

**TOWN OF WESTLAKE**

**ORDINANCE NO. 920**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 3, PLANNING AREA 3 (PD3-3) CONDITIONS AND BOUNDARIES; AMENDING PLANNED DEVELOPMENT DISTRICT 3, PLANNING AREA 4 (PD3-4) CONDITIONS AND BOUNDARIES; CREATING PLANNED DEVELOPMENT DISTRICT 3, PLANNING AREA 12A (PD3-12A); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Westlake, Texas is a general law municipality; and

**WHEREAS**, the Town Council of the Town of Westlake finds it necessary for the public health, safety and welfare that development occur in a controlled and orderly manner; and

**WHEREAS**, On September 14, 1998 the Board of Aldermen of the Town of Westlake, Texas approved Ordinance 307, which approved and adopted the Circle T Ranch Planned Development Zoning District Number 3 (PD3) Supplement providing for various development provisions within the Circle T Ranch; and

**WHEREAS**, On September 14, 1998 the Board of Aldermen of the Town of Westlake, Texas approved Ordinance 309, which created the PD3-3 zoning district and related regulations; and

**WHEREAS**, On September 14, 1998 the Board of Aldermen of the Town of Westlake, Texas approved Ordinance 310, which created the PD3-4 zoning district and related regulations; and

**WHEREAS**, On March 22, 2004 the Board of Aldermen of the Town of Westlake, Texas approved Ordinance 451, amending the PD3-4 zoning district; and

**WHEREAS**, On March 22, 2004 the Board of Aldermen of the Town of Westlake, Texas approved Ordinance 453, amending the PD3-3 zoning district; and

**WHEREAS**, On June 9, 2008 the Board of Aldermen of the Town of Westlake, Texas approved Ordinance 591, amending the PD3-3 zoning district and creating the PD3-12 zoning district; and

**WHEREAS**, On October 6, 2008 the Board of Aldermen of the Town of Westlake, Texas approved Ordinance 600, amending the PD3-3 zoning district; and

**WHEREAS**, On February 22, 2016 the Town Council of the Town of Westlake, Texas approved Ordinance 768, amending the PD3-3 zoning district; and

**WHEREAS**, the property owners of the land contained within the PD3-3 and PD3-4 zoning districts have petitioned the Town Council to request the following amendments: that the boundaries of the PD3-3 and PD3-4 districts be adjusted; that a new district, called PD3-12A, be created from a portion of the existing PD3-3 zoning district; that PD3-4 be renamed to PD3-4A, and; that certain land use entitlements be transferred between these districts as described herein; and

**WHEREAS**, the Planning and Zoning Commission (Commission) recommended to the Town Council approval of the amendments contained herein on January 11, 2021; and

**WHEREAS**, following provision of proper legal notice, including written notice to owners within 200 feet of the subject properties, published notice and posted notice in accordance with the Texas Open Meetings Act of public hearing, a public hearing was held on January 25, 2021, by the Town Council; and

**WHEREAS**, upon the recommendation of the Planning and Zoning Commission, the Town Council of the Town of Westlake, Texas, is of the opinion that it is in the best interests of the Town and its citizens that the amendments contained herein should be approved and adopted.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE TEXAS:**

**SECTION 1:** That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

**SECTION 2:** That the Town Council of the Town of Westlake, Texas does hereby approve amendments to the PD3-3 zoning district provisions and boundaries as follows:

1. The PD3-3 zoning district boundary is hereby amended to contain all that land as described and depicted in the attached **Exhibit "A"**;
2. That Section 1.1, Article III, Ordinance 600 is hereby amended to read as follows: "*Office-The maximum building square footage for the office use shall be 564,000 square feet.*"
3. That Section 1.2, Article III, Ordinance 600 is hereby deleted.

**SECTION 3:** That the Town Council of the Town of Westlake, Texas does hereby approve amendments to the PD3-4 zoning district provisions and boundaries as follows:

1. The PD3-4 zoning district boundary is hereby amended to contain all that land as described and depicted in the attached **Exhibit "B"**;

2. That Section 1.3, Article III, Ordinance 451 is hereby amended to read as follows:  
***“Maximum Floor Area for Mall Uses. The maximum aggregate floor area for all Mall uses within this PD District shall be 1,430,000 square feet.”***
3. That the PD3-4 zoning district is hereby renamed to the PD3-4A zoning district and all applicable references thereto in any ordinances adopted by the Town Council of the Town of Westlake, Texas are hereby amended to reflect said change.

**SECTION 4:** That the Town Council of the Town of Westlake, Texas does hereby create and approve the PD3-12A zoning district as depicted and described in the attached **Exhibit “C”**, and for which the development conditions and provisions for said district are contained within the attached **Exhibit “D”**.

**SECTION 5:** It is hereby declared to be the intention of the Town Council of the Town of Westlake, 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 Westlake without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.

**SECTION 6:** That this Ordinance shall be cumulative of all other Town Ordinances and all other provisions of other Ordinances adopted by the Town which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

**SECTION 7:** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor offense and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each separate offense. A separate offense shall be deemed committed upon each day, or part of a day, during which a violation occurs or continues.

**SECTION 8:** Where any conflict exists between the provisions of Ordinances 309, 310, 451, 453, 591, 600, 768, and the provisions of this ordinance, the provisions of this ordinance shall control and supersede the provisions of the aforementioned ordinances.

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

PASSED AND APPROVED ON THIS 25th DAY OF JANUARY 2021.

ATTEST:

Todd Wood  
Todd Wood, Town Secretary

Laura Wheat  
Laura Wheat, Mayor

Amanda DeGan  
Amanda DeGan, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry For  
L. Stanton Lowry, Town Attorney



## EXHIBIT "A" – PD3-3 LEGAL DESCRIPTION

### DESCRIPTION OF 138.025 ACRES

#### PD 3-3

**BEING** a tract of land situated in the J. Gibson Survey, Abstract Number 593, the R. Eads Survey, Abstract Number 492, the J. Sutton Survey, Abstract Number 1451, the J. Bacon Survey, Abstract Number 2026, and the J. Gibson Survey, Abstract Number 592, being a portion of that tract of land described by deed to HW2421 Land, LP, recorded in Instrument Number D209181337 County Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows;

**BEGINNING** at the southwest corner of Lot 2, Deloitte University Conference Center, recorded in Instrument Number D210020327, being in the north line of that tract of land described by deed to HW 164 Land, LP, recorded in Instrument Number 209181335, both of said County Records;

**THENCE** S 89°49'56" W, 1895.38 feet, to the northwest corner of that tract of land described by deed to Hillwood Investment Land, LP., recorded in Instrument Number D207311517, said County Records;

**THENCE** S 00°05'13" W, 1321.04 feet, to the southwest corner of Lot 7, Carpenter Addition, an addition to the Town of Westlake, recorded in 388-120, Page 90, County Records, Tarrant County, Texas;

**THENCE** S 89°14'09" W, 1326.57 feet;

**THENCE** N 00°11'13" W, 337.43 feet;

**THENCE** N 00°14'01" W, 2553.85 feet, to the south line of that tract of land described by deed to Margaret B. Lee, recorded in Instrument Number D208308067, County Records, Tarrant County, Texas;

**THENCE** N 89°53'04" E, 1186.14 feet, with said south line to the northwest corner of Lot 1, Block 1, Westlake Municipal Complex Addition, an addition to the Town of Westlake, recorded in Instrument Number D203439337, said County Records;

**THENCE** S 66°58'16" E, 192.22 feet, departing said south line;

**THENCE** S 07°25'33" E, 180.88 feet;

**THENCE** S 21°24'47" E, 39.07 feet;

**THENCE** S 11°10'47" E, 94.09 feet;

**THENCE** S 34°58'57" E, 140.91 feet;

**EXHIBIT "A" – PD3-3 LEGAL DESCRIPTION (cont.)**

**THENCE S 54°13'31"E, 60.78 feet;**

**THENCE S 23°41'47"E, 109.17 feet;**

**THENCE N 89°49'56"E, 1012.82 feet, to the beginning of a non-tangent curve to the left;**

**THENCE with said non-tangent curve to the left, an arc distance of 479.73 feet, through a central angle of 63°46'10", having a radius of 431.03 feet, the long chord which bears N 57°55'10"E, 455.35 feet;**

**THENCE N 26°03'25"E, 100.03 feet, to the beginning of a non-tangent curve to the left;**

**THENCE with said non-tangent curve to the left, an arc distance of 138.39 feet, through a central angle of 12°54'51", having a radius of 614.00 feet, the long chord which bears N 32°29'28"E, 138.10 feet;**

**THENCE N 38°58'25"E, 194.67 feet, to the beginning of a non-tangent curve to the left;**

**THENCE with said non-tangent curve to the left, an arc distance of 639.27 feet, through a central angle of 29°50'20", having a radius of 1227.50 feet, the long chord which bears S 64°29'31"E, 632.07 feet;**

**THENCE S 58°07'29"W, 281.95 feet;**

**THENCE S 26°47'41"W, 340.17 feet;**

**THENCE S 24°21'01"W, 227.62 feet;**

**THENCE S 20°32'10"W, 243.20 feet;**

**THENCE S 00°45'29"E, 357.87 feet to the **Point of Beginning** and containing 6,012,482 square feet or 138.028 acres of land more or less.**



## EXHIBIT "B" – PD3-4A LEGAL DESCRIPTION

### DESCRIPTION OF 357.76 ACRES

#### PD 3-4A

**BEING** a tract of land situated in the J. Bacon Survey, Abstract Number 492 (Tarrant County), the J. Sutton Survey, Abstract Number 1451 (Tarrant County), Abstract Number 1154 (Denton County), the J. Gibson Survey, Abstract Number 592 (Tarrant County), the G.B. Hendricks Survey, Abstract Number 680 (Tarrant County), and the C. Medlin Survey, Abstract Number 1084 (Tarrant County), Abstract Number 823 (Denton County), and being a portion of that tract of land described by deed to HW2421 Land, LP, recorded in Instrument Number D209181337 County Records, Tarrant County, Texas, Instrument Number 2009-55583, Real Property Records, Denton County, Texas, a portion of Lot 1, Deloitte University Conference Center, an addition to the Town of Westlake, recorded in Instrument Number D210020327, County Records, Tarrant County, Texas, and all of Lot 1, Block 1 Circle T- Barn, an addition to the Town of Westlake, recorded in Instrument Number D214083474, County Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows;

**BEGINNING** at the northeast corner of the aforementioned Lot 1, Deloitte University Conference Center;

**THENCE** N 00°33'17"W, 217.17 feet;

**THENCE** S 77°03'35"W, 1563.23 feet, to the beginning of a curve to the right;

**THENCE** with said curve to the right, an arc distance of 1735.67 feet, through a central angle of 81°00'55", having a radius of 1227.50 feet, the long chord which bears N 62°25'59"W, 1594.64 feet;

**THENCE** N 00°47'59"W, 1049.35 feet, to the beginning of a curve to the right;

**THENCE** with said curve to the right, an arc distance of 345.82 feet, through a central angle of 16°45'22", having a radius of 1182.50 feet, the long chord which bears N 29°06'26"E, 344.59 feet, to the beginning of a reverse curve to the left;

**THENCE** with said reverse curve to the left, an arc distance of 504.93 feet, through a central angle of 28°25'59", having a radius of 1017.50 feet, the long chord which bears N 23°16'08"E, 499.77 feet;

**THENCE** N 89°27'20"E, 28.08 feet;

**THENCE** N 00°06'59"W, 245.16 feet;

**THENCE** with said curve to the right, an arc distance of 783.77 feet, through a central angle of 17°32'30", having a radius of 2559.99 feet, the long chord which bears N 08°39'16"E, 780.71 feet;

**EXHIBIT “B” – PD3-4A LEGAL DESCRIPTION (cont.)**

**THENCE N 17°25'31"E, 37.28 feet;**

**THENCE** with said curve to the left, an arc distance of 263.77 feet, through a central angle of 29°10'55", having a radius of 517.88 feet, the long chord which bears N 42°10'08"E, 260.92 feet;

**THENCE N 27°34'41"E, 160.61 feet;**

**THENCE N 17°10'09"E, 51.56 feet to the south right-of-wat line of State Highway 114 (a variable width right-of-way)**

**THENCE** with said south right-of-way line the following bearings and distances:

S 75°15'18"E, 39.32 feet;

N 35°10'12"E, 64.12 feet;

S 83°32'53"E, 280.71 feet;

S 75°20'18"E, 99.79 feet;

S 68°06'43"E, 312.60 feet;

N 71°04'40"E, 72.01 feet;

S 75°23'17"E, 420.11 feet;

S 43°54'26"E, 76.22 feet;

S 86°58'32"E, 198.85 feet;

S 75°13'09"E, 55.83 feet, to the beginning of a curve to the right;

with said curve to the right, an arc distance of 1373.44 feet, through a central angle of 14°08'55", having a radius of 5561.82 feet, the long chord which bears S 70°13'39"E, 1369.96 feet;

S 65°08'39"E, 819.44 feet;

S 61°06'42"E, 300.72 feet;

S 72°37'39"E, 151.61 feet;

S 65°07'20"E, 472.53 feet, to the beginning of a curve to the left;

**EXHIBIT “B” – PD3-4A LEGAL DESCRIPTION (cont.)**

with said curve to the left, an arc distance of 288.49 feet, through a central angle of  $02^{\circ}52'30''$ , having a radius of 5749.55 feet, the long chord which bears S  $66^{\circ}31'28''$ E, 288.46 feet;

S  $23^{\circ}22'21''$ E, 78.02 feet;

S  $69^{\circ}15'51''$ E, 131.51 feet;

**THENCE** N  $70^{\circ}06'59''$ E, 21.61 feet, to the east right-of-way line of Westlake Parkway (a variable width right-of-way);

**THENCE** S  $19^{\circ}13'50''$ W, 318.45 feet, with said east right-of-way line to the beginning of a curve to the right;

**THENCE** with said east right-of-way line and said curve to the right, an arc distance of 1369.15 feet, through a central angle of  $58^{\circ}52'17''$ , having a radius of 1332.50 feet, the long chord which bears S  $48^{\circ}39'58''$ W, 1309.71 feet, to the beginning of a reverse curve to the left;

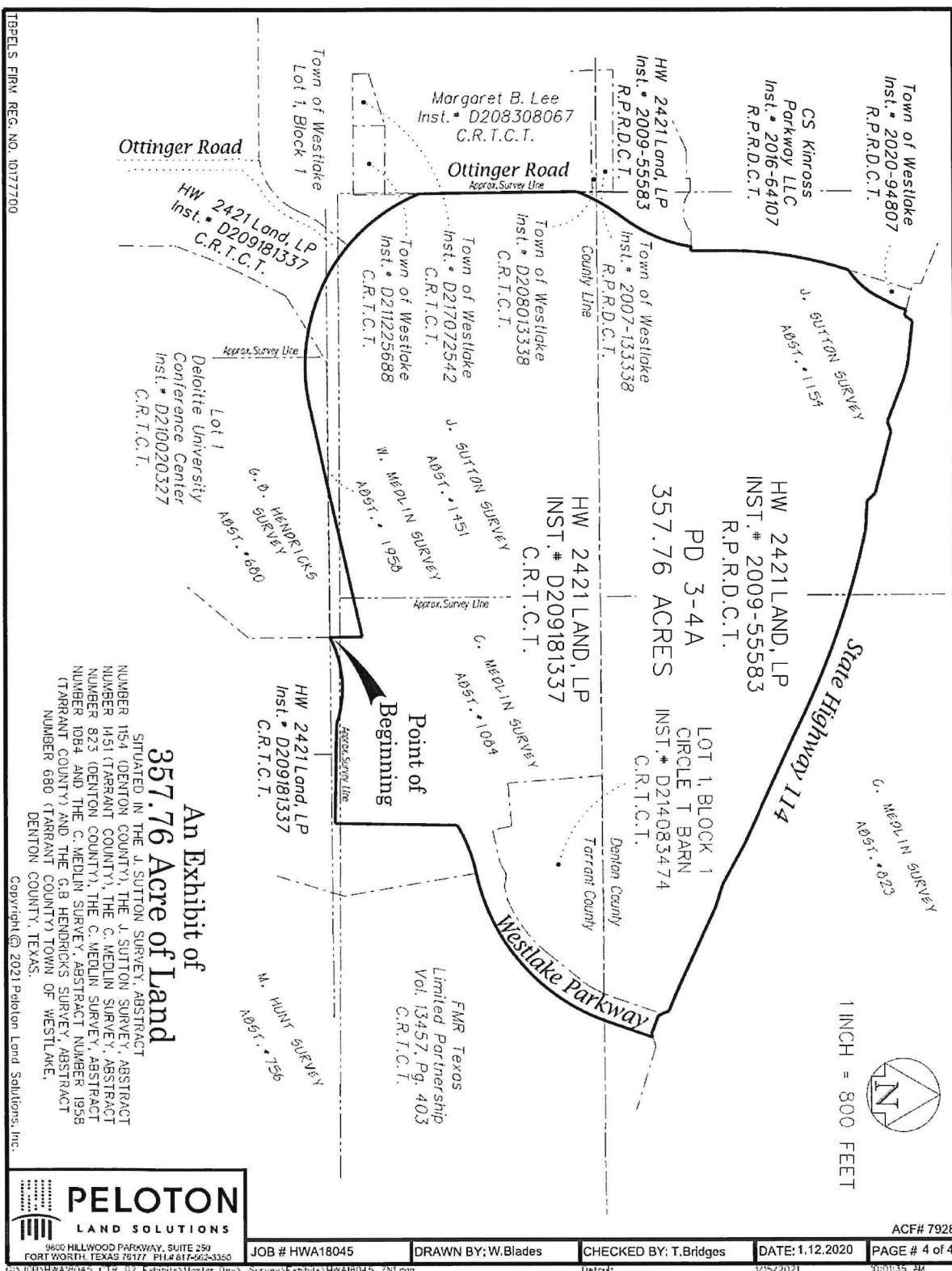
**THENCE** departing said east right-of-way line, with said reverse curve to the left, an arc distance of 345.72 feet, through a central angle of  $19^{\circ}28'03''$ , having a radius of 1017.50 feet, the long chord which bears S  $68^{\circ}30'19''$ W, 344.06 feet;

**THENCE** S  $00^{\circ}54'55''$ W, 812.99 feet;

**THENCE** N  $89^{\circ}05'05''$ W, 659.37 feet, to the beginning of a curve to the left;

**THENCE** with said curve to the left, an arc distance of 597.55 feet, through a central angle of  $45^{\circ}50'31''$ , having a radius of 746.85 feet, the long chord which bears S  $85^{\circ}50'40''$ W, 581.74 feet to the **Point of Beginning** and containing 15,583.972 square feet or 357.76 acres of land more or less.

EXHIBIT "B" – PD3-4A LEGAL DESCRIPTION (cont.)



## **EXHIBIT "C" – PD3-12A LEGAL DESCRIPTION**

### **Description of 117.640 Acres**

#### **PD 3-12A**

**BEING** a tract of land situated in the C. Medlin Survey, Abstract Number 1084, the G.B Hendricks Survey, Abstract Number 680 and the M. Hunt Survey, Abstract Number 756, Tarrant County, Texas, and being a portion of that tract of land described by deed to HW 2421 Land, LP., recorded in Instrument Number D209181337, and all of that tract of land described by deed to HW 164 Land, LP., recorded in Instrument Number D209181335, both of County Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at the northeast corner of Lot 1, Deloitte University Conference Center, an addition to the Town of Westlake, recorded in Instrument Number D210020327, being the beginning of a curve to the right;

**THENCE** with said curve to the right, an arc distance of 597.55 feet, through a central angle of 45°50'31", having a radius of 746.85 feet, the long chord which bears N 85°50'40"E, 581.74 feet;

**THENCE** S 89°05'05"E, 659.37 feet;

**THENCE** N 00°54'55"E, 794.86 feet, to the beginning of a curve to the right;

**THENCE** with said curve to the right, an arc distance of 78.86 feet, through a central angle of 09°45'25", having a radius of 463.06 feet, the long chord which bears N 05°47'38"E, 78.76 feet;

**THENCE** N 78°06'06"E, 319.33 feet, to the northwest corner of that tract of land described by deed to FMR Texas Limited Partnership, recorded in Volume 13457, Page 403, County Records, Tarrant County, Texas;

**THENCE** S 09°40'08"E, 892.91 feet, with the west line of said FMR Texas Limited Partnership tract;

**THENCE** S 16°36'28"W, 1518.11 feet, with said west line;

**THENCE** S 00°59'38"E, 573.79 feet, with said west line

**THENCE** S 11°34'10"E, 579.46 feet, to the north right-of-way line of Dove Road (a variable width right-of-way);

**THENCE**, S 73°01'39"W, 347.20 feet, with said north right-of-way line to the beginning of a curve to the right;

**THENCE** with said north right-of-way line and said curve to the right, an arc distance of 253.38 feet, through a central angle of 19°21'24", having a radius of 750.00 feet, the long chord which bears S 80°11'57"W, 252.18 feet;

**EXHIBIT “C” – PD3-12A LEGAL DESCRIPTION (cont.)**

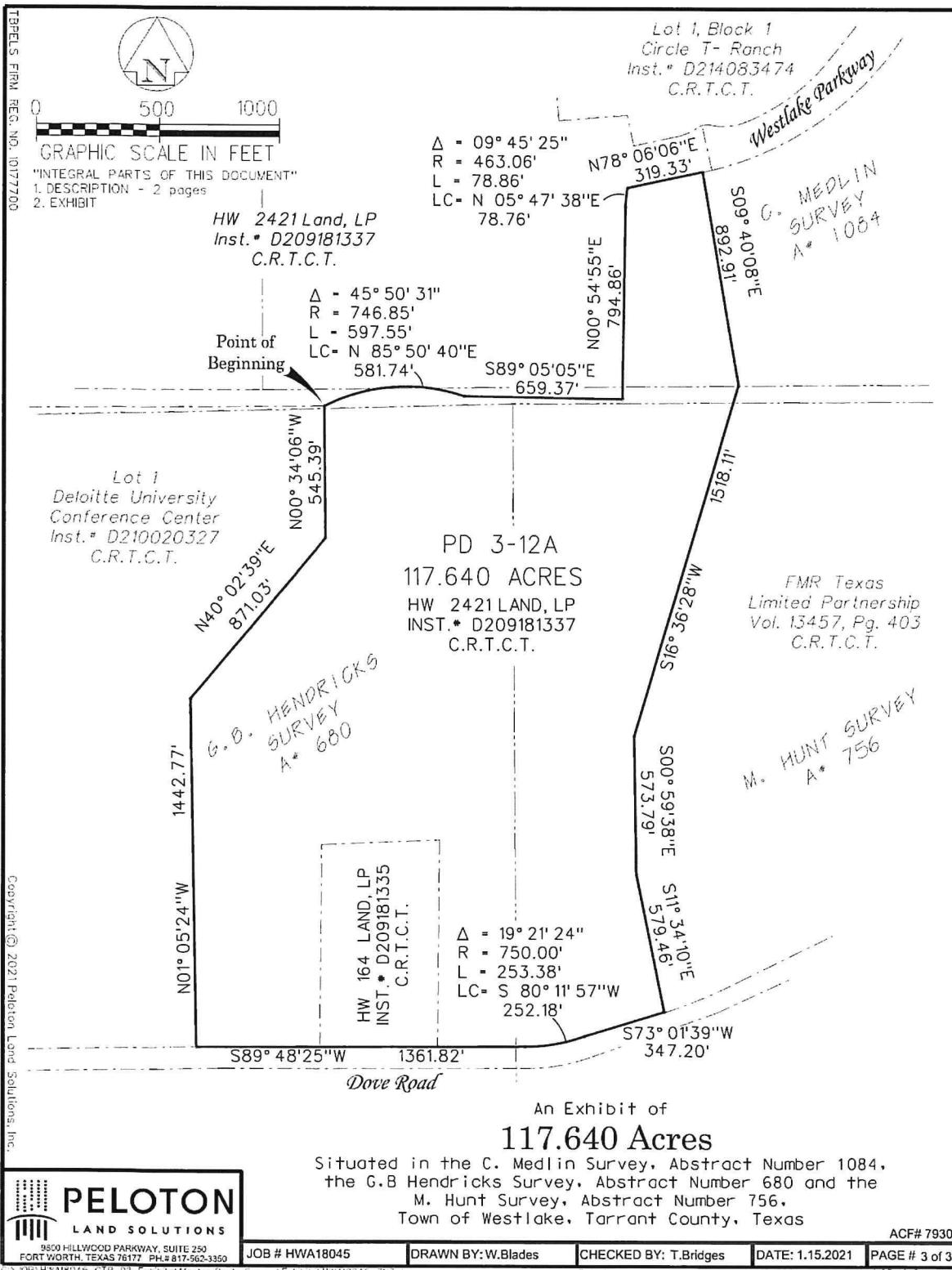
**THENCE S 89°48'25" W, 1361.82 feet, continuing with said north right-of-way line to the southeast corner of the aforementioned Lot 1, Deloitte University Conference Center;**

**THENCE N 01°05'24" W, 1442.77 feet, with the east line of said Lot 1;**

**THENCE N 40°02'39" E, 871.03 feet, continuing with said east line;**

**THENCE N 00°34'06" W, 545.39 feet to the Point of Beginning and containing 5,124,411 square feet or 117.640 acres of land more or less.**

## EXHIBIT "C" – PD3-12A LEGAL DESCRIPTION (cont.)



An Exhibit of

### 117.640 Acres

Situated in the C. Medlin Survey, Abstract Number 1084,  
the G.B. Hendricks Survey, Abstract Number 680 and the  
M. Hunt Survey, Abstract Number 756,  
Town of Westlake, Tarrant County, Texas

## EXHIBIT "D" – PD3-12A

### **CIRCLE T PLANNING AREA 3-12A** **CONFERENCE AND EDUCATIONAL CENTER, DATA CENTER, OFFICE AND** **RETAIL**

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## ARTICLE I. GENERAL PROVISIONS

### SECTION 1 SHORT TITLE

This ordinance shall be known and may be cited as the “Circle T Planning Area No. 3-12A Conference and Educational Center, Office and Retail Ordinance”, or simply as the “PD Ordinance”.

### SECTION 2 PURPOSES

This PD Ordinance is adopted to provide for a superior design of lots or buildings; to provide for increased recreation and/or open space opportunities; to provide amenities or features that would be of special benefit to the property users or community; to protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and viewscapes; to protect or preserve any existing historical buildings, structures, features or places; and to provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.

### SECTION 3 GENERAL DEFINITIONS

**Section 3.1 Usage.** For purposes of this PD Ordinance, certain numbers, abbreviations, terms, and words shall be used, interpreted and defined as set forth in this Section. Other terms and words are defined elsewhere in this PD Ordinance. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, and words used in the plural include the singular. The word “shall” will be interpreted as mandatory, and the word “may” as permissive.

#### Section 3.2 Words and Terms Defined.

Applicable Town Ordinances means the UDC and all other ordinances, rules, and regulations that are adopted by the Board and that are applicable to development within the PD District 3-12A.

Board means the Board of Aldermen of the Town of Westlake, Texas.

Commission means the Planning and Zoning Commission of the Town of Westlake, Texas.

Floor Area means the total area of all floors of all buildings on a lot or unified development site measured between the outer perimeter walls of the buildings excluding (i) area in a building or in a separate structure (whether below or above grade) used for the parking of motor vehicles, (ii) courts or balconies open to the sky, and (iii) roof area used for recreation.

Masonry means brick, stone, cast stone, concrete, glass block, split-face concrete masonry unit, or other masonry materials approved by the Board.

PD District means the planned development zoning district established by this PD Ordinance.

PD Concept Plan means a plan for development which enables the town to evaluate major impacts of a proposed zoning district or planned development district.

PD Ordinance means this planned development zoning district ordinance, including any approved PD Concept Plan.

PD Supplement means that certain Circle T Planned Development Zoning District As codified in the Planned Development Supplement.

Town means the Town of Westlake, Texas.

UDC means the Town's Unified Development Code, as amended.

## **SECTION 4 PD SUPPLEMENT**

The Board adopted the PD Supplement. The PD Supplement includes additional standards that are applicable within this PD District. The PD Supplement establishes additional standards for the following: (i) concept, informational, development and site plans; (ii) signs; (iii) landscaping; (iv) roadway construction, parking and loading; (v) fencing; (vi) lighting; (vii) other special standards; and (viii) illustrations. To the extent that there is any conflict between a provision in the PD Supplement and this PD Ordinance, the terms of this PD Ordinance shall control.

## **SECTION 5 APPLICABILITY OF EXISTING REGULATIONS**

**Section 5.1 Applicable Town Ordinances** Except to the extent provided by the PD Concept Plan, this PD Ordinance and the PD Supplement, development within the PD District shall be governed by the following UDC standards:

O-H Office Park-Hotel, with respect to Conference and Educational Center and Data Center uses;

O-Office Park, with respect to Office uses; and

LR-Local Retail, with respect to Retail uses.

Except to the extent provided by the PD Concept Plan, this PD Ordinance, and the PD Supplement, development within the PD District shall also be governed by the Applicable Town Ordinances. In the event of any conflict between (i) the PD Concept Plan, this PD Ordinance and the PD Supplement and (ii) the Applicable Town Ordinances, the terms, provisions and intent of the PD Concept Plan, this PD Ordinance and the PD Supplement shall control. Except as provided below, in the event of any conflict between the UDC and the Applicable Town Ordinances, the terms, provisions and intent of the UDC shall control.

**Section 5.2 General Approval Criteria** To the extent, if any, that the Applicable Town Ordinances (and, in particular, the subdivision regulations of the UDC) grant to the Board, the Commission, the Town Manager or any other Town employee or consultant, the authority to approve any aspect of development within the PD District (including, but not limited to, preliminary or final plats or any aspect thereof or any agreements or permits related thereto) based on conformity with the Town's Comprehensive Plan, Open Space Plan or Thoroughfare Plan (or with the objectives, goals or policies of such plans), then such authority shall be exercised to the extent necessary to determine whether the aspect of development being approved is consistent with

the PD Concept Plan, this PD Ordinance, the PD Supplement and the objectives, goals, and policies of such plan, ordinance and supplement.

## **SECTION 6 CONCEPT PLAN, DEVELOPMENT PLANS, AND SITE PLANS.**

**Section 6.1 PD Concept Plan.** A PD Concept Plan for this PD District shall be approved prior to the approval of any development plans and site plans required by this PD Ordinance. The PD concept plan shall comply with the Comprehensive Land Use Plan, the Open Space and Trail Plan, the Master Thoroughfare Plan, the Master Water and Sewer Plan of the Town and the Master Drainage Plan of the town and the UDC

**Section 6.2 PD Development Plans** Article 1, Section 1-3, (3) of the Planned Development Supplement states that PD development plans shall not be required for development within any of the PD Districts.

**Section 6.3 PD Site Plans** PD site plans are required for development within the PD District. Article I, Section 1-3 (4) of the PD Supplement governs the process by which PD site plans are submitted and approved (including, but not limited to, the submittal requirements, approval criteria, and conditions).

## ARTICLE II. USES

### SECTION 1 LAND USE SCHEDULE

Buildings, structures, and land within the sub-areas identified on the PD Concept Plan shall be used only in accordance with the uses permitted in the following "Land Use Schedule". The symbol "X" shall mean that the use is permitted as a principal use by right. The symbol "S" shall mean that the principal use is permitted only after first obtaining a "Specific Use Permit" as set forth in the UDC. The symbol "A" shall mean that this use is specifically permitted as an accessory use to a main use (this does not exclude other land uses which are generally considered accessory to the primary use). A blank square shall mean that the use is not allowed as a principal use.

### CIRCLE T PLANNING AREA 3-12A CONFERENCE AND EDUCATIONAL CENTER, DATA CENTER, OFFICE AND RETAIL LAND USE SCHEDULE

PERMITTED USES	Permitted "X" Special Use "S" Accessory "A"
<b>AGRICULTURAL USES</b>	
Orchard	X
Plant Nursery (Growing)	X
Plant Nursery (Retail Sales)	X
Farms General (Crops)	X
Farms General (Livestock, Ranch)	X
Veterinarian (Indoor Kennels)	
Veterinarian (Outdoor Kennels)	
Stables (Private Use)	S
Stables (As a Business)	
<b>RESIDENTIAL USES</b>	
Single Family Detached	

PERMITTED USES	Permitted "X" Special Use "S" Accessory "A"
Single Family Zero Lot Line	
Single Family Attached	
Duplex	
Home Occupation	
Servants/Caretakers Quarters	
Accommodation for Employees/Customers/Visitors	A
Swimming Pool (Private)	A
Detached Garage (Private)	A
Sport/Tennis Courts (Private)	A
<b>INSTITUTIONAL and GOVERNMENTAL USES</b>	
Emergency Ambulance Service	X
Post Office (Governmental)	X
Mailing Service (Private)	X
Heliport	
Helistop/Verti-stop	S
Telephone, Electric, Cable, and Fiber Optic Switching Station	X
Electrical Substation	S
Utility Distribution Lines <sup>2</sup>	X
Utility Shop and Storage	A
Water and Sewage Pumping Station (below grade)	X

PERMITTED USES	Permitted "X" Special Use "S" Accessory "A"
Water and Sewage Pumping Station (above grade)	S
Water Storage Tank and Pumping System (Elevated or Above Grade)	S
Water, Sewer, Electric, and Gas Meters	X
Electric Transformers	X
Private Streets/Alleys/Drives	X
Retirement Home	
Nursing/Convalescent Home	
Hospice	
Hospital	
Psychiatric Hospital	
Clinic	A
Child Daycare (Public; 7 or more)	
Child Daycare (Private; 7 or more)	A <sup>5</sup>
School, K-12 (Public or Private)	
School (Vocational)	
College or University	X
Community Center (Public)	
Civic Club	X
Church or Place of Worship	X
Use Associated to a Religious Inst.	X
Government Building	X

<b>PERMITTED USES</b>	<b>Permitted "X" Special Use "S" Accessory "A"</b>
Police Station	X
Fire Station	X
Library	X
Data Center	X
<b>COMMERCIAL USES</b>	
Multifamily (Apartments)	
Offices (General)	X
Studio	X
Banks and Financial Institutions	X
Information Processing	X
Hotel/Motel	X
Hotel/Motel with Conferencing Facility	X
Laundry/Dry Cleaning (<3,000 S.F.)	A
Laundry/Dry Cleaning (Drop/Pick)	A
Shoe Repair	A
Beauty Parlor/Barbershop	A
Clothing Store	A
Quick Copy/Duplicating Services	A
Personal Services	A
Liquor Store	

PERMITTED USES	Permitted "X" Special Use "S" Accessory "A"
Micro-brewery and Wine Production and Sales (<30,000 S.F.)	S
Grocery	
Convenience Store	A
Service Station	
Drug Store	A
Variety Store	A
Bakery Sales	A
Stationery and/or Book Store	A
Antique Shop	
Art Gallery/Museums	A
Hardware Store	
Sporting Goods	A
Paint and Wallpaper	
Cloth Store	
Retail Stores – General (Excluding Second Hand Goods)	A
Restaurant, Cafe or Dining Facility	X
Restaurant, Cafe or Dining Facility with alcohol sales	S
Auto/Truck Parts and Accessories	
Household Furniture/Appliances (including Sales and Service)	
Farmer's Market	
Feed Store	

PERMITTED USES	Permitted "X" Special Use "S" Accessory "A"
Parking Structure	X
Cafeteria (Private)	A
Job Printing, Lithography, Printing, or Blueprinting	A
Vehicle Display and Sales (inside)	
Medical Laboratory	
R&D Laboratory	A <sup>6</sup>
Conference Center	X
Live Theater	A
Motion Picture Theater	A
Custom Business Services	X
Electronic Appliances Store and Computer Sales and Service	
Tavern, Bar or Lounge	S
Dance Halls/Nightclubs	S
<b>AMUSEMENT/RECREATION</b>	
Golf Course (Public or Private)	X
Park or Playground (Public or Private)	X
Satellite Dish	X
Non-Commercial Radio Tower	
Race Track Operation	
Recreation Facility, Health Studio (Public)	X

PERMITTED USES	Permitted "X" Special Use "S" Accessory "A"
Country Club (Private Membership)	X
Golf Clubhouse (Public or Private)	X
Community Center (Private)	X
Recreation Center (Private)	X
Hike, Bike, and Equestrian Trails (Public or Private)	X
Golf Maintenance Facility	A
Golf Pro Shop	A
Health/Spa Facilities (Private)	A
Athletic Fields (Private)	A
Athletic Courts (Private)	A
Equestrian Center	A
Athletic Courts (Public)	A
Commercial Amusement (Inside)	A
Lake Cruise/Water Taxi	
<b>AUTO SERVICES</b>	
Truck/Trailer Rental	
Auto Body Repair	
Auto Mechanical Repair	A
Quick Lube/Oil Change	
Vehicle Maintenance (Private)	A

PERMITTED USES	Permitted "X" Special Use "S" Accessory "A"
Vehicle Fueling (Private)	A
<b>WHOLESALE TRADE</b>	
Warehouse/Storage (Inside)	
Warehouse/Storage (Outside)	
Scrap/Waste Recycling Collection and/or Storage	
Gas/Chemical Bulk Storage	
Light Manufacturing/Assembly	
Apparel Manufacturing	
Packaging and/or Distribution	
Printing, Engraving and related Reproductive Services	
Distribution of Books/Other Printed Material	
Machine Shop	
Welding Shop	
Temporary Batching Plant	S
Temporary Construction Office	X <sup>3</sup>
Temporary Construction Materials Storage	X <sup>3</sup>
Temporary Sales Office	X <sup>4</sup>

**NOTES:**

1. Individual retail occupants (except grocery store and drug store) cannot exceed 25,000 square feet.

2. Including water, sewer, electric, gas, cable, telephone, fiber optic, and other public and private utility distribution lines.
3. Limited to period of construction.
4. Limited to “build-out” period.
5. “Private” shall be deemed to include a daycare that is made available to any employee on the property.
6. Limited to white collar research and development (i.e., non-industrial, non-chemical, and non-water processing).

## **SECTION 2 ACCESSORY USES AND STRUCTURES**

An accessory use or structure which is customarily incidental to the principal use or structure, and which is located on the same lot or tract of land, shall be permitted as an accessory use without being separately listed as a permitted use.

## ARTICLE III. DEVELOPMENT STANDARDS

### SECTION 1 DENSITY

**Section 1.1 Conference and Educational Center, Data Center, Office and Retail.** The maximum aggregate floor area for the Conference and Educational Center, Data Center, Office and Retail use areas, in the aggregate, shall be 1,000,000 square feet.

### SECTION 2 MINIMUM LOT SIZE

**Section 2.1 Conference and Educational Center and Data Center.** The minimum lot size for the Conference and Educational Center and Data Center use areas shall be 200,000 square feet.

**Section 2.2 Office and Retail.** The minimum lot size for the Office and Retail use areas shall be 100,000 square feet. **MINIMUM LOT WIDTH**

**Section 3.1 Conference and Educational Center, Data Center, Office and Retail.** The minimum lot width for the Conference and Educational Center, Data Center, Office and Retail use areas and all other uses shall be 200 feet.

### SECTION 4 MAXIMUM BUILDING HEIGHT

**Section 4.1 Conference and Educational Center, Data Center, Office and Retail.** Except as provided below, the maximum height for all structures within the Conference and Educational Center, Data Center, Office and Retail use areas shall be the greater of five stories or 75 feet.

**Section 4.2 Exceptions to Height Requirements.** The height limits imposed above shall not apply to (a) chimneys and vent stacks, church spires, cupolas, entry features, skylights, or other architectural features that are not intended for occupancy or storage; (b) flag poles and similar devices; or (c) heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices provided such equipment, fixtures, and devices are screened from view with a solid wall that is architecturally consistent with the design of the building to which they are attached.

### SECTION 5 MINIMUM BUILDING SIZE

**Section 5.1 Conference and Educational Center, Data Center, Office and Retail.** The minimum building size for Conference and Educational Center, Data Center, Office and Retail use shall be 3,000 square feet.

### SECTION 6 FRONT YARD SETBACKS

**Section 6.1 Conference and Educational Center and Data Center.** The minimum front yard for the Conference and Educational Center and Data Center use areas shall be 100 feet.

**Section 6.2 Office and Retail.** The minimum front yard for the Office and Retail use areas shall be 50 feet. **Exceptions to Front Yard Setbacks.** The setbacks imposed above shall not apply with respect to existing guard houses as of the date hereof. **General.**

A. Required front yards must be open and unobstructed except for fences and signs allowed by this PD Ordinance; provided, however, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required front yard. A fireplace chimney may project up to two feet into the required front yard if its area of projection does not exceed 12 square feet. Cantilevered roof eaves and balconies may project up to five feet into the required front yard.

B. The front yard setback is measured from the front lot line or from the required right-of-way, whichever creates the greater setback.

C. If a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets. If access is prohibited on one frontage by plat, the following structures or portions of structures in the yard along such frontage are governed by the rear yard regulations: swimming pools; game courts; fences; garages; and other accessory buildings.

D. If a corner lot has two street frontages of equal distance, one frontage is governed by the front yard regulations and the other frontage by the side yard regulations. If the corner lot has two street frontages of unequal distance, the shorter frontage is governed by the front yard regulations and the longer by the side yard regulations.

## **SECTION 7 REAR YARD SETBACKS**

**Section 7.1 Conference and Educational Center and Data Center.** The minimum rear yard for the Conference and Educational Center and Data Center use areas shall be 100 feet.

**Section 7.2 Office and Retail.** The minimum rear yard for the Office and Retail use areas shall be 25 feet. **Exceptions to Rear Yard Setbacks.** The setbacks imposed above shall not apply with respect to existing guard houses as of the date hereof. **General.**

A. Required rear yards must be open and unobstructed except for fences and signs allowed by this PD Ordinance; provided, however, ordinary projections of windowsills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required rear yard. A fireplace chimney may project up to two feet into the required rear yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required rear yard. Balconies may not project into the required rear yard.

B. The rear yard setback is measured from the rear lot line.

## **SECTION 8 SIDE YARD SETBACKS**

**Section 8.1 Conference and Educational Center and Data Center.** The minimum side yard for the Conference and Educational Center and Data Center use areas shall be 75 feet.

**Section 8.2 Office and Retail.** The minimum side yard for the Office and Retail use areas shall be 25 feet. **Exceptions to Side Yard Setbacks.** The setbacks imposed above shall not apply with respect to existing guard houses as of the date hereof. **General.**

- A. Required side yards must be open and unobstructed except for fences and signs allowed by this PD Ordinance; provided, however, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Cantilevered roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.
- B. The side yard setback is measured from the side lot line, except when a front yard is treated as a side yard, in which case, the setback is measured from the lot line or the required right-of-way, whichever creates the greater setback.
- C. Air conditioning units may be located in the required side yard, but not nearer than one foot to the property line.

## **SECTION 9 MISCELLANEOUS DEVELOPMENT REQUIREMENTS**

**Section 9.1 Landscape Irrigation.** Upon the submission and approval by Town staff of a landscape design utilizing low water or Xeriscaping plantings, the inclusion of an automated landscape irrigation system may be waived for part or all of the subject property. A temporary irrigation system may be utilized at the owner's discretion to allow for the establishment of plantings, but such a system may be temporarily or permanently disengaged, at such owner's sole discretion.

**Section 9.2 Fencing.** Fencing around any data center use may exceed seven feet in height if such height is reasonably required for the security of such data center; provided, that any fencing that exceeds seven feet in height be screened from adjacent rights of way or properties by topography, structures or plantings.

### **Section 9.3 Lighting.**

- A. Luminaries used for building security or to illuminate building facades, entrances, parking areas and loading and service areas may be installed (i) on the building façade but not above the building roof line; and (ii) anywhere on the lot with a maximum height of 25 feet, but not higher than the building roof line.
- B. Luminaries used to illuminate pedestrian areas shall have a maximum height of 12 feet, and no pedestrian walkways are allowed to run parallel to a line of upright fixtures (excluding bollards 12 feet or less in height) and a building. Walkways connecting pedestrian areas and adjacent buildings shall be allowed to be located in this area, so long as the primary intent is to connect the pedestrian walkway and the building.

## **SECTION 10 SITE ACCESS**

Other than emergency access, no access shall be permitted off of Dove Road.

All ingress/egress locations shall be shown on the final approved site plan.