1/4 CRZ means the area around and under a tree having a radius of 1/4 foot per inch of DBH from trunk outwards and 24 inches depth. For a tree having a twelve-inch DBH, the 1/4 CRZ extends three feet out from the trunk and 24 inches depth.

"Diameter at breast height" or (DBH) means the diameter of a tree measured in inches at a height of 4-1/2 feet above natural grade.

Sec. 101-256. Tree protection requirements.

(a) Tree ~~root~~ protection shall be installed for all trees shown on tree protection plans to be preserved, prior to the start of any site work, including demolition or site preparation, and be maintained continuously throughout the project. Tree protection shall be removed at the end of the project after all construction and final grading is complete, but before final inspection. For a construction project involving only demolition or stopping after demolition or site preparation, the tree protection may be removed if the construction fencing is also removed but shall be reinstalled before any further construction activity resumes. Any premature removal or failure of tree protection can lead to root damage and require remedial tree care. Construction impacts, including but not limited to, digging, trenching, or excavating; soil compaction; grade changes; and chemical exposure and spills, are not allowed in the 1/4 CRZ. No litter, material, tool storage nor any cut or fill greater than 4 inches is allowed within the 1/2 CRZ. At least 50% of the full CRZ shall be preserved at natural grade, with natural grade cover and without any construction impact. For definitions of CRZ, 1/2 CRZ, and 1/4 CRZ refer to Sec 101-1.

(b) Fencing is the primary method of tree protection and is intended to prevent access to the Critical Root Zone (CRZ). Tree fencing shall have a minimum height of five feet. Fencing shall be chain link installed on steel t-posts with a maximum spacing of ten feet between posts. Fencing shall be installed around or beyond the 1/2 CRZ of all preserved trees or any natural areas designated for preservation.

(c) Mulch is required for any section of the CRZ that is not protected by fencing or under existing hardscape and has not been approved for impacts (such as building footprint or driveway). Mulch used for tree protection shall be any natural wood type. Rough single grind mulch, which resists compaction better than double grind and is usually less expensive is preferred, but any natural wood type is acceptable. Dyed mulch or mulch made from non-biological material such as rubber or stone shall not be used as tree protection.

(d) Whenever protected fencing is located closer than five feet to trunk or when fencing cannot be placed around a tree, tree wrapping shall be installed to protect the first 8 ft of tree height. Material for wrapping shall be dimensional lumber, such as 2x4's, which shall be oriented parallel to and continuously around trunk and secured in place by tightening wires run around the outside of the lumber. Wrapping shall never be secured directly to the tree by screws or other means. Wrapping shall be loosened and retightened every six

months to prevent tree from damage as it grows. Branch wrapping may be required whenever a major limb is over an access route or close to proposed structure.

(e) Mulch- outside fencing shall be installed to a minimum depth of eight inches and maximum of 12 inches. Mulch inside fencing shall be installed to a depth of four inches. Mulch shall be replenished as required and shall not be piled against the tree trunk.

(g) Landscaping installation within the 1/4 CRZ of preserved trees, including trenching for irrigation, soil and planting shall be prohibited.

(h) Any pruning of trees shall be in compliance with ANSI A300 Standard for tree care. Not more than twenty-five percent of the foliage shall be removed within an annual growing season.

(i) Protected trees experiencing construction impacts shall receive supplemental watering as reasonably necessary to maintain tree health as determined by the city arborist based upon weather, soil conditions, and species.

(j) If the building official or the police department determines that there is a violation of this section, such building official or police officer may issue a ticket, citation or stop work order.

(k) Additionally, the building official in collaboration with city arborist consultant shall determine the proper tree remedial action. The building official may waive imposing daily fines for proper plant health care treatments including planting replacement trees.

(l) A violation of this section shall constitute a class C misdemeanor that, upon conviction, may result in a fine not exceeding $2,000.00 per violation. Each day that such violation continues shall constitute a separate offense. Failure to install tree protection fencing before site work commences shall be a $2,000 fine.

ORDINANCE NO. 2026-XX-XX

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING CHAPTER 107-ZONING; PROVIDING ENABLING AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 City Council acts under the City's police powers and authority to regulate land development and protect public resources for the benefit of the community; and

WHEREAS, the City Council finds that the updated regulations protect neighborhood character by preserving significant trees, guide compatible development, and safeguard public and private infrastructure from damage attributable to altered grades, soil compaction, and other construction-related impacts within critical root zones; and

WHEREAS, the City Council further finds that clarifying and strengthening tree protection standards benefits residents, property owners, and builders by providing clear, objective requirements for compliance during development and construction activities; and

WHEREAS, the City Council finds that construction-related activities can significantly and permanently damage tree health and stability and therefore must be managed through enforceable standards for protection of the critical root zone, fencing, mulching, watering, and pruning; and

WHEREAS, the City Council determines that the amendments adopted by this ordinance are reasonable, necessary, and intended to promote the public health, safety, and welfare, to prevent and abate nuisances, to reduce wildfire and storm-related risks, and to safeguard public infrastructure and utility services; and

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. The City of Rollingwood Code of Ordinances, Part II, Chapter 107 -Zoning, is hereby amended as provided for in the attached Exhibit A with underlines being added to the code and ~~strikethroughs~~ being deletions from the Code.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. This Ordinance shall be effective upon its adoption by City Council.

PASSED AND APPROVED this _____ day of _____, 2026.

_____
Gavin Massingill, Mayor

ATTEST:

_____
Erin Penney, City Secretary

EXHIBIT A TO ORDINANCE # 2026-XX-XX-XX

Sec. 107-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or structure means a building or structure which does not share a common roof or common wall, including, but not limited to, a toolhouse, home workshop, greenhouse, garage, carport, children's playhouse, or swimming pool house, which:

(1) Is located on the same lot as a dwelling;

(2) Is subordinate in area to the dwelling and is used for a purpose customarily incidental to the dwelling;

(3) Is detached from the dwelling except that a connected foundation or walkway may exist with the dwelling;

(4) Does not provide complete independent living facilities for one or more persons which include permanent provisions for living, sleeping, and sanitation facilities; and

(5) Is not used for lease or rental, or for a commercial purpose other than a home occupation by a resident of the main dwelling.

Addition means a construction project that causes an existing structure to increase in total square footage.

Alley means a minor public or private right-of-way which:

(1) Is used primarily for vehicular traffic to the rear or side of properties which abut a public street; and

(2) Affords secondary means of access to abutting property.

Amenity means an indoor area or an outdoor area located anywhere on a lot, or the roof of a structure, or any other building including, but not limited to, pools, sport courts, patio areas, outdoor kitchens, grills, landscaped areas, and areas of decking, decorative paving or other similar surface, used for recreational purposes.

Block means a parcel or tract of land entirely surrounded by streets, and occupied by or intended for occupancy by buildings or structures.

Board means the board of adjustment of the city.

Building means any structure which is:

(1) Permanently affixed to the land;

(2) Has a roof supported by columns or walls; and

(3) Is built for the enclosure, shelter or protection of persons, animals or property of any kind.

Building footprint means the horizontal surface area measured by taking the aggregate outside horizontal dimensions of the building and covered structures, including garages, carports, and covered porches and/or decks. Uncovered decks are not included in the measurement.

Building height, as used in chapter 107, division 2, Residential (R) Zoning District, means the vertical distance from the Original Native Ground Surface or finished grade, whichever is lower, to the highest point directly above.

Building height, nonresidential, means the vertical distance from the lowest finished floor elevation (including a garage floor) to the highest part of the following: the coping of a flat roof; the deck line of a mansard roof; or the gable of a pitched or hipped roof, where, due to topographical or other conditions, the lowest finished floor elevation of a building differs from one part to another, the maximum permissible height shall be computed separately for each portion of such building containing a differing lowest finished floor elevation. If the lowest finished floor elevation is more than four feet directly above the point where the foundation intersects the natural

grade, then the vertical distance must be measured from a point that is four feet directly above the point where the foundation intersects the natural grade to the highest point described above.

Certificate of occupancy means a document issued by the building official which:

(1) Certifies that the construction of a building or structure or use of premises complies with the requirements of this article and other applicable city ordinances; and

(2) Authorizes the occupancy or use of the premises for which the certificate is issued.

City arborist means an ISA certified arborist as designated by the city.

Commercial district means the commercial district (C).

Commission means the planning and zoning commission of the city.

Critical root zone (CRZ) means the area around and under a tree having a radius of one foot per inch of DBH from the trunk of the tree outwards and 24 inches in depth. For example, the CRZ of a tree having twelve-inch DBH extends twelve feet out from the trunk and 24 inches deep.

1/2 CRZ means the area around and under a tree having a radius of 1/2 foot per inch of DBH from trunk outwards and 24 inches in depth. For a tree having a twelve-inch DBH, the 1/2 critical root zone (1/2 CRZ) extends six feet out from the trunk outwards and 24 inches depth

1/4 CRZ means the area around and under a tree having a radius of 1/4 foot per inch of DBH from trunk outwards and 24 inches depth. For a tree having a twelve-inch DBH, 1/4 CRZ extends three feet out from the trunk and 24 inches depth.

Demolition means the taking down of a building while carefully preserving valuable elements for reuse. The term "demolition" may also include the total and complete deconstruction and removal of a building and its foundation to make room for the construction of a new building.

Diameter at breast height (DBH) means the diameter of a tree measured in inches at a height of 4-1/2 feet above natural grade.

District means a zoned section of the city for which regulations governing the area, height or use of buildings and premises are uniform for each type and class of structure.

Dwelling.

(1) The term "dwelling" means a building which:

a. Is designed and constructed for occupancy as a residence;

b. Includes bathroom facilities;

c. Includes facilities for food preparation and sleeping; and

d. Is not attached to any other building by any means.

(2) A dwelling's extent consists of all aspects of the structure that share:

a. A common framed, decked, and sheathed roof; and

b. A common concrete slab-on-grade or wood framed and decked floor.

Easement means a privilege, or right of use or enjoyment, granted on, above, under or across a particular tract of land by one party to another.

Fence means a fixed-in-place physical barrier, including a wall, that wholly or partially encloses, screens, separates, or establishes a border for a portion of real property (e.g., yard or field) and is commonly used to control access, to confine, or to mark a boundary. Unless otherwise specifically provided, the term "fence" does not include temporary barriers, including, but not limited to, silt fencing or other erosion controls, or temporary construction barriers.

Front-yard fence means that portion of a fence that extends beyond the front foundation line of the primary residential structure located on the property toward the front building setback line (or for unplatted property, toward the street from which the front building setback line would be measured). In the case of undeveloped property, a front-yard fence is:

(1) The portion of a fence located closer to a street fronting the property than the front setback line of a platted lot; or

(2) For an unplatted property, the portion of a fence located closer to a street than the front setback line that would be required by this Code if the property were being platted pursuant to the regulations of this Code at the time of installation of such fence.

Garage, detached means an accessory building, separated and independent of the main building on a lot, designed to shelter motor vehicles.

Gate means a movable door or obstruction that closes an opening in a wall, fence, or other barrier.

Grade means the elevation of the original or finished surface of the ground, paving or sidewalk within the area between setback lines of the lot.

Greenbelt means an open area not occupied by any structures or impervious surfaces which:

(1) Is left undisturbed in its natural state; or

(2) Is landscaped as required under the city's landscaping regulations; provided that the width of all greenbelts shall be maintained as required under this article, notwithstanding the provisions of the city's landscape ordinance.

Ground floor area means the floor area of a building or structure measured by taking the aggregate outside horizontal dimensions of the building or structure, at foundation level, excluding the floor area of garages, basements, or open or screened porches.

Heritage tree means a protected tree and has a DBH of 24 inches or more. To determine the DBH of a multi-trunk tree, measure all the trunks; add the total DBH of the largest trunk to ½ the DBH of each additional trunk. A multi-trunk tree having a total DBH of 24 inches or more is a heritage tree.

Home occupation means an activity or occupation, including, but not limited to, an accountant, engineer, architect, music teacher, tailor, artist, or activity associated with management of property or assets, which is performed in a dwelling for gain, whether or not paid or provided by a third party, and which:

(1) Is conducted by a members of the family residing in the dwelling;

(2) Is conducted as a use that is clearly incidental and secondary to the use of the dwelling for ordinary residential purposes;

(3) Does not require structural alterations in the dwelling or the installation of machinery or equipment other than that customary to ordinary household activities;

(4) Does not involve the display of a sign to advertise the occupation;

(5) Is not detrimental or injurious to adjoining property by reason of the creation of noise or other obnoxious conditions, such as the emission of odor or generation of light, smoke or other objectionable conditions;

(6) Does not generate a substantial increase in motor vehicle traffic; and

(7) Is conducted in the single-family residence where the operator of the home occupation resides.

Impervious cover means any area where the natural absorption of runoff water by the land is prevented by site development.

Job trailer means an enclosed building or structure, including a mobile or relocatable office unit, the use of which is incidental to construction work being done under a valid building permit on the premises, which:

(1) Is erected on a temporary foundation, such as skids or plywood;

(2) Is located on the same lot as an existing main building or a main building under construction;

(3) Does not contain plumbing or sanitation facilities;

(4) Is not connected to any city water, wastewater or gas utility service; and

(5) Is removed upon completion or cessation of the activity for which the structure was erected.

Lot means a portion of a subdivision or other parcel of land designated as a unit for transfer of ownership or for development.

Lot, area of, means the total area encompassed within the lines of a lot, excluding any street or alley rights-of-way.

Lot, corner, means a lot located at the angle of two intersecting streets.

Lot line means the boundary of a lot.

Lot line, front, means the front line of a lot, which is also the right-of-way line of the street abutting such lot.

Lot line, rear, means the lot line most nearly opposite and most distant from the front lot line.

Lot line, side, means any lot line other than a front or rear lot line.

Main building means a building (not including an accessory building) within which is conducted the principal use of the site upon which the building is located. In a residential district, all dwellings are deemed to be main buildings.

Masonry means clay brick, concrete, hollow clay tile, natural stone, stucco, marble, or any combination of these materials, on the exterior surface of a building.

Mayor means the mayor of the city.

Mechanical equipment means heating and air conditioning units, pool equipment, and household generators.

Mirrored glass means glass with a reflectivity factor of 20 percent or greater.

Motor vehicle means a vehicle, motor home, trailer, boat, mobile home, camper, travel trailer, bus, tractor, commercial vehicle, truck, recreational vehicle or other vehicle that either has its own motive power, including a sailboat, or is mounted on or towed by another vehicle.

New construction means a construction project that begins on a vacant lot or on a lot in which the walls and foundation of a preexisting building and any related structures have been demolished completely and removed from the lot.

Nonconforming building or structure means a building or structure, the size, dimensions or location of which were lawful prior to the date of adoption of the ordinance from which this article is derived or amendments thereto, but which fails by reason of such adoption or amendments to conform to the regulations of the district in which they are located.

Nonconforming lot means a lot, the area, dimensions or location of which were lawful prior to the date of adoption of the ordinance from which this article is derived or amendments thereto, but which fails by reason of such adoption or amendments to conform to the regulations of the district in which it is located.

Nonconforming use means a use or activity which was lawful prior to the date of adoption of the ordinance from which this article is derived or amendments thereto, but which fails by reason of such adoption or amendments to conform to the regulations of the district in which it is located.

Original native ground surface, as used in chapter 107, division 2, Residential (R) Zoning District, means the existing grade on a lot prior to development of the new residential building, as may be shown on a certified topographic survey of the property.

Parallel plane, as used in chapter 107, division 2, Residential (R) Zoning District, is an imaginary plane that is 35 feet above and parallel to the original native ground surface.

Parking space means a paved area of at least 180 square feet (measuring not less than nine feet wide and not less than 18 feet in length), enclosed or unenclosed, having a paved driveway which connects the parking space with a street or alley and which permits ingress or egress of motor vehicles. The term "parking space" does not include a driveway, aisle or any area on a public street.

Personal wireless telephone service facility means a tower and related fixtures and equipment for the provision of wireless cellular telephone signals by one or more commercial operators of wireless telephone services.

Planned unit development means a tract of land developed as a single entity, pursuant to a unified site design which makes provisions for common open spaces and variegated building types and land uses, and which provides for the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

Premises means land, together with any buildings or structures occupying it.

Protected tree means a tree of a "protected species" as defined in Section 107-371 and has a DBH of 12 inches or more.

Public view means the view as seen from any private property in a residential district or public street within the city.

Reconstruction means a construction project that constitutes the rebuilding, using the original building footprint, of a building, or structure, whether a dwelling or other that is damaged or destroyed by fire or other accidental or natural means.

Remodel means any addition or alteration to an existing building or its foundation or any component thereof, including, but not limited to, the addition or alteration of any porch, deck, or garage.

Residence, resident or *reside* means to have residence in, to be a resident of, or to reside in a dwelling, the dwelling must be the place where the person primarily lives, sleeps, bathes, and maintains personal possessions such as clothing.

Residential plot plan or *residential site plan* means a site plan drawn to a scale of one inch to 50 feet depicting existing and proposed contours in two-foot elevations on the property, the existing and proposed drainage patterns and the 50- and 100-year floodplains if they exist on the property.

Resubdivision means the division of an existing subdivision, together with any change of lot sizes therein, or with the relocation of any street lines.

Retaining wall means any fence or wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the soil or other materials being retained.

Setback means the minimum horizontal distance between a lot line and the closest wall or face of a building or foundation or projection thereof, excluding uncovered steps or unenclosed balconies or porches, or cantilevered roof cornices, eaves, or facias, located on the lot.

Setback line means a line within a lot, which is parallel to and is measured from a corresponding lot line, which governs the placement of structures and uses on the lot.

Special exception means a use that is not permitted in a particular district under this article, but which is permitted in such district following approval by the board of adjustment, upon a showing that the use will comply with all of the conditions prescribed by the board for such use.

Special use means a use that may be authorized by the city council in the district in which it is allowed.

Sport court means an installed hardscape surface or other compacted ground material utilized in connection with a flat game court structure for play. This definition is to specifically include, but not be limited to basketball courts, tennis courts, hockey rinks, batting cages, racquetball/handball/pickleball courts, and other similar

facilities. These game court areas may or may not include a combination of fencing, netting, or boards for the purposes of their use.

Square feet of floor space means the square footage of a building computed from the exterior perimeter footprint of each story of such building, or portion thereof. Provided, that when the term "square feet of floor" is used with reference to a dwelling, the computation of square footage shall not include attached garages, attics, basements or porches. Provided further, that when the term "square feet of floor" is used with reference to a building that is not a dwelling, the computation shall include, but not be limited to, atriums, vents, elevator shafts, exterior balconies and porches, mechanical and storage rooms, elevator lobbies, halls and corridors, but shall exclude courtyards.

Story means that portion of a building, other than a basement, open or screened porch, attached garage or attic, which is included between the surface of one floor and the surface of the floor next above it, or, if there is only one floor, the term "story" means the space between such floor and the ceiling above it.

Street means a public thoroughfare, other than an alley, which has been improved and dedicated for use as a roadway and provides principal vehicular and pedestrian access to adjacent properties.

Structure means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including, but not limited to, signs, and excepting utility poles, berms, fences, mailboxes and retaining walls.

Subdivision means a division of any tract of land situated within the city limits, or within one-half mile of such limits, in two or more parts for the purpose of laying out any subdivision of any tract of land, or for laying out suburban lots or building lots, or any lots, streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. The term "subdivision" includes resubdivision. The term "subdivision" includes those parcels being platted in accordance with section 105-23(b).

Subdivision sales office means a temporary building or structure, including a mobile or relocatable office unit, used as an office to sell property in a new or developing subdivision tract.

Temporary building means an enclosed building or structure which is erected on a temporary foundation, such as skids; is located on the same lot as an existing main building or a main building under construction; does not contain plumbing or sanitation facilities; and is not connected to any electrical, water, wastewater or gas utility service.

Use of property means the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, principal, means the main use of land or buildings as distinguished from the subordinate or accessory use of such land or buildings.

Variance means an authorization by the board of adjustment granting specific relief from the literal enforcement of the provisions of this chapter.

Veterinary services means an establishment which provides care for small domestic animals for treatment; but excluding overnight convalescence boarding, pet grooming facilities, animal training centers and clubs, and facilities where animals are boarded during the day or overnight.

Wall means a masonry structure enclosing real property (e.g., a yard or field).

Yard means an unoccupied space on a lot which:

(1) Is open and unobstructed from the ground upward to the sky except for fencing, walls, and those encroachments expressly allowed by this chapter;

(2) Extends between a main building and the lines of the lot upon which the main building is located; and

(3) Has a depth between the front, side or rear lot lines and the main buildings as required for the district in which the lot is located.

Yard, front, means a yard which abuts the addressed street of the lot, is located between the main building on a lot and the street easement or front line of the lot, and extends across the front of a lot between the side lot lines.

Yard, rear, means a yard which is located between the main building on a lot and the rear line of the lot, and extends across the rear of the lot between the side lot lines.

Yard, side, means a yard which is located between the main building on a lot and the side lines of the lot, and extends across the side of a lot between the front yard and the rear yard.

Sec. 107-370. Applicability.

This subdivision applies to property in the residential zoning district. ~~and to any other property to which section 107-341 of this Code does not apply.~~

Sec. 107-371. Definitions.

In this subdivision:

(a) *Protected species* means:

(1) Ash, Texas

(2) Cypress, Bald

(3) Elm, American

(4) Elm, Cedar

(5) Madrone, Texas

(6) Maple, Bigtooth

(7) All Oaks

(8) Pecan

(9) Walnut, Arizona

(10) Walnut, Eastern Black

(b) *Protected tree* Refer to Sec. 107- 3. Definitions ~~means a tree that has a trunk with a diameter of 12 inches or more, measured four and one-half feet above ground, and is one of the protected species;~~

(c) *Replacement species* means:

(1) For trees planted within 20 feet of an above-ground power, cable, or telephone line:

a. Anacacho Orchid Tree

b. Common Tree Senna

c. Crape Myrtle (dwarf)

d. Desert Willow

e. Evergreen Sumac

f. Eve's Necklace

g. Flameleaf Sumac

h. Goldenball Leadtree

i. Mexican Buckeye

j. Mexican Plum

k. Possumhaw Holly

l. Rough Leaf Dogwood

m. Texas Mountain Laurel

n. Texas Persimmon

o. Texas Pistache

p. Texas Redbud

q. Wax Myrtle

r. Yaupon Holly

s. Cherry Laurel

(2) For all other trees planted within a property, a protected species.

(d) *Replacement tree* means:

(1) For the replacement species listed in subsection (c)(l), a tree at least eight feet high when planted, which shall be maintained in a healthy condition after planting;

(2) For the replacement species listed in subsection (c)(2), a tree with a DBH ~~diameter~~ equal to not less than one-fourth the diameter of the protected tree it replaces up to a maximum DBH~~diameter~~ of five inches, which shall be maintained in a healthy condition after planting. The diameter of protected and replacement trees shall be measured four and one-half feet above the ground when planted.

(e) *Heritage tree* Refer to Sec. 107- 3. Definitions ~~means a protected tree of a protected species, having a diameter of 24 inches or more, measured 4½ feet above natural grade. To determine the diameter of a multi-trunk tree, measure all the trunks; add the total diameter of the largest trunk to ½ the diameter of each additional trunk. A multi-trunk tree having a total diameter of 24 inches is a heritage tree.~~

(f) *Critical root zone* ("CRZ") Refer to Sec. 107- 3. Definitions ~~means the area around and under a tree having a radius of one foot per inch of diameter from the trunk of the tree outwards and 24 inches in depth. For example, for a tree having a ten-inch diameter, the critical root zone is ten feet out from the trunk and 24 inches deep.~~

(g) *Removal* means an intentional act that causes or may be reasonably expected to cause a tree to die, including:

(1) Uprooting;

(2) Severing the main trunk;

(3) Damaging the root system, including, but not limited to:

a. Adjusting the grading of a lot to cover or uncover a tree trunk or root system to the extent that the adjusted grading causes or may be reasonably expected to cause the tree to die; or

b. Placing fixtures over the root system to the extent that the placement of the fixtures causes or may be reasonable expected to cause the tree to die.

(4) Construction ~~or disturbance that occurs within an area that constitutes more than 50 percent of the total *Critical root zone* ("CRZ") and ½ the radial distance of the CRZ for each tree being preserved, including protected trees and heritage trees.~~ impacts in violation of Section 101-256 which will require mitigation in accordance

with the terms of this subdivision. However, flatwork, decking, or similar construction above ground and not disturbing roots is permitted within the CRZ, and such work shall be approved and shall not be classified as removal.

(5) Pruning not in accordance with ANSI A300 and as determined by the city arborist. Not more thantwenty-five percent of the foliage shall be removed within an annual growing season. ~~If the proposed or actual protection of the CRZ before construction, during construction, and following construction does not meet the requirements of sec 101-256, then the tree shall be considered removed and require mitigation in accordance with the terms of this subdivision.~~

~~(6) Excessive pruning, including, but not limited to, pruning that exceeds 25 percent of the canopy of the tree.~~

(h) *City arborist* Refer to Sec. 107- 3. Definitions ~~means an ISA certified arborist as designated by the city.~~

(i) Mitigation means such remedies as are approved by the city development officer in consultation with the city arborist.

(j) "Building official" for the purposes of this subdivision means the city development officer.

Sec. 107-375. Conditions for approval.

(a) If a protected tree is removed from a required yard, the protected tree shall be replaced with a total of three replacement trees that must include a selection of replacement trees under subsection 107-371(a).

(b) Each protected tree removed from an area not within a required yard shall be replaced by one replacement tree under subsection 107-371(d)(2).

(c) For protected trees removed from within 20 feet of an above-ground power, cable, or telephone line the species selected from section 107-371 (c) (1) shall be used for replacement.

(d) If a protected or heritage tree straddles the boundary between the yard and buildable area, it shall be considered to be within the required yard if 25 percent or more of the trunk diameter is in the required yard.

(e) If the building official determines under subsection 107-373(b)(3) that an emergency existed at the time of removal that necessitated expedited removal or an applicant provides documentation from a certified arborist that a protected tree is diseased, dead, or poses an imminent or immediate threat to persons or property due to natural causes only and the protected tree falls under subsection 107-375(a), the city arborist may reduce the replacement tree requirement to one replacement tree under either subsection 107-371(d)(1) or subsection 107-371(d)(2).

(f) If a protected tree is required to be removed under section 18-209, the building official may reduce or waive the replacement tree requirement for the protected tree and reduce or waive the tree replacement application fee.

(g) The mayor may act to waive the replacement tree requirement under this subsection 107-375 for a storm event, wildfire or other calamity that causes widespread or costly damage to multiple protected trees throughout the city.

(h) For a permit filed with an application for development of any improvements or structures, if the density of protected trees in an area described in subsection 107-375(b) is greater than seven protected trees, the number of replacement trees required under subsection 107-375(b) for a removal from such area is capped at seven replacement trees, at least three of which shall meet the requirements of subsection 107-371(d)(2).

(i~~i~~) If a protected tree has a trunk on a first property and its CRZ and/or canopy extend into a second property, the owner of the second property is required to obtain a tree removal permit for removal of the protected tree prior to performing any actions that constitute removal under subsection 107-371(g) on the second property. For purposes of determining removal under this subsection for 107-371(g), damage to the root system is assessed within the area that is a number of feet in diameter from the outer edge of the tree trunk

at four and one-half feet from the ground based on a ratio of one foot for each inch of diameter of the tree trunk. If the actions by the owner of the second property as to the protected tree trigger a requirement for the owner of the first property to apply for a tree removal permit for the protected tree, the application review fee as to the protected tree on the first property is waived.

(jk) A heritage tree permitted to be removed, whether on a residential property or a heritage tree within the adjacent City's right-of-way property~~including a heritage Tree within the buildable area~~, must be replaced with one tree five inches in DBH ~~diameter~~, or more, for every 12 inches in DBH ~~diamete~~r of the removed tree. For example: 24 inches = two five-inch diameter trees, 36 inches = three trees, etc. to be replaced. The replacement trees must be of a species listed in subsection 107-371(a). A special exception to these mitigation requirements may be granted by the zoning board of adjustment, if the applicant demonstrates: (1) the existing tree canopy would prohibit the growth of these replacement tree(s); or (2) the required replacement trees to be installed would have to be planted under the canopy of an existing tree.

Sec. 107-376. Development application requirements.

(a) An application for a building permit must:

(1) Include a tree survey and protection plan of all existing protected trees on the property. The tree survey shall also depict protected trees located on adjoining property whose critical root zones is reasonably believed to extend onto the subject property or public right-of-way. ~~that are at least 12 inches in diameter measured four and one-half feet above the ground.~~ The plan must also identify the type, diameter, and species of each tree, indicate whether the tree is designated as a heritage tree, and show the full CRZ, 1/2 CRZ and 1/4 CRZ ~~CRZ~~ for each protected tree.

(2) Include a grading and tree protection plan for protecting all protected trees that are not approved for removal. The tree protection plan submitted for these trees must include actions necessary for the best chance of survival of these protected trees, including adequate watering before, during, and after construction per Sec. 101-256 -until a certificate of occupancy is granted.

(3) Include on the tree survey /protection plan the following plan notes.

Before Construction Notes:

1. All trees shown on plan to be preserved shall be protected per Sec. 101-256.
2. Tree protection shall be installed prior to start of any site work, including demolition or site preparation. Refer to Sec.101-256. Failure to provide tree protection before site work may result in a $2,000 per day fine. A pre-construction meeting before site work to verify that tree protection complies with drawings and ordinances is recommended.
3. Fencing for tree protection shall be chain-link mesh with minimum height of 5 feet and shall be installed around or beyond the 1/2 Critical Root Zone except as allowed by Sec. 101-256
4. Unfenced sections of the Critical Root Zone shall be covered with mulch at a minimum depth of 8 inches and a maximum depth of 12 inches per Sec. 101-256.

5 Where fencing is located 5 feet or less from trunk of a preserved tree, trunk wrapping shall be installed per Sec. 101-256.

6 Erosion and sedimentation controls shall be installed and maintained so as not to cause silt discharge off property per Sec. 101-250.

During Construction Notes:

1. Trees approved for removal shall be removed in a manner that maintains preservation criteria for trees that remain. Refer to Sec. 107-376.

2. Fencing may not be temporarily moved or removed during development without prior authorization. The fenced 1/2 or beyond Critical Root Zone shall not be used for temporary fill including tool or material storage of any kind and shall be kept free of litter. Refer to Sec. 101-256.
3. Pruning shall be in compliance with current ANSI A300 standard for tree care per Sec. 101-256. No more than twenty-five percent of the foliage shall be removed within an annual growing season.
4. If the building official or the police department determines that there is a violation of this section, such building official or police officer may issue a ticket, citation or stop work order. Additionally, the building official in consultation with city arborist shall determine the proper tree mitigation.
5. A violation of this section shall constitute a class C misdemeanor that, upon conviction, may result in a fine not exceeding $2,000.00 per violation. Each day that such violation continues shall constitute a separate offense.

After construction Notes:

1. Tree protection, including the mulch outside the fencing, shall be removed at the end of the project after all construction and final grading is complete, but before final inspection. Refer to Sec. 101-256.
2. Landscape installation within the 1/4 CRZ of preserved trees, including irrigation, soil and plantings, shall comply with Sec. 101-256.

(43) Demonstrate that the design will preserve the existing natural character of the landscape as to any protected trees not approved for removal; and

(54) Include a tree removal permit application with required fees for review of each proposed removal of a protected tree.

(6) Include the planting of any replacement trees as determined by Sec. 107-375, if development under a proposed site plan will remove a protected tree, as a condition of site plan approval.

(b) The building official may not release or renew a building permit until a tree removal permit for each protected tree proposed to be removed has been submitted. While the tree removal permit and the building permit may be processed concurrently, the tree removal permit shall not be approved prior to approval of the building permit.

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 7, 2026

Submitted By:

Staff

Agenda Item:

Discussion and possible action on the proposed ordinance to amend Chapter 107 - Zoning, Section 107-3 of the Rollingwood Code of Ordinances related to playhouses and playscapes

Description:

At the **May 20, 2026, Planning and Zoning Commission meeting**, Commissioners discussed proposed language that amends the current definition of Accessory building or structure and adds a definition for Exempt children's playhouse and Playscape.

> **Commissioner Jay van Bavel moved to approve the amended Section 107-3 definition of accessory building or structure as presented, with the following modifications to the exempt children's playhouse definition: maximum area of 100 square feet, maximum height of 10 feet, and a minimum setback of 8 feet from the lot line. The motion was seconded by Patricia Barnes. The motion carried with 4 in favor and 1 opposed (Fleming).**

At the **July 1, 2026, Planning and Zoning Commission meeting**, Commissioners discussed the drafted ordinance regarding playhouses and playscapes.

> **Dave Bench moved to send the proposed ordinance to City Council to set a public hearing. Jay van Bavel seconded the motion. The motion carried with 4 in favor and 0 opposed.**

At the **August 19 City Council meeting,** Councilmembers discussed the scheduling of a joint public hearing with the Planning and Zoning Commission regarding the drafted ordinance amending Chapter 107, Section 107-3 of the Code of Ordinances related to playhouses and playscapes.

> **Councilmember Brook Brown amended her motion to approve scheduling a joint public hearing with the Planning and Zoning Commission to address the proposed ordinance to amend Chapter 107, Section 107-3 of the Rollingwood Code of Ordinances related to Playhouses and Playscapes at the first available date that staff can provide. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

Action Requested:

Make a recommendation to approve or deny the proposed ordinance to amend Chapter 107 - Zoning, Section 107-3 of the Rollingwood Code of Ordinances related to playhouses and playscapes

Fiscal Impacts:

No fiscal impacts are anticipated at this time.

Attachments:

- Ordinance amending Ch.107, Section 107-3 of the City of Rollingwood's Code of Ordinances related to playhouses and playscapes

ORDINANCE NO. 2026-XX-XX

AN ORDINANCE AMENDING CHAPTER 107, SECTION 107-3 OF THE CITY OF ROLLINGWOOD'S CODE OF ORDINANCES RELATED TO PLAYHOUSES AND PLAYSCAPES; 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 <u>underlines</u> being additions to the Code:

Section 107-3 is amended amending the definition of "Accessory building or structure" and adding a definition for "Exempt children's playhouse" and "Playscape":

Sec. 107-3. – Definitions.

Accessory building or structure means a building or structure which does not share a common roof or common wall, including, but not limited to, a toolhouse, home workshop, greenhouse, garage, carport, children's playhouse (excluding an "exempt children's playhouse" or "playscape" as defined herein), or swimming pool house, which:

(1) Is located on the same lot as a dwelling;

(2) Is subordinate in area to the dwelling and is used for a purpose customarily incidental to the dwelling;

(3) Is detached from the dwelling except that a connected foundation or walkway may exist with the dwelling;

(4) Does not provide complete independent living facilities for one or more persons which include permanent provisions for living, sleeping, and sanitation facilities; and

(5) Is not used for lease or rental, or for a commercial purpose other than a home occupation by a resident of the main dwelling.

Exempt children's playhouse means a temporary, freestanding structure not permanently affixed to the ground, with a roof supported by walls, designed for children's activities, with no utility facilities, not exceeding 100 square feet in area or 10 feet in height, located in a side or rear yard no closer than 8 feet from the lot line and outside of any drainage easement, public utility easement or public right of way, and, on a corner lot where the lot's rear yard abuts the neighboring property's front yard, an exempt children's playhouse must be located behind a fence, or, if there is no fence, no closer than 20 feet from the property line along the front yard of the abutting lot and no closer than 15 feet from the adjacent street.

Playscape means a freestanding temporary structure, not permanently affixed to the ground, mostly unenclosed, having no solid floor at grade level or within 48 inches of grade, and designed for children's activities. A playscape typically consists of a combination of swings, slides, climbing walls and/or ladders.

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 _____, 2026.

_____

Gavin Massingill, Mayor

ATTEST:

_____

Erin Penney, City Secretary