



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, May 07, 2025

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 May 07, 2025 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. 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.

PRESENTATIONS

2. Follow up presentation by AlterStudio regarding the assessment of residential building height and proposed height measurement using properties located at 2403 Bettis Boulevard, 5 Rock Way Cove, 4715 Timberline Drive, and 4902 Timberline Drive

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.

3. Discussion and possible action on the minutes from the March 5, 2025 Planning and Zoning Commission meeting
4. Discussion and possible action on the minutes from the March 26, 2025 Joint City Council and Planning and Zoning Commission meeting

REGULAR AGENDA

5. Discussion and possible action on proposed amendments to the city's Code of Ordinances regarding residential building height in the Residential Zoning District
6. Discussion and possible action on definitions and regulations of playhouses and playscapes
7. Discussion and possible action on a recommendation for fence construction materials

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 5:00 p.m. on Friday, May 2, 2025.

Makayla Rodríguez

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, March 05, 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 March 5, 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

Chair Dave Bench called the meeting to order at 6:04 p.m.

Present Members: Chair Dave Bench, Jerry Fleming, Michael Hall, Genie Nyer, and Michael Rhodes

Tony Stein joined the meeting at 6:11 p.m.

Brian Nash joined the meeting at 6:45 p.m.

Also Present: City Administrator Alun Thomas, Interim City Secretary Makayla Rodriguez, Development Services Manager Nikki Stautzenberger, City Planner Amanda Padilla, and Council Member Brook Brown

PUBLIC COMMENTS

There were no public comments.

PRESENTATIONS

2. Presentation by AlterStudio regarding the assessment of residential building height and proposed height measurement using properties located at 2403 Bettis Boulevard, 5 Rock Way, 4715 Timberline Drive, and 4902 Timberline Drive

Chair Dave Bench introduced Sam Alamo, an architect of AlterStudio as well as explained that his presentation will show the comparison of the segment measurement method and the parallel plane method.

Mr. Alamo displayed and discussed graphical models of the properties at 2403 Bettis Boulevard, 5 Rock Way, 4715 Timberline Drive, and 4902 Timberline Drive and described the impact that the segment measurement method and the parallel plane method had on the homes.

Tony Stein joined the meeting at 6:11 p.m.

The Planning and Zoning Commission discussed and asked questions regarding the difference between the impact of the segment measurement method and the parallel plane method. Sam Alamo explained that the parallel plane method is simpler than the segment measurement method.

Brian Nash joined the meeting at 6:45 p.m.

CONSENT AGENDA

2. Discussion and possible action on the minutes from the February 5, 2025 Planning and Zoning Commission meeting

Brian Nash moved to approve the meeting minutes. Jerry Fleming seconded the motion. The motion carried with 7 in favor and 0 against.

REGULAR AGENDA

4. Discussion of next steps for the joint public hearing on March 26, 2025 regarding AlterStudio's assessment of residential building height and proposed height measurement using properties located at 2403 Bettis Boulevard, 5 Rock Way, 4715 Timberline Drive, and 4902 Timberline Drive

The Planning and Zoning Commission provided their input to Sam Alamo regarding the content they would like to include in the presentation for the upcoming joint public hearing, such as adding scale and dimensions to the models for additional context.

Brian Nash left the meeting at 6:59 p.m.

Council Member Brook Brown shared that she would like to put additional information regarding the impact of the proposed methods in the next presentation at the joint public hearing.

The Planning and Zoning Commission continued their discussion on the presentation and identified additional elements they would like to include in the next presentation for the upcoming joint public hearing. They continued to ask Sam Alamo questions regarding his experience with designing homes and using building height methods in other cities.

Development Services Manager Nikki Stautzenberger discussed the plan review process with ATS Engineers and K. Freise and Associates.

Jeff Ezell, resident at 4705 Timberline Drive, shared concerns regarding the parallel plane method and the impact to pitched roof homes.

The Planning and Zoning Commission discussed the current height ordinance, the proposed building height and building measurement methods, and how they are measured.

Chair Dave Bench moved to item 7.

5. Discussion and possible action on defining yard equipment and accessory structures

Jerry Fleming discussed playscapes and playhouses and how they differ. He recommended creating separate definitions for playscapes and playhouses. The Planning and Zoning Commission discussed his recommendation and other considerations.

Michael Rhodes moved to approve the playhouse and playscape language as written as proposed by Jerry Fleming. Jerry Fleming seconded the motion.

The Planning and Zoning Commission continued to discuss playhouse placement in required yards.

Chair Dave Bench moved to amend the motion replace point 2 to have a maximum area not to exceed 120 feet in a rear required yard, not to exceed 50 feet in a required side yard, and to remove the last 2 lines. Michael Rhodes accepted the amendment. The motion carried with 6 in favor and 0 against.

The Planning and Zoning Commission discussed definitions and requirements for mechanical equipment.

Michael Rhodes moved that 107-3 under mechanical equipment is changed to say “mechanical equipment means heating and air conditioning units, pool equipment, and household generators”. Tony Stein seconded the motion. The motion carried with 6 in favor and 0 against.

6. Discussion and possible action on a recommendation for fence construction materials

Michael Rhodes moved to table the item. Genie Nyer seconded the motion. The motion carried with 6 in favor and 0 against.

7. Discussion and possible action regarding Planning and Zoning members availability for the March 26, 2025, public hearing regarding an ordinance amending Chapter 107 of the City of Rollingwood code of Ordinances related to residential building heights and height measurement, and possible alternative dates for a Planning and Zoning public hearing

The Planning and Zoning Commission and Council Member Brook Brown discussed next steps, noticing requirements, the upcoming joint public hearing, and possible alternative joint public hearing meeting dates.

Chair Dave Bench moved to establish May 7th as the tentative public hearing date for discussion and action. Tony Stein seconded the motion. The motion carried with 6 in favor and 0 against.

Chair Dave Bench moved to item 5.

ADJOURNMENT OF MEETING

The meeting was adjourned at 10:30 p.m.

Minutes adopted on the _____ day of _____, 2025.

Dave Bench, Chair

ATTEST:

Makayla Rodriguez, City Secretary



**CITY OF ROLLINGWOOD
JOINT CITY COUNCIL AND PLANNING AND ZONING COMMISSION
MEETING
MINUTES**

Wednesday, March 26, 2025

The City Council and 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 March 26, 2025. Members of the public and the City Council and the Planning and Zoning Commission were able to participate in the meeting virtually, as long as a quorum of the City Council and 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 JOINT CITY COUNCIL AND PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. City Council Roll Call

Mayor Pro Tem Sara Hutson called the meeting to order at 7:00 p.m.

Present City Council Members: Mayor Pro Tem Sara Hutson, Council Member Brook Brown, Council Member Kevin Glasheen, Council Member Phil McDuffee, and Council Member Alec Robinson

2. Planning and Zoning Commission Roll Call

Chair Dave Bench called the meeting to order at 7:37 p.m.

Present Planning and Zoning Members: Chair Dave Bench, Jerry Fleming, Brian Nash, and Genie Nyer

Also Present: City Administrator Alun Thomas, Interim City Secretary Makayla Rodriguez, Development Services Manager Nikki Stautzenberger, City Attorney Charles Zech, and City Planner Amanda Padilla

PUBLIC COMMENTS

There were no public comments.

PRESENTATIONS

4. Presentation by AlterStudio regarding the assessment of residential building height and proposed height measurement using properties located at 2403 Bettis Boulevard, 5 Rock Way, 4715 Timberline Drive, and 4902 Timberline Drive

Sam Alamo of AlterStudio explained that his presentation will show the comparison of the segment measurement method and the parallel plane method. Mr. Alamo displayed and discussed graphical models of the properties at 2403 Bettis Boulevard, 5 Rock Way, 4715 Timberline Drive, and 4902 Timberline Drive and described the impact that the segment measurement method and the parallel plane method had on the properties.

Members of City Council asked questions of Sam Alamo regarding what method is more frequently used, regulations in surrounding cities, and the differences between the proposed methods. They continued to discuss building regulations, applicable scenarios of the proposed methods, and height measurement.

Brian Nash joined the meeting at 7:37 p.m.

Chair Dave Bench discussed the usability of the parallel plane method and Sam Alamo confirmed that it was more straightforward to implement.

Casey Hoffman, resident at 2800 Hatley Drive, asked questions regarding the time spent applying the segment method and the parallel plane method to properties as well as property topography after a home is demolished. Development Services Manager Nikki Stautzenberger discussed the surveying process and demolition on lots.

Alex Robinette, resident at 2500 Hatley Drive, clarified on the CRCRC recommendation regarding finding native grade on property.

PUBLIC HEARING

5. Public hearing and discussion on the assessment of residential building height and proposed height measurement

Mayor Pro Tem Sara Hutson discussed the required legal notice language that was published and clarified that residents would not lose their ability to use their property for its current use.

Mayor Pro Tem Sara Hutson opened the public hearing at 8:00 p.m.

There were no public comments.

Mayor Pro Tem Sara Hutson closed the public hearing at 8:01 p.m.

REGULAR AGENDA

6. Discussion and possible action based on a recommendation by the Planning and Zoning Commission regarding the appropriation of additional funds for AlterStudio, a third party architectural firm, to present additional graphical models of the two proposals in discussion before the Planning and Zoning Commission to address building height, building height measurement and tenting

Chair Dave Bench explained that members of the Planning and Zoning Commission requested an expansion of the scope of work for the AlterStudio presentation to enhance clarity, which will require the appropriation of additional funds.

City Council and Dave Bench discussed the additional scope of work, future meetings, and next steps. Council Member Brook Brown expressed concern regarding the additional scope of work.

Council Member Alec Robinson moved to approve the appropriation of additional funds for AlterStudio as requested by the Planning and Zoning Commission for up to \$2,500. Council Member Kevin Glasheen seconded the motion.

Members of City Council and the Planning and Zoning Commission discussed the motion, the draft ordinance, and the use of one of properties from the presentation to display the requested additional scope of work.

Council Member Brook Brown continued to discuss the use of the property as well the specific insights she hopes to gain from the graphical model. Members of the Planning and Zoning Commission and Sam Alamo discussed the use of scale for additional context.

City Administrator Alun Thomas stated that the additional funds requested by the Planning and Zoning Commission can be appropriated.

Brian Nash left at 8:52 p.m.

Chair Dave Bench clarified on the scope of work that the Planning and Zoning Commission is requesting.

Council Member Alec Robinson amended the motion to not model the existing ordinance. Council Member Kevin Glasheen accepted the amendment. The motion carried with 4 in favor and 1 abstention (Brown).

ADJOURNMENT OF MEETING

The meeting was adjourned at 8:59

Minutes adopted on the _____ day of _____, 2025.

Gavin Massingill, Mayor

ATTEST:

Makayla Rodriguez, City Secretary

Minutes adopted on the _____ day of _____, 2025.

Dave Bench, Chair

ATTEST:

Makayla Rodriguez, City Secretary

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 107 OF THE CITY OF ROLLINGWOOD'S CODE OF ORDINANCES RELATED TO RESIDENTIAL BUILDING HEIGHTS AND HEIGHT MEASUREMENT; 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; and

WHEREAS, the City Council of the City of Rollingwood ("City Council") finds that maintaining the existing character and aesthetic appeal of residential neighborhoods is of paramount importance. The introduction of excessively tall residential buildings threatens to alter the visual and cultural fabric of the community; and

WHEREAS, the City Council finds and determines that taller buildings can lead to privacy concerns for adjacent properties, as higher floors may overlook yards, gardens, and living spaces and this intrusion into private spaces can affect residents' quality of life and sense of security; and

WHEREAS, the City Council finds and determines that the regulation of residential building heights proposed herein is consistent with the goals and policies outlined in the City's Comprehensive Plan and support the Plan's vision for sustainable development, community character preservation, and balanced growth; and

WHEREAS, the Comprehensive Residential Code Review Committee (the "CRCRC") was appointed, among other issues, to study the effect of building heights and building height regulation; and

WHEREAS, the City Council finds and declares that regulating residential building heights is essential for preserving the community's character, protecting residents' privacy, promoting environmental sustainability, and ensuring equitable and sustainable growth. These findings form the basis for the proposed height regulations, which will be implemented in accordance with applicable laws and community goals.

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 is hereby amended as follows with ~~striketroughs~~ being deletions from the Code and underlines being additions to the Code:

Section 107-3 of Definitions is amended to read as follows:

Building height, residential, means the vertical distance from the Original Native Ground Surface or finished grade, whichever is lower, to the highest point directly above.

~~Building height, residential, means the vertical distance above a reference datum measured to the highest point of the building. The reference datum shall be selected by either of the following, whichever yields a greater height of the building:~~

~~(1) — The elevation of the highest adjoining original native ground surface to the exterior wall of the building when such original native ground surface is not more than ten feet above the lowest adjoining original native ground surface; or~~

~~(2) — An elevation of ten feet higher than the lowest adjoining original native ground surface when the highest adjoining original native ground surface described in subsection (1) of this section is more than ten feet above lowest adjoining original native ground surface;~~

~~(3) — The original native ground surface shall be determined as the existing grade on the lot prior to development of the residential building as may be shown on approved building plans or survey of the property.~~

~~This definition shall apply to all residential buildings or structures within the city including residential buildings constructed in the R — Residential Zoning District (see section 107-71 for Maximum permissible height in R— Residential Zoning District).~~

Original Native Ground Surface means the existing grade on a lot prior to development of the residential building as may be shown on a certified topographic survey of the property.

Parallel Plane is an imaginary plane that is thirty-five (35) feet above and parallel to the original native ground surface. No part of a building or structure, exclusive of the exceptions outlined in this chapter may break this plane.

Section 107-71 is amended to add the following language:

Sec. 107-71. - Maximum permissible 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 thirty-five (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) The maximum allowable building height is twenty-five (25) feet when the building is placed ten (10) feet from the property line, as measured from the existing or finished grade, whichever is lower. For each additional foot of distance beyond ten (10) feet from the property line, the height may increase by one (1) foot, up to a maximum of thirty-five (35) feet. The maximum height of thirty-five (35) feet must be achieved at a distance of at least twenty (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 special exception granted by the Board of Adjustment.

Commented [AW1]: Legal recommendation is this be by variance.

(d) Existing grade 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 original grade without penalty for previous construction.

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

i. As to the portion of the building above the excavated area: forty (40) feet above finished floor for uppermost surface of eave/parapet;

ii. As to the portion of the building above the excavated area: forty-five (45) feet above finished floor for ridgeline of sloped roof with minimum of three over twelve (3/12) roof pitch.

The Parallel Plane may not be breached. Any exposed foundation resulting from this increase may not exceed eighteen (18) inches.

(f) Foundation exposure within public view from the right-of-way cannot exceed six feet. Foundation exposure within public view from the right-of-way must be screened such that the viewable portion does not exceed two and a half (2.5) feet.

Section 107-81 Special Exception.

112 Should some portion of the buildable area reside on or adjacent to a flood
113 plain or drainage easement, and it can be shown that such would have
114 extreme adverse impact on the lot's buildable potential, an owner may seek
115 relief from these requirements by special exception granted by the Board of
116 Adjustment. In such cases the Board may grant a special exception for up
117 to five (5) additional feet of building height.

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

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

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

129 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of
130 Rollingwood, Texas, on the _____ day of _____, 2025
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135 _____
136 Gavin Massingill, Mayor

137 ATTEST:
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139 _____
140 _____, City Secretary
141

AGENDA ITEM SUMMARY SHEET

Planning and Zoning Commission City of Rollingwood

Meeting Date: May 7, 2025

Submitted By:

Staff

Agenda Item:

Discussion and possible action on defining playhouses and playscapes

Description:

At the March 5, 2025, Planning and Zoning Commission meeting, the Commission discussed playscapes and playhouses and how they differ, as well as playhouse placement in required yards.

Mike Rhodes made a motion to approve the definitions for playhouse and playscape language as written. Jerry Fleming seconded the motion.

Chair Dave Bench moved to amend the motion regarding playhouse placement, proposing that a playhouse be limited to a maximum area of 120 square feet within the required rear yard and 50 square feet within the required side yard. Michael Rhodes accepted the amendment. The motion carried with 6 in favor and 0 against.

City Staff sent the Commission's recommendations to Legal Counsel for the drafting of an ordinance to add definitions to Sec 107-3 for *Playhouse* and *Playscape*. Additionally, a code Sec. 107-81 Playhouses and Playscapes was added for regulations and location allowances.

Legal Counsel provided feedback on the Commission's recommended proposed definitions, particularly regarding the use of the term "mostly" in both. Their concern is that "mostly" is too vague to serve as an enforceable standard. If the intent is to regulate these structures more strictly, clearer criteria must be established to allow staff to make consistent determinations and enforce the code effectively.

A key issue raised is how to differentiate between a playscape and a playhouse. For instance, if an applicant identifies their structure as a playscape, but staff considers it a playhouse, what objective criteria would be used to make that determination?

Action Requested:

Staff requests that the Commission further clarify and define the definitions of *Playhouse* and *Playscape*.

Fiscal Impacts:

No significant fiscal impacts are anticipated at this time.

Attachments:

- Draft Ordinance for amendments to Sec. 107-3 Definitions and the addition of Sec. 107-81 Playhouses and Playscapes

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 107, SECTION 107-3
AND ADDING SECTION 107-81 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 underlines being additions to the Code:

Section 107-3 and 107-81 is amended as follows:

Sec. 107-3. – Definitions.

Playhouse means a freestanding building that is mostly enclosed and is exclusively for children.

Playscape means a freestanding structure that is mostly unenclosed and is exclusively used by children.

Sec. 107- 81 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 maximum encroachment area does not exceed fifty (50) square feet;
 - (3) The total area of the playhouse shall not exceed 120 square feet in a required rear yard and fifty (50) square feet in a required side yard; and
 - (4) The playhouse must be setback at least six (6) feet from any property line.

Commented [C1]: We should be more specific.

Commented [NS2]: Suggestion: freestanding structure, toy house, designed for children to play in

Commented [C3]: Same comment as above.

Commented [NS4]: Suggestion: a play structure for children consisting typically of a slide, swing, climbing walls, etc.

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

Gavin Massingill, Mayor

ATTEST:

Makayla Rodriguez, City Secretary

107-3. Definitions

Playhouse means a freestanding structure with a roof supported by walls and is designed as a toy for children's activities. The enclosure of the walls or solid floor, if present, makes the area of the playhouse impervious cover.

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

My Notes – definitions from Section 107-3:

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.

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.

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