

ORDINANCE NO. 18-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WESTOVER HILLS, TEXAS, AMENDING AND RESTATING THE ZONING ORDINANCE ADOPTED BY THE COMMISSIONERS OF WESTOVER HILLS ON APRIL 4, 1944, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND RESIDENCES AND FOR SAID PURPOSE DECLARING ALL OF THE LAND IN THE TOWN OF WESTOVER HILLS TO BE ONE DISTRICT; PRESCRIBING PENALTIES FOR VIOLATION OF ITS PROVISIONS; AND NAMING AN EFFECTIVE DATE.

WHEREAS, on April 4, 1944, the Council of the Town of Westover Hills adopted an ordinance regulating the construction and use of buildings and structures within the city limits of Westover Hills which ordinance has been amended December 29, 1977, July 9, 1992, May 21, 1997, July 20, 1999, October 28, 2009, March 15, 2016, and

WHEREAS, all of the lots located within the Town of Westover Hills are subject to dedications regulating the construction and use of buildings thereon which dedications are similar but not identical; and

WHEREAS, the Town Council has determined that it is necessary and advisable to amend and restate the provisions of its original ordinance, as amended, regulating the construction and use of buildings and structures in order that all structures hereafter erected or structurally altered shall conform to the following requirements for the preservation of the integrity of the property and use of the land throughout the Town of Westover Hills:

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTOVER HILLS, TEXAS:

SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That Article 14.02 Zoning Ordinance is amended by deleting the current Section VI and replacing it with the following:

VI. GARAGES AND ACCESSORY BUILDINGS

Each lot shall have an enclosed garage for not less than two nor more than four vehicles and shall be constructed and maintained in accordance with the other provisions hereof.

Except where expressly authorized by the dedication of the lot on which a garage may be constructed, no garage shall open upon or face any golf course or open upon or face the street on which the lot fronts and in the case of a corner lot, either street.

No garage shall be erected or maintained nearer than fifteen feet to the side or the back property line of the lot on which it is constructed and no portion shall be located nearer to the street than the main portion of the residence.

No detached garage or accessory building of whatsoever kind shall be constructed on a corner lot without the approval of the Town Council.

No garage or accessory building shall be used as a dwelling or living quarters.

No carport shall be permitted.

Every accessory building (except greenhouses) shall correspond in style and architecture to the dwelling to which it is appurtenant. No accessory building shall exceed in height the dwelling to which it is appurtenant.

Except as provided for below, no accessory building shall be located (a) nearer than fifteen feet (15') to the side or back property line of the lot on which it is constructed, and (b) in the front or side yards of the lot. Notwithstanding the above, an accessory building may be located (x) in the side yard of the lot if the accessory building is not visible from any street or adjoining lot located in Westover Hills, and (y) within the above referenced fifteen feet (15') back property line setback if such back property line is not adjoining a lot located in Westover Hills.

No temporary house, storage building or other detached building shall be constructed or erected upon any lot.

(Ordinance 09-03, sec. VI, adopted 10/28/09; Ordinance 18-01, sec. 2, adopted 3/20/18)

SECTION 3. That Article 14.02 Zoning is amended by deleting the current Section VIII and replacing it with the following:

VIII. APPROVAL OF PLANS

No building, fence, wall, terrace, or other structure shall be commenced, erected or maintained, nor shall any addition, change or alteration therein be made until plans and specifications, site plans, and lot grading plans therefor or other information satisfactory to the Town Building Official shall have been submitted to and approved by the Town Building Official. The approval of the Town Building Official shall be required, and is unlimited and absolute, as to the design, configuration, material, color, type of construction, location, and height of any such building, fence, wall, terrace, landscaping, or other structure or addition, change or alteration thereof.

The purpose of the Town in so approving all such Plans and Specifications is not to anywise to limit or constrict the individuality of either the building or the builders, but merely to control the development of the property as a whole to the extent that the owners of lots shall not be damaged by unsightly developments on other lots. (Plat and Dedication (With Restrictions), "Approval of Plans", 11/2/1928)

Any person aggrieved by a decision of the Town Building Official may appeal such decision to the Town Council if filed in writing with the Town Secretary within ten (10) days of the decision of the Town Building Official. The Town Council, by a majority vote, may authorize a variance to any decision of the Town Building Official and the terms of this Ordinance.

(Ordinance 09-03, sec. VIII, adopted 10/28/09; Ordinance 16-01, sec. 3, adopted 3/15/16; Ordinance 18-01, sec. 3, adopted 3/20/18)

SECTION 4. That nothing in this Ordinance shall be construed to affect any prosecution currently pending, or any suit or proceeding currently proceeding in any Court, or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance, nor shall any legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. That the Code of Ordinances of the Town of Westover Hills, Texas, shall remain in full force and effect, except as amended here.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Westover Hills, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) or Five Hundred (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7. That any person violating any provision of this Article may be issued a citation and upon conviction thereof, the person shall be deemed guilty of a misdemeanor and punished as provided in subsection 1-9 of the Code of Ordinance of the Town of Westover Hills. Each 24-hour period of violation, and each separate act or condition in violation of this Article, shall constitute a separate offense.

SECTION 8. It is hereby declared to be the intention of the Town Council of the Town of Westover Hills, Texas, that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared legally invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such legal invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the Town Council of the Town of Westover Hills without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.

SECTION 9. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WESTOVER HILLS, TEXAS, THIS THE 20TH DAY OF MARCH, 2018.

TOWN OF WESTOVER HILLS



Kelly R. Thompson
Mayor

ATTEST:



Penny Spikes