

CITY OF WEST LAKE HILLS

AMENDMENT No. 344

**DEFINITION OF HOTEL AND BED AND BREAKFAST**

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1.01 OF THE WEST LAKE HILLS CODE OF ORDINANCES; ADOPTING A DEFINITION OF HOTEL AND BED AND BREAKFAST; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; AMENDMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

- WHEREAS,** the City Council of the City of West Lake Hills (“City Council”) seeks to provide for the public health, safety, and welfare of its citizens; and
- WHEREAS,** the City Council seeks to promote orderly and safe use of property within the City of West Lake Hills, Texas (“City”); and
- WHEREAS,** the City Council finds that short-term rentals pose certain adverse externalities on neighbors not generally created by long-term rentals due to the nature of temporary, transient guests; and
- WHEREAS,** the City Council finds that hotels and bed and breakfasts are not residential uses; and
- WHEREAS,** the City Council held discussion and invited public comment on the proposed amendments in multiple meetings and a public hearing held on , 2017; and
- WHEREAS,** pursuant to Texas Local Government Code Section 211.003 the City has general authority to regulate the location and use of buildings, other structures and land for business, industrial, residential, or other purposes; and
- WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance 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 City Council finds that the amendment proposed is reasonable, necessary, and proper for the good government of the City of West Lake Hills.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of West Lake Hills, Texas:**

## **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. AMENDMENT**

Chapter 1, Article 1.01 of the Code of Ordinances, City of West Lake Hills, Texas, is hereby amended to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

## **3. REPEALER**

All ordinances, resolutions, 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 after passage.

## **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.

**PASSED & APPROVED** this, the 26<sup>th</sup> day of April 2017, by a vote of 2 (*ayes*) to 1 (*nays*) to 0 (*abstentions*) of the City Council of West Lake Hills, Texas.

**CITY OF WEST LAKE HILLS:**

by: Linda Anthony  
Linda Anthony, Mayor

**ATTEST:**

Lacie Hale  
Lacie Hale, City Secretary



City of West Lake Hills

# CODE OF ORDINANCES

## CHAPTER 1 GENERAL PROVISIONS

### ARTICLE 1.01 CODE OF ORDINANCES

#### Sec. 1.01.003 Definitions and rules of construction

In the construction of this code and of all ordinances passed by the city council, the following definitions and rules of construction shall be observed, unless such construction would be inconsistent with the manifest intent of the council. Words used in this code and not defined in this section shall have their ordinarily accepted meaning.

...

*Bed and Breakfast: Any dwelling at which breakfast is served and that offers multiple rooms to be rented singly for compensation by distinct individual guests for a period of thirty (30) days or less.*

...

*Hotel. A Hotel is an establishment that provides separate sleeping accommodations to individual persons or separate parties for one or more nights for compensation. A Hotel is a commercial use and Hotels are prohibited in the City of West Lake Hills, per Code of Ordinances, Section 38.03.061. A residence permitted as a short-term rental under Section 38.04.032 is prohibited from operating in the manner of a hotel as defined here.*