



## **CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING AGENDA**

**Wednesday, January 07, 2026**

Notice is hereby given that the Planning and Zoning Commission of the City of Rollingwood, Texas will hold a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on January 07, 2026 at 6:00 PM. Members of the public and the Planning and Zoning Commission may participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer 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=QmNUbmZBQ1lwUINjNmK5RnJreIRFUT09>

**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 [mrodriguez@rollingwoodtx.gov](mailto:mrodriguez@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 ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER**

1. Roll Call

### **PUBLIC COMMENTS**

Citizens wishing to address the 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 Planning and Zoning Commission is restricted from discussing or taking action on items not listed on the agenda.

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

### **CONSENT AGENDA**

All Consent Agenda items listed are considered to be routine by the Planning and Zoning Commission and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a Board Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

2. Discussion and possible action on the minutes from the September 3, 2025 Planning and Zoning Commission meeting

### **REGULAR AGENDA**

3. Discussion and possible action to elect a Chair of the Planning and Zoning Commission
4. Discussion on an ordinance amending Chapter 107, Section 107-3 and adding Section 107-85 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](http://www.rollingwoodtx.gov) prior to 5:00 p.m. on December 31, 2025.

*Makayla Rodriguez*

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Makayla Rodriguez, 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 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.



## **CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING MINUTES**

**Wednesday, September 03, 2025**

The Planning and Zoning Commission of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on September 3, 2025. Members of the public and the Planning and Zoning Commission were able to participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was 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 ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER**

#### **1. Roll Call**

**Tony Stein called the meeting to order at 6:01 p.m.**

**Present Members:** Tony Stein, Jay van Bavel, Jerry Fleming, Michael Hall, Chair Dave Bench (Virtually), and Genie Nyer (Virtually)

**Also Present:** City Administrator Alun Thomas, City Secretary Makayla Rodriguez, Assistant to the City Administrator Lindsay Saenz, City Planner Amanda Padilla, Mayor Pro Tem Sara Hutson, and Council Member Brook Brown

### **PUBLIC COMMENTS**

There were no public comments.

### **CONSENT AGENDA**

#### **2. Discussion and possible action on the minutes from the June 4, 2025 Planning and Zoning Commission meeting**

**Dave Bench moved to approve the June meeting minutes. Jerry Fleming seconded the motion. The motion carried with 6 in favor and 0 against.**

### **PUBLIC HEARING**

#### **3. Public hearing on an ordinance amending Chapter 107, Section 107-3 and adding Section 107-85 of the Rollingwood Code of Ordinances related to Playhouses and Playscapes**

*Tony Stein opened the public hearing at 6:04 p.m.*

*Brian Nash joined the meeting at 6:04 p.m.*

There were no public comments.

*Tony Stein closed the public hearing at 6:04 p.m.*

4. Public hearing, discussion and possible action on defining mechanical equipment and accessory structures

*Tony Stein opened the public hearing at 6:05 p.m.*

There were no public comments.

*Tony Stein closed the public hearing at 6:05 p.m.*

### **REGULAR AGENDA**

5. Discussion and possible action on an ordinance amending Chapter 107, Section 107-3 and adding Section 107-85 of the Rollingwood Code of Ordinances related to Playhouses and Playscapes

Tony Stein shared feedback he received regarding a misunderstanding on penalties for large side yards or rear yards. The Planning and Zoning Commission discussed the draft ordinance as well as possible clarifying edits for encroachment in the required side yard and corner lots. Development Services Manager Nikki Stautzenberger provided clarification regarding side yard distances and explained that not all lots are equal as the distance depends on how the lot is surveyed.

The Planning and Zoning Commission discussed the existing code regarding side yards on corner lots, exceptions, and possible Board of Adjustment involvement.

City Planner Amanda Padilla stated that she does not suggest involving the Board of Adjustment for Playscapes and Playhouses, but that individual cases could be processed through a special exception process as it does not require a hardship.

Mayor Pro Tem Sara Hutson suggested that the Commission consider including backyards of corner lots when determining side yard setback distances.

The Planning and Zoning Commission continued discussion on possible amendments to the draft ordinance.

**Tony Stein moved to adjust the definition of playhouse on lines 38 through 39 to “Playhouse means a free standing structure with a roof supported by walls and is designed as a toy for children’s activities which shall not be supplied by public utilities.” And also adjust Section 107-85 D2 would read “The total area of playhouse shall not encroach more than 100 square feet in a required rear yard or encroach 50 square feet in a required side yard.” And add a letter E after D that would say “For corner lots, a playhouse exceedingly more than 6 feet and no taller than 12 feet in height shall be allowed in both the required**

**rear and required side yard so long as it is a minimum of 16 feet from the curb, and no greater than 100 square feet in surface area. Chair Dave Bench seconded the motion.**

The Planning and Zoning Commission discussed the motion and clarification on the use of public utilities. Brian Nash stated that he would prefer to remove the language regarding regulation of public utilities for playhouses and playscapes.

**The motion carried with 6 in favor and 1 against (Nash).**

6. Discussion and possible action on an ordinance amending Chapter 107, Section 107-3 and adding Section 107-84 of the Rollingwood Code of Ordinances related to mechanical equipment

Tony Stein stated that he disagrees with the proposed draft ordinance. The Planning and Zoning Commission discussed placement of mechanical equipment, applicability, and associated noise from equipment.

Development Services Manager Nikki Stautzenberger emphasized the need for a definition of mechanical equipment, noting that under the Code of Ordinances, items such as generators, pool equipment, and HVAC units are interpreted as structures during the review process and are therefore not allowed within a setback.

The Planning and Zoning Commission discussed equipment screening from the street, legal clarification regarding applicability, and possible amendments to the draft ordinance.

**Brian Nash moved to adopt the language with a modification as follows, mechanical equipment means heating and air conditioning units, pool equipment, and household generators. Mechanical equipment is not considered structural elements as well as strike B1. Michael Hall seconded the motion. The motion carried with 5 in favor and 2 against (Bench and Fleming).**

### **ADJOURNMENT OF MEETING**

**The meeting was adjourned at 7:28 p.m.**

**Minutes adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.**

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**Dave Bench, Chair**

**ATTEST:**

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**Makayla Rodriguez, City Secretary**

# AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: January 7, 2026

**Submitted By:**

Staff

**Agenda Item:**

Discussion and possible action to elect a Chair of the Planning and Zoning Commission

**Description:**

Each year, in accordance with Code Section 2-195 of the Code of Ordinances, the Planning and Zoning Commission shall elect a Chairperson to serve for one calendar year.

**Action Requested:**

To elect a member as Chair of the Planning and Zoning Commission.

**Fiscal Impacts:**

No fiscal impacts

**Attachments:**

None

# AGENDA ITEM SUMMARY SHEET

## City of Rollingwood

**Meeting Date: January 7, 2026**

**Submitted By:**

Staff

**Agenda Item:**

Discussion on an ordinance amending Chapter 107, Section 107-3 and adding Section 107-85 of the Rollingwood Code of Ordinances related to Playhouses and Playscapes

**Description:**

At the December 17, 2025, City Council meeting, Council members discussed the proposed ordinance, its definitions, and the amendments provided to the draft ordinance. The following motions were made:

**Council Member Kevin Glasheen moved to take no action on the item. The motion failed for lack of a second.**

**Council Member Kevin Glasheen moved to amend the code to state that a reasonable playhouse or a reasonable playscape is not an accessory building subject to the code. The motion also failed for lack of a second.**

**Mayor Pro Tem Sara Hutson moved to proceed by working from the 'BBB draft,' and Council Member Brook Brown seconded the motion.**

Council Member Brook Brown noted that if the motion failed, the current ordinance would remain in effect. The vote was as follows:

**Council Member Brook Brown – Yes  
Council Member Kevin Schell – Abstain  
Council Member Kevin Glasheen – No  
Council Member Phil McDuffee – No  
Mayor Pro Tem Sara Hutson – Yes  
Mayor Gavin Massingill – No**

With the vote resulting in a tie, the item did not move forward.

Chair Dave Bench requested that the item be placed back on the Planning and Zoning Commission's agenda for discussion. The City's legal counsel advised staff that if the ordinance were to return to both the Commission and City Council, it would be required to be re-noticed in accordance with state law. Re-noticing would require written notice to be mailed to all property owners within the city and publication in the newspaper. The associated costs for printing, postage, and newspaper publication are estimated at approximately \$2,200.00.

**Action Requested:**

No action is permitted for this item, however, staff requests that the Commission discusses the City Council's position and comments made at the December City Council meeting, and determine the Planning and Zoning Commission's decision to move forward or not.

**Fiscal Impacts:**

No fiscal impacts.

**Attachments:**

- Draft ordinance amending Section 107-3 Definitions and adding Section 107-85 related to the playhouses and playscapes as presented with the Public Hearings (9/3/2025 & 9/17/2025)
- Draft ordinance edited by P&Z relating to comments given at the 9/3/2025 Public Hearing
- Draft ordinance edited by Council Member Brook Brown for 10/15/2025 City Council Meeting
- Draft ordinance edited by P&Z relating to comments given at the 9/3/2025 Public Hearing reviewed by Legal Counsel with blanks
- Draft ordinance as edited by Council Member Brook Brown for 10/15/2025 City Council Meeting reviewed by Legal Counsel with blanks



**ORDINANCE NO. \_\_\_\_\_**

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

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

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

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

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

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

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

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

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

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

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

**Sec. 107-3. – Definitions.**

Playhouse means a freestanding structure with a roof supported by walls and is designed as a toy for children's activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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ATTEST:

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Makayla Rodriguez, City Secretary

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Gavin Massingill, Mayor

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

**AN ORDINANCE AMENDING CHAPTER 107, SECTION 107-3  
AND ADDING SECTION 107-85 OF THE CITY OF  
ROLLINGWOOD'S CODE OF ORDINANCES RELATED TO  
PLAYHOUSES AND 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 ~~striketroughs~~ being deletions from the Code and underlines being additions to the Code:

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

**Sec. 107-3. – Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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85 Gavin Massingill, Mayor

86 ATTEST:

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89 Makayla Rodriguez, City Secretary

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 107-3. – Definitions.**

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

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

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

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

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

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

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

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

(d)

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

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



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

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

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

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

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

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

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

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

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

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Gavin Massingill, Mayor

ATTEST:

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115 Makayla Rodriguez, City Secretary

**ORDINANCE NO. 2025-XX-XX-XX**

**AN ORDINANCE AMENDING CHAPTER 107, SECTION 107-3  
AND ADDING SECTION 107-85 OF THE CITY OF  
ROLLINGWOOD'S CODE OF ORDINANCES RELATED TO  
PLAYHOUSES AND 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.

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

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

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

**Sec. 107-3. – Definitions.**

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

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

#### **Sec. 107- 85 Playhouse and Playscape.**

- (a) Playhouse and playscape are exempt from regulations for accessory buildings or structures, if they comply with the regulations outlined in this subsection.
- (b) Playscapes may be in a required side or rear yard.
- (c) Playhouses less than [redacted] feet in height may be in a required side or rear yard
- (d) Playhouses exceeding [redacted] feet in height may be in a required side or rear yard if all of the following conditions are met:
  - (1) The maximum height, measured to the topmost part of the playhouse, does not exceed [redacted] feet above natural grade;
  - (2) The total area of the playhouse shall not encroach [redacted] square feet in a required rear yard and not to encroach [redacted] square feet in a required side yard; and
  - (3) The playhouse must be set back at least [redacted] feet from any property line.
- (e) For corner lots a playhouse exceeding more than [redacted] feet in height and no taller than [redacted] feet in height, shall be allowed in both the required side yard and required rear yard so long as it is a minimum of [redacted] feet from the curb and no greater than [redacted] square feet of surface area.

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

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

**Commented [AP1]:** Is there a specific time frame intended for temporary? What is the purpose of adding this term? If the intent is to allow the City to remove it at a later date, we may want to define temporary more clearly.

**Commented [CZ1R2]:** Temporary does imply that it will come down at some point. May need to clarification on intent.

**Commented [NS2]:** Definition options for 'temporary':

*Temporary means a structure that is not permanently affixed to the ground, may be relocated without structural alteration.*

*Temporary means a non-permanent structure that is not connected to utilities; rests on skids, blocks, or other non-permanent supports; and can be moved or removed without excavation or structural modification.*

*Temporary means a structure placed on a site for a limited duration and not intended or constructed for permanent installation*

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

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

\_\_\_\_\_  
Gavin Massingill, Mayor

ATTEST:

\_\_\_\_\_  
Makayla Rodriguez, City Secretary

**ORDINANCE NO. 2025-XX-XX-XX**

**AN ORDINANCE AMENDING CHAPTER 107, SECTION 107-3  
AND ADDING SECTION 107-85 OF THE CITY OF  
ROLLINGWOOD'S CODE OF ORDINANCES RELATED TO  
PLAYHOUSES AND 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 ~~strike throughs~~ being deletions from the Code and underlines being additions to the Code:

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

**Sec. 107-3. – Definitions.**

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

Playscape means a freestanding temporary structure that is 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 swing, slide, and climbing walls or ladder.

#### **Sec. 107- 85 Playhouse and Playscape.**

- (a) Any playhouse or playscape is an accessory building; however, a playhouse or playscape meeting the requirements of this section shall be treated as a "qualifying playhouse" or "qualifying playscape" and shall not require a building permit. One accessory building and one qualifying playhouse or qualifying playscape shall be allowed on a lot.
- (b) A "qualifying playscape" means a playscape not exceeding [redacted] feet in height, as measured from the natural grade, and not exceeding a footprint area of [redacted] square feet. A qualifying playscape may be located in a side or rear yard but may not be located in a front yard, natural drainage way or public drainage easement, and may not impede access to public utility facilities or any public utility easement. Additionally, on a corner lot, a qualifying playscape may not be located within a side yard adjacent to the side street if the adjacent side street lot faces the side street.
- (c) A "qualifying playhouse" means a playhouse not exceeding [redacted] feet in height, as measured from the natural grade, and not exceeding a footprint area of [redacted] square feet. A qualifying playhouse may not be located within any required yard, public utility easement, natural drainage way, drainage easement. Additionally, on a corner lot, a qualifying playhouse may not be located within a side yard adjacent to the side street if the adjacent side street lot faces the side street.
- (d) Any playhouse or playscape not meeting the requirements of a qualifying playhouse or qualifying playscape as described in this section must meet all requirements of this code applicable to an accessory building.

**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.

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

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Gavin Massingill, Mayor

ATTEST:

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Makayla Rodriguez, City Secretary