

ORDINANCE NO. 2020-005

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 22: BUILDING REGULATIONS, ARTICLE 22.03, CONSTRUCTION CODE, DIVISION 1, GENERALLY, AND DIVISION 8, DIMENSIONAL REGULATIONS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance, rule, or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the Railroad Commission of Texas has adopted Liquefied Petroleum Gas Safety Rules that regulate location and placement of propane tanks on a property; and

WHEREAS, the Building Regulations shall be updated to ensure clarity and compliance with the Railroad Commission of Texas's requirements regarding propane tanks; and

WHEREAS, after notice and hearing required by law, a public hearing was held before the West Lake Hills Zoning and Planning Commission on April 15, 2020 to consider the proposed amendments and the Zoning and Planning Commission recommended approval of the proposed amendments; and

WHEREAS, after public hearing held by the City Council on May 13, 2020 the City Council voted to accept the recommendation of the Zoning and Planning Commission; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of West Lake Hills to adopt an ordinance amending Chapter 22: Building Regulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS, THAT:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 22: Building Regulations, Division 1. Generally, and Division 8.

Dimensional Regulations, of the West Lake Hills Code of Ordinances are hereby amended to read in accordance with *Attachment "A"* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined text shall be added and struck-through text shall be deleted as indicated in *Attachment "A"*.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

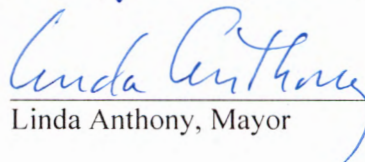
6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

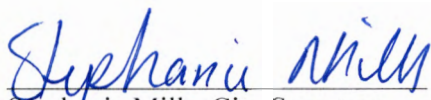
7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 13 day of May, 2020, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of West Lake Hills, Texas.


Linda Anthony, Mayor

ATTEST:


Stephanie Mills, City Secretary



City of West Lake Hills
CODE OF ORDINANCES
TITLE II: BUILDING AND DEVELOPMENT
CHAPTER 22: BUILDING REGULATION
ARTICLE 22.03 – CONSTRUCTION CODE
DIVISION 1 – GENERALLY &
DIVISION 8 – DIMENSIONAL REGULATIONS

Section 22.03.001 Definitions

Accessory building or accessory structure. A building or structure, the activity or function of which is clearly integral to, or customarily incidental and subordinate to, the permitted use of the main or principal building/structure on the same lot, such as an air-conditioning and heating unit; cabana; carport; domestic quarters; a wall used as a front-yard fence; garage; greenhouse; guesthouse; sports court; swimming pool; tool shed; wood shed; workshop; and the like. This definition does not include propane tanks. (See also the definition of structure in this section).

* * *

Section 22.03.276 Setbacks for accessory structures

The minimum setback distances for accessory structures, other than unroofed steps, ramps, fences, walks, driveways, driveway gates, playscapes, and mailboxes, shall be the same as the setback distances applicable to a principal building under the appropriate category in section 22.03.281. Accessory structures, including overhangs and eaves, shall not encroach into setbacks. Propane tanks shall not be required to meet the setback requirements of this Section so long as they are permitted and placed in accordance with the Liquefied Petroleum Gas Safety Rules adopted by the Railroad Commission of Texas in Title 16, Part 1, Chapter 9, of the Texas Administrative Code, including any and all future amendments thereto.