

**TOWN OF WESTLAKE**

**ORDINANCE NO. 769**

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS TO REZONE A PORTION OF AN APPROXIMATELY 154-ACRE TRACT OF LAND GENERALLY LOCATED IN DENTON COUNTY, TEXAS, BEING A PORTION OF THE PROPERTY KNOWN AS THE PD 3-5A PLANNING AREA BY DEFINING THE BOUNDARIES OF THE PD 3-5A PLANNING AREA; ESTABLISHING THE PERMITTED USES, DEVELOPMENT STANDARDS, DENSITIES, AND DEFINITIONS; PROVIDING EXHIBITS SHOWING THE BOUNDARIES, PROVIDING FOR AND A LEGAL DESCRIPTION; PROVIDING FOR GENERAL REGULATIONS; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR AREA REQUIREMENTS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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

**WHEREAS**, all legal requirements of state statutes and Town ordinances of the Town of Westlake, as well as all legal requirements and legal notices and prerequisites having been complied with; including the Texas Open Meetings Act and the requirements of Texas Local Government Code chapter 211; and

**WHEREAS**, on August 24, 1992, the Town Council (the "Council") of the Town of Westlake, Texas (the "Town") adopted a Comprehensive Plan (the "1992 Comprehensive Plan") for the Town; and

**WHEREAS**, on November 16, 1992, the Council adopted a Comprehensive Zoning Ordinance (the "Zoning Ordinance"); and

**WHEREAS**, on September 15, 1997, based on the recommendations of the Planning and Zoning Commission (the "Commission"), the Council amended the Zoning Ordinance and the subdivision regulations by adopting a Unified Development Code (the "UDC") for the Town; and

**WHEREAS**, the Zoning Ordinance and subdivision regulations have been amended and codified; and

**WHEREAS**, on March 2, 2015, the Town Council (the "Council") of the Town of Westlake, Texas (the "Town") adopted an updated Comprehensive Plan (the "2015 Comprehensive Plan") for the Town; and

**WHEREAS**, there is located within the corporate limits of the Town an approximately 154 acre tract of land (to be referred to as PD 3-5A, Planned Development Zoning District 3, Planning Area 5, and hereinafter sometimes referred to as the "Planning Area"); and

**WHEREAS**, due to improvements to State Highway 114, further urban growth throughout the region, and other changed conditions that affect the region, the Town believes there are unique and significant opportunities for office, retail and mixed-use development including owner-occupied single family residential within the Planning Area that will be consistent with the Town's long-term development vision; and

**WHEREAS**, the Commission has recommended to the Council that the hereinafter described property be rezoned to "PD 3-5A" (Planned Development District 3, Planning Area 5A); and

**WHEREAS**, the Council believes that the interests of the Town, the present and future residents and citizens of the Town, and developers of land within the Town are best served by adopting this Ordinance, which the Council has determined to be consistent with the 2015 Comprehensive Plan - Land Use Plan, Thoroughfare Plan, Open Space and Trail Plan, Water and Sewer Plans, Drainage Plan, and Zoning Map all as amended.

**WHEREAS**, the Town Council of the Town of Westlake, Texas, at a public hearing called at a regular session of the Town Council did consider the following factors in making a determination as to whether the requested change should be granted or denied: congestion in the streets, including safety of the motoring public and the pedestrians using the facilities in the area; to secure safety from fire, panic or other dangers; the promotion of health and the general welfare, to provide for adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of the population, facilitating the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and

**WHEREAS**, having received the recommendation of the Planning & Zoning Committee, the Town Council of the Town of Westlake, Texas is of the opinion that it is in the best interest of the town and its citizens that the amendments should be approved and adopted.

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

**SECTION 1:** That the recitals set forth above are hereby incorporated herein, adopted by the Town and declared to be true and correct.

**SECTION 2:** 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 Westlake, 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 3:** That the Comprehensive Zoning Ordinance of the Town of Westlake, Texas, Ordinance No. 200, is hereby amended adding and adopting the Planned Development Ordinance attached hereto as Exhibit "A" and incorporated herein which provides for Planned Development District No. 3, Planning Area 5A, within the property described in **Exhibit 1** of Exhibit "A" attached hereto and incorporated herein by reference for all purposes and for Exhibits 1-8 attached to Exhibit "A" and incorporated therein, and further provides in Exhibit "A" and attached Exhibits "A 1-8 for Article I "General Provisions" providing for short title, purposes, definitions, use of PD Supplement, applicability of Town regulations and general approval criteria, Concept Plan, Development Plans, and Site Plans, and further provides in Article II "Uese" for land uses, accessory uses and structures, and further provides in Article III "Development Standards" for density, minimum lot size, minimum lot width, maximum building height, minimum building size, front yard setbacks and build to lines, rear yard setbacks, side yard setbacks, slope requirements, and further provide in Article IV "Additional Mixed Use Development Area Standards" for roadway standards, landscaping, lake edge, roofs, consistent first floor heights, street level entries and openings, storefront spacing, street level facades, porches, sidewalk coverings, diversity of uses, mid-block passages, paving materials, pedestrian accesses, and firther provide in Article V. for exhibits .

**SECTION 4:** Upon the adoption of this PD, the Town Manager or his designee shall promptly update the Town's Official Zoning Map, to include an amended Planned Development on which entry shall include the abbreviated designation "PD No. 3-5A" and the date that this Ordinance was adopted by the Council.

**SECTION 5:** It is hereby declared to be the intention of the Council, 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 unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6:** This Ordinance shall become effective upon its passage.

**PASSED AND APPROVED ON THIS 22ND DAY OF FEBRUARY 2016.**

ATTEST:

Kelly Edwards

Kelly Edwards, Town Secretary

Laura Wheat

Laura Wheat, Mayor

Thomas E. Brymer

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry

L. Stanton Lowry, Town Attorney



## **Exhibit "A"**

### **CIRCLE T PLANNING AREA 5A**

#### **ARTICLE I. GENERAL PROVISIONS**

##### **SECTION 1.1 SHORT TITLE.**

This ordinance shall be known and may be cited as the "Circle T Planning Area No. 5 (PD 3-5A)", or simply as the "PD Ordinance."

##### **SECTION 1.2 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 for public use; to provide rural 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 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 1.3 GENERAL DEFINITIONS.**

**Section 1.3.1 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 other related town ordinances. 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 1.3.2 Words and Terms Defined.**

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

Council means the Town Council 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 Council.

Mixed Use Development Area means the areas within the PD District that are developed in accordance with the Mixed Use regulations of this PD Ordinance.

Non-Residential Use means all Permitted Uses other than residential.

PD District means a Planned Development Zoning District. (i.e. PD3) A PD Zoning District may be divided into multiple planning areas. (i.e. PD 3-5A; PD Zoning District 3, Planning Area 5A.) The Planned Development Zoning District contains regulations that apply to all planning areas within the zoning district, unless the PD Ordinance that created or amended the PD Planning Area contains regulations that are different from those in the PD Zoning District.

PD Ordinance means this Planned Development Planning Area ordinance, including any approved PD Concept Plan, PD Development Plan or PD Site Plan.

PD Planning Area means a planning area within a Planned Development Zoning District.

PD Supplement means that certain Circle T Planned Development Zoning District Supplement contained in Ordinance No. 307 and adopted by the Council.

Town means the Town of Westlake, Texas.

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

## **SECTION 1.4 PD SUPPLEMENT.**

Concurrently with the adoption of PD Ordinance No. 311, the Council 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: concept, informational, development and site plans; signs; landscaping; roadway construction, parking and loading; fencing; lighting; other special standards; and illustrations.

## **SECTION 1.5 APPLICABILITY OF EXISTING REGULATIONS.**

**Section 1.5.1 Applicable Town Ordinances.** Except to the extent provided by an approved PD

Concept Plan, this PD Ordinance and the PD Supplement, development within the PD District shall be governed by least restrictive of the "R" Retail or "O" Office Park zoning district standards and the uses listed in Article II of this Ordinance.

Except to the extent provided by an approved PD Concept Plan, this PD Ordinance, and the PD Supplement, the Applicable Town Ordinances shall also govern development within the PD District. In the event of any conflict between (a) an approved PD Concept Plan, this PD Ordinance and the PD Supplement and (b) the Applicable Town Ordinances, the terms, provisions and intent of an approved 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 1.5.2 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 Council, 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 an approved PD Concept Plan, this PD Ordinance, the PD Supplement.

## **SECTION 1.6 CONCEPT PLAN, DEVELOPMENT PLANS, AND SITE PLANS.**

**Section 1.6.1 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 Plans, and the Master Drainage Plan of the town and the UDC.

**Section 1.6.2 PD Development Plans.** PD development plans are required for development within the PD District. The UDC governs the process by which PD development plans are submitted and approved.

**Section 1.6.3 PD Site Plans.** PD site plans are required for development within the PD District. Article I, Section 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 2.1 LAND USES.

**Section 2.1.1 Land Use Schedule.** Buildings, structures, and land within the PD District 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.

### PLANNING AREA 5 A - LAND USE SCHEDULE

PERMITTED USES	A = Accessory Use X = Permitted S == Special Use
<b>AGRICULTURAL USES</b>	
1. Plant Nursery (Growing)	X
2. Plant Nursery (Retail Sales)	X
3. Farms General (Crops)	X
4. Farms General (Livestock, Ranch)	X
5. Vegetarian (Indoor Kennels)	X
6. Vegetarian (Outdoor Kennels)	
7. Stables (Private Use)	S
8. Stables (As a Business)	S
<b>1. RESIDENTIAL USES</b>	
9. Single Family Detached	X
10. Single Family Attached - Zero Lot Line	X
11. Single Family Attached	X
12. Duplex	
13. Condominium	
14. Home Occupation	X
15. Servants/Caretakers Quarters	A
16. Temporary Accommodation for Employees/Customers/Visitors	A
17. Swimming Pool (Private)	A
18. Detached Garage (Private)	A
19. Sport/Tennis Courts (Private)	A

PERMITTED USES		A = Accessory Use X = Permitted S == Special Use
<b>INSTITUTIONAL and GOVERNMENTAL USES</b>		
20. Emergency Ambulance Service		X
21. Post Office (Governmental)		X
22. Mailing Service (Private)		X
23. Heliport		
24. HelistopVerti-stop		S
25. Telephone, Electric, Cable, and Fiber Optic Switching Station		X
26. Electrical Substation		S
27. Utility Distribution Lines <sup>1</sup>		X
28. Utility Shop and Storage		S
29. Water and Sewage Pumping Station (below grade)		X
30. Water and Sewage Pumping Station (above grade)		S
31. Water Storage Tank and Pumping System (Elevated or Above Grade)		S
32. Water, Sewer, Electric, and Gas Meters		X
33. Electric Transformers		X
34. Private Streets/Alleys/Drives		X
35. Retirement Home		X
36. Nursing/Convalescent Home		
37. Hospice		
38. Hospital		
39. Psychiatric Hospital		
40. Clinic		X
41. Child Daycare (Public; 7 or more)		X
42. Child Daycare (Private; 7 or more)		X
43. School, K-12 (Public or Private)		
44. School (Vocational)		A
45. College or University		X
46. Community Center (Public)		X
47. Civic Club		X
48. Church or Place of Worship		X
49. Use Associated with a Religious Inst.		X
50. Government Building		X
51. Police Station		X
52. Fire Station		X
53. Library		X
54. Data Center		X

<b>PERMITTED USES</b>	<b>A = Accessory Use</b> <b>X = Permitted</b> <b>S== Special Use</b>
	<b>COMMERCIAL USES</b>
55. Offices (General)	X
56. Studio	X
57. Banks and Financial Institutions	X
58. Information Processing	X
59. Hotel/Motel	X
60. Hotel/Motel with Conferencing Facility	X
61. Laundry/Dry Cleaning (<3,000 S.F.)	X
62. Laundry/Dry Cleaning (Drop/Pick)	X
63. Parking Structures	X
64. Shoe Repair	X
65. Beauty Parlor/Barbershop	X
66. Clothing Store	X
67. Quick Copy/Duplicating Services	X
68. Personal Services	X
69. Liquor Store	
70. Micro brewery and Wine Production and Sales (<30,000 S.F.)	S
71. Grocery (With alcoholic beverage sales)	S
72. Convenience Store (with alcoholic beverage sales)	S
73. Grocery	X
74. Convenience Store	X
75. Variety Store	X
76. Bakery Sales	X
77. Stationery and/or Book Store	X
78. Antique Shop	X
79. Art Gallery/Museums	X
80. Hardware Store	X
81. Sporting Goods	X
82. Paint and Wallpaper	X
83. Clothing Store	X
84. Retail Stores – General (Excluding Second Hand Goods)	X
85. Restaurant, Cafe or Dining Facility	X
86. Restaurant, Cafe or Dining Facility serving alcohol	S
87. Auto/Truck Parts and Accessories	X
88. Household Furniture/Appliances (including Sales and Service)	X
89. Farmer's Market	S

90. Feed Store	
91. Parking Structure	X
92. Cafeteria (Private)	A
93. Job Printing, Lithography, Printing, or Blueprinting	X
94. Vehicle Display and Sales (inside)	X
95. Medical Laboratory	A
<b>PERMITTED USES</b>	
	<b>A = Accessory Use</b>
	<b>X = Permitted</b>
	<b>S == Special Use</b>
96. R&D Laboratory	S
97. Conference Center	X
98. Live Theater	X
99. Motion Picture Theater	X
100. Custom Business Services	X
101. Electronic Appliances Store and Computer Sales and Service	X
102. Tavern, Bar or Lounge	S
103. Dance Halls/Nightclubs	S
104. Golf Course (Public or Private)	X
105. Park or Playground (Public or Private)	X
106. Satellite Dish	X
107. Non Commercial Radio Tower	
108. Race Track Operation	
109. Recreation Facility, Health Studio (Public)	X
110. Country Club (Private Membership)	X
111. Golf Clubhouse (Public or Private)	X
112. Community Center (Private)	X
113. Recreation Center (Private)	X
114. Hike, Bike, and Equestrian Trails (Public or Private)	X
115. Golf Maintenance Facility	A
116. Golf Pro Shop	X
117. Health/Spa Facilities (Private)	X
118. Athletic Fields (Private)	A
119. Athletic Courts (Private)	A
120. Equestrian Center	X
121. Athletic Courts (Public)	A
122. Commercial Amusement (Inside)	X
123. Lake Cruise/Water Taxi	X
124. Truck/Trailer Rental	S
125. Auto Body Repair	
126. Auto Mechanical Repair	S
127. Quick Lube/Oil Change	
128. Vehicle Maintenance (Private)	X
129. Vehicle Fueling (Private)	S

130. Warehouse/Storage (Inside)	
131. Warehouse/Storage (Outside)	
132. Scrap/Waste Recycling Collection and/or Storage	
133. Gas/Chemical Bulk Storage	
134. Light Manufacturing/Assembly	S
135. Apparel Manufacturing	
<b>PERMITTED USES</b>	
	<b>A = Accessory Use</b>
	<b>X = Permitted</b>
	<b>S == Special Use</b>
136. Packaging and/or Distribution	
137. Printing, Engraving and related Reproductive Services	
138. Distribution of Books/Other Printed Material	
139. Machine Shop	
140. Welding Shop	
141. Temporary Batching Plant	S <sup>2</sup>
142. Temporary Construction Office	X <sup>2</sup>
143. Temporary Construction Materials Storage	X <sup>2</sup>
144. Temporary Sales Office	X <sup>2</sup>

## NOTES:

1. Including water, sewer, electric, gas, cable, telephone, fiber optic, and other public and private utility distribution lines.
2. Limited to period of construction.

**Section 2.1.2 Municipal Use.** There shall be a two- acre municipal site reserved for a DPS/ Courts use within the PD District.

**Section 2.1.3 Residential Area.** The maximum number of residential units allowed in this PD District is 275 units. A construction schedule must be approved by the Town Council prior to or simultaneous with the filing of a preliminary plat.

## SECTION 2.2 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 3.1 DENSITY.**

**Section 3.1.1 Non-Residential Uses.** The maximum aggregate floor area for all allowed non-residential uses outside of a Mixed Use Development Area in this PD District is 1,010,000 square feet.

**Section 3.1.2 Mixed Use Development Area.** The maximum aggregate floor area for all allowed uses within a Mixed Use Development Area in this PD District is 350,000.

**Section 3.1.3 Residential Uses.** This PD may contain a maximum of 275 owner occupied, attached or detached single family dwelling units.

## **SECTION 3.2 MINIMUM LOT SIZE.**

**Section 3.2.1 Residential area.** The minimum lot size for all residential detached units is 5,000 square feet. There are no minimum lot sizes for Residential attached units.

**Section 3.2.2 Mixed Use Development Area.** There are no minimum lot sizes within a Mixed Use Development Area except as described in Section 2.1 above.

**Section 3.2.3 Non-Residential Uses.** The minimum lot size for Non-Residential Commercial and Institutional uses outside a Mixed Use Development Area shall be 100,000 square feet.

## **SECTION 3.3 MINIMUM LOT WIDTH**

**Section 3.3.1 Residential uses.** The minimum lot widths for residential detached units shall be 50 feet. There are no minimum lot widths for attached uses within a Mixed Use Development Area.

**Section 3.3.2 Mixed Use Development Area.** There shall be no minimum lot widths within a Mixed Use Development Area, except as noted in Section 3.1.

**Section 3.3.3 Non-Residential.** The minimum lot width for non-residential uses outside of a Mixed Use Development area uses outside of a Mixed Use Development Area shall be 200 feet.

## **SECTION 3.4 MAXIMUM BUILDING HEIGHT.**

**Section 3.4.1 Mixed Use Development Area.** The maximum height for all structures within a Mixed Use Development area shall be six (6) stories or 90 feet, but not to exceed a height of 735 feet above Mean Sea Level (MSL). The following additional standards apply:

- A. Adjacent buildings within the same block must be varied in height; however, the height differential between buildings cannot exceed two (2) floors.
- B. Heights are measured from the sidewalk to the top of the parapet or roof eave.

- C. Sloped roofs shall not exceed a pitch of 8 inch rise for every 12 inches of run.
- D. Attic space under the roof may be occupied.
- E. Vaulted and curved roofs are permitted but shall not exceed an apex height of greater than 16 feet above the parapet or eave line.

**Section 3.4.2 Residential Uses.** The maximum height for all residential structures outside of a Mixed-Use area is 35 feet.

**Section 3.4.3 All Uses Outside a Mixed Use Development Area.** The maximum height for all structures shall be the lesser of eight (8) stories or 735 feet above Mean Sea Level (MSL). Adjacent buildings within the same block must be varied in height; however, the height differential between buildings cannot exceed four (4) floors.

**Section 3.4.4 Exceptions to Height Requirements.** The height limits imposed by this Section shall not apply to (a) chimneys and vent stacks, church spires, towers, cupolas, sloped roofs, 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 3.5 MINIMUM BUILDING SIZE.**

The minimum residential dwelling unit size shall be 1, 500 square feet. The minimum building size for all other uses shall be 5,000 square feet.

## **SECTION 3.6 FRONT YARD SETBACKS AND BUILD TO LINES.**

**Section 3.6.1 Mixed Use Development Area.** There shall be a 15 foot minimum build to line for attached residential uses in a Mixed Use Development area. Detached residential shall have a 20 foot minimum front yard setback. There are no minimum front yard setbacks for other uses in a Mixed Use Development area except that sidewalk zones and landscaping will be consistent with the PD supplement.

**Section 3.6.2 Uses outside a Mixed-Used Development Area.** The minimum front yard for non-residential uses not within a Mixed Use Development Area shall be 50 feet. Detached residential uses shall have a 20 foot minimum front yard setback.

## **SECTION 3.7 REAR YARD SETBACKS.**

There are no minimum rear yard setbacks for uses within a Mixed Use Development Area. The minimum rear yard for all uses outside of a Mixed Use Development Area shall be 20 feet.

## **SECTION 3.8 SIDE YARD SETBACKS.**

**Section 3.8.1 Mixed Use Development Area – Residential Attached.** Each attached single family dwelling shall have only one five-foot wide side yard. The side yard requirements shall apply to only one side yard of the first and last attached houses in each set of attached houses.

**Section 3.8.2 Mixed Use Development Area - Residential Detached.** The side yard requirements for residential detached units shall be 10 feet.

**Section 3.8.3 Non-Residential Uses in a Mixed Use Development Area.** There shall be no side yard setback requirements for any non-residential uses within a Mixed Use Development Area. There shall be no side yard setback requirements for any other uses within a Mixed Use Development Area.

**Section 3.8.4 Non-Residential Uses not in a Mixed Use Development Area.** The minimum side yard for non-residential uses not in a mixed use development area shall be 25 feet.

## **SECTION 3.9 SLOPE REQUIREMENTS.**

The regulations contained in the Code of Ordinances or UDC relating to building heights and setback requirements based on a slope measured from a roadway or a residential use does not apply to development within this planning area.

# **ARTICLE IV. ADDITIONAL MIXED USE DEVELOPMENT AREA STANDARDS**

## **SECTION 4.1 ROADWAY STANDARDS.**

The general roadway standards applicable within a Mixed Use Development Area are established by the drawings labeled "Mixed Use Development Area Roadway Standards". Street sections for such roadways (including on- street parking) are illustrated on Exhibits 3 through 7.

## **SECTION 4.2 LANDSCAPING.**

All landscape requirements for this PD District are established in: (i) the Roadway Standards of this ordinance (See Exhibits 3 through 7); ( ii) the Lake Edge Standards ( See Exhibit 8); and iii) the PD Supplement. In the event that any landscaping standard is not addressed by (i), ( ii) or iii) above, then the landscaping standards contained in the UDC shall apply.

## **SECTION 4.3 LAKE EDGE.**

The standards applicable to the development of the Lake Turner shoreline are it lustrated on Exhibit 8.

## **SECTION 4.4 ROOFS.**

Commercial roofs will be predominantly flat with sloped roof architectural features. Residential roofs will be predominantly sloped with flat accent roofs. Sloped roofs will not have a height to length ratio greater than 8:12. Curved roofs will be no taller than 16 feet above the plate or cornice

line. All mechanical units must be screened from view.

#### **SECTION 4.5 CONSISTENT FIRST FLOOR HEIGHTS.**

Above a given block, the first floor heights should be similar in adjacent buildings, particularly as reflected in the exterior spandrel between the first and second floor. On commercial streets, the heights of the first floors and adjacent buildings should not vary by more than one foot. Likewise, heights of canopies and colonnades covering the sidewalks should match from building to building along a given block front, with a maximum height of 14 feet.

#### **SECTION 4.6 STREET LEVEL ENTRIES AND OPENINGS.**

Commercial entries along the street should be recessed at least two feet from the building face. Residential entries may be recessed or may be covered with a protective rain covering such as awnings and canopies.

#### **SECTION 4.7 STOREFRONT SPACING.**

At least one building entry or passage shall occur every 25 feet on average in any block, but no further than 40 feet apart along any commercial facade.

#### **SECTION 4.8 STREET LEVEL FACADES.**

Blank stretches of street level, street facing facades (those without windows or entries) should be minimized; however, stretches of ten feet are acceptable. Blank stretches between ten feet and 20 feet are permissible, but should be limited. Blank stretches over 20 feet are not allowed.

#### **SECTION 4.9 PORCHES.**

Where first floors are used for residential purposes, first floor porches must be elevated at 18 inches above the sidewalk.

#### **SECTION 4.10 SIDEWALK COVERINGS.**

Canopies and colonnades are permitted and encouraged.

#### **SECTION 4.11 DIVERSITY OF USES.**

Diversity of uses is encouraged throughout a Mixed Use Development Area. Mixing uses vertically within buildings is also encouraged.

#### **SECTION 4.12 MID-BLOCK PASSAGES.**

Mid-block passages which connect the street to the interior of blocks and the parking therein are encouraged. These passages may be enclosed or open air, but must remain open to public passage. These passages should be enhanced with landscaping. Pedestrian circulation should be encouraged and enhanced.

#### **SECTION 4.13 PAVING MATERIALS.**

Roadways and parking lots will be concrete, asphalt, with brick, stamped concrete, paver or stone crosswalks and concrete curbs. Entire sections of important roadways may be brick. Sidewalks shall be concrete and/ or brick. Other paved areas, such as courtyards and plazas, may be brick, concrete, or stone, as appropriate.

#### **SECTION 4.14 PEDESTRIAN ACCESSES.**

Pedestrian access must be maintained throughout the PD. All buildings and open space must be joined by sidewalks that follow the standards established in the PD Supplement, the UDC and the Trails and Open Space Plan. Sidewalks are also required to link recreational and entertainment uses to parking areas.

#### **ARTICLE V. EXHIBITS**

EXHIBIT 1 Legal Description of PD District

EXHIBIT 2 Mixed Use Development Area Maximum Building Height View-shed Analysis

#### **Mixed Use Development Roadway Standards**

EXHIBIT 3 Street" A"—Primary Road

EXHIBIT 4 Street' B"—Town Square

EXHIBIT 5 Street" C"— Perimeter Road

EXHIBIT 6 Street" D"— Interior Road

EXHIBIT 7 Street" E"— Service Lanes

EXHIBIT 8 Lake Edge

## Exhibit 1

### **DESCRIPTION 5A, Tract 1**

**BEING** a certain tract of land situated in the Richard Eads Survey, Abstract Number 393, the Jesse Sutton Survey, Abstract Number 1154, and the J. Bacon Survey, Abstract Number 1565, Denton County, Texas and being part of that tract of land described by deed to Westlake Retail Associates, LTD. recorded in Instrument Number 98-R0118649, Official Public Records Denton County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at the northeast corner of said Westlake Retail Tract;

**THENCE** S 17°23'44"W, 329.22 feet;

**THENCE** with said curve to the right, an arc distance of 225.55 feet, through a central angle of 72°36'05", having a radius of 178.00 feet, the long chord which bears S 53°41'47"W, 210.76 feet;

**THENCE** S 89°59'49"W, 2082.87 feet;

**THENCE** with said curve to the left, an arc distance of 610.57 feet, through a central angle of 33°57'51", having a radius of 1030.00 feet, the long chord which bears S 61°39'47"W, 601.67 feet;

**THENCE** S 33°22'07"W, 762.52 feet;

**THENCE** N 56°49'29"W, 274.51 feet;

**THENCE** S 00°36'27"E, 72.88 feet;

**THENCE** N 89°09'16"W, 296.16 feet;

**THENCE** N 34°40'58"E, 368.29 feet;

**THENCE** S 75°40'04"E, 65.50 feet;

**THENCE** S 89°39'43"E, 41.37 feet;

**THENCE** N 03°17'07"E, 181.84 feet;

**THENCE** with said curve to the right, an arc distance of 3328.05 feet, through a central angle of 67°01'44", having a radius of 2844.79 feet, the long chord which bears N 70°21'27"E, 3141.49 feet;

**THENCE** S 75°49'09"E, 137.98 feet;

**THENCE** S 75°16'22"E, 75.82 feet;

**THENCE** S 67°10'21"E, 317.59 feet;

**THENCE** S 00°31'47"E, 57.12 feet;

**THENCE** S 75°23'25"E, 42.78 feet to the **Point of Beginning** and containing 2,302,827 square feet or 52.87 acres of land more or less.

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

### **DESCRIPTION 5A, Tract 2**

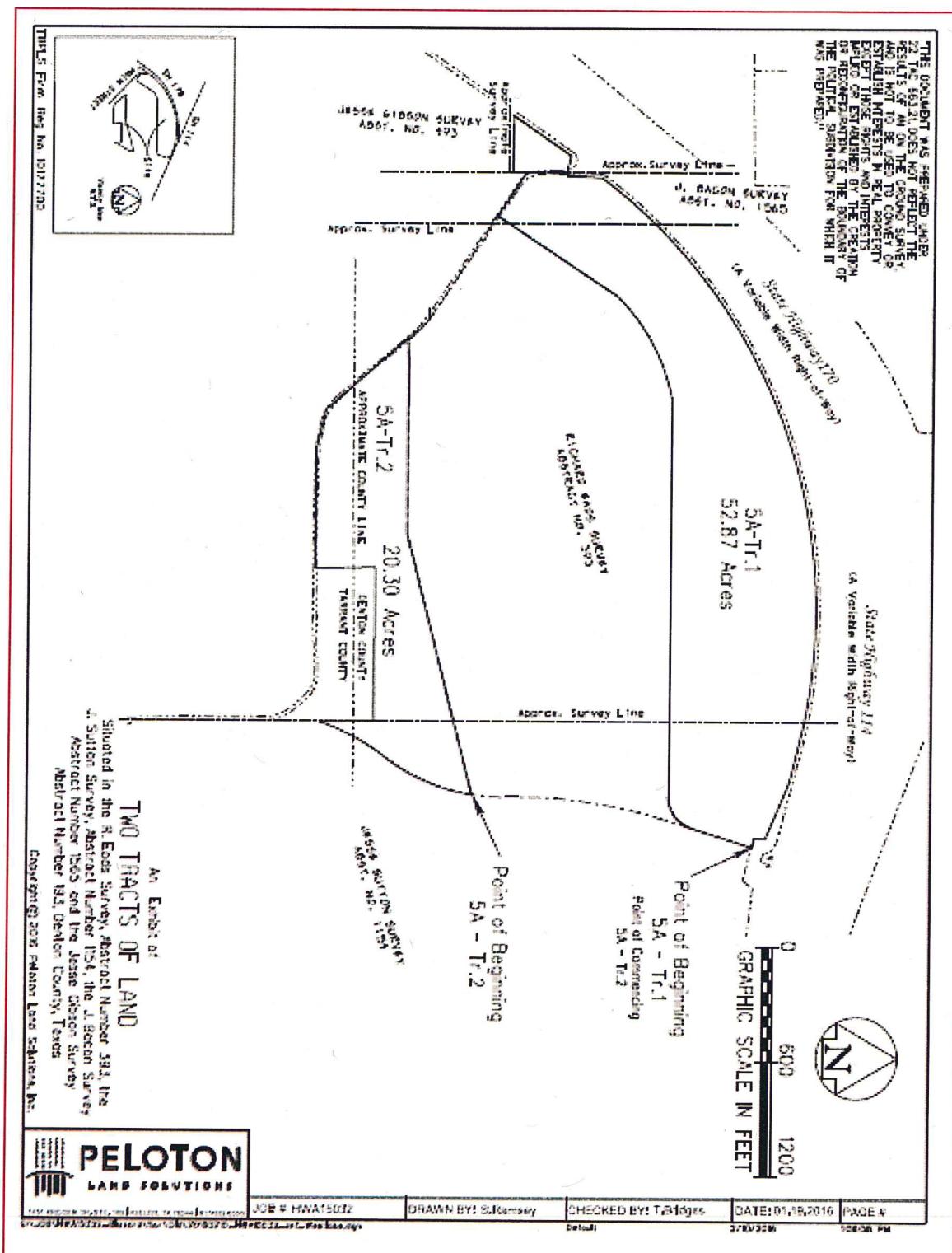
**BEING** a certain tract of land situated in the Richard Eads Survey, Abstract Number 393, the Jesse Sutton Survey, Abstract Number 1154, and the J. Bacon Survey, Abstract Number 1565, Denton County, Texas and being part of that tract of land described by deed to Westlake Retail Associates, LTD. recorded in Instrument Number 98-R0118649, Official Public Records Denton County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCIN** at the northeast corner of said Westlake Retail Tract;

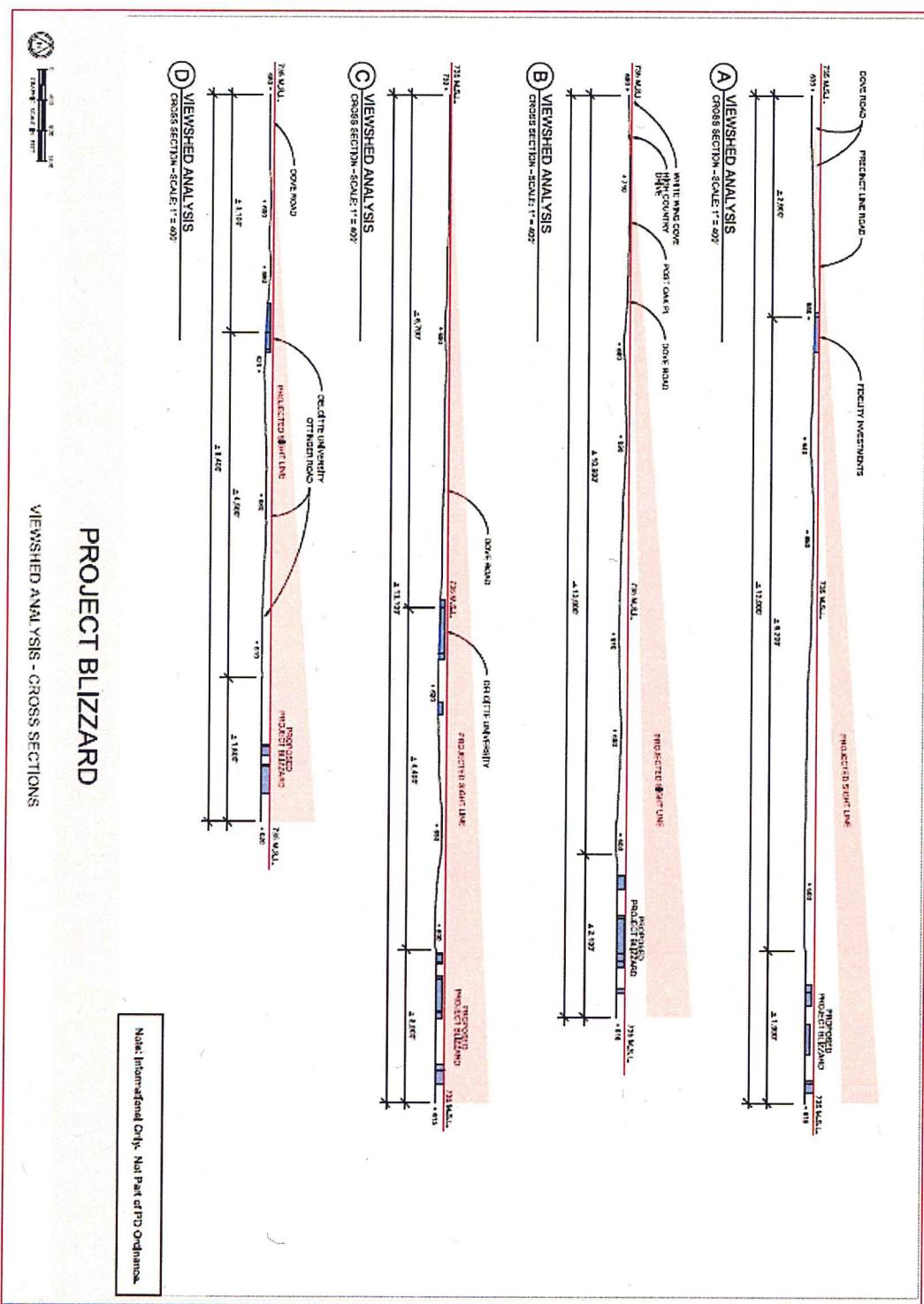
**THENCE** S 17°23'44" W, 476.68 feet to the beginning of a curve to the left;  
**THENCE** with said curve to the left, an arc distance of 783.77 feet, through a central angle of 17°32'30", having a radius of 2560.00 feet, the long chord which bears S 08°37'29" W, 780.71 feet;  
**THENCE** S 00°08'46" E, 87.08 feet to the beginning of a curve to the right;  
**THENCE** with said curve to the right, an arc distance of 159.11 feet, through a central angle of 08°57'34", having a radius of 1017.50 feet, the long chord which bears S 04°20'01" W, 158.95 feet to the **POINT OF BEGINNING**;  
**THENCE** continuing with said curve to the right, an arc distance of 509.18 feet, through a central angle of 28°40'19", having a radius of 1017.50 feet, the long chord which bears S 23°08'58" W, 503.88 feet;  
**THENCE** with said curve to the left, an arc distance of 389.64 feet, through a central angle of 18°52'45", having a radius of 1182.50 feet, the long chord which bears S 28°02'45" W, 387.88 feet;  
**THENCE** N 00°46'40" W, 285.95 feet;  
**THENCE** N 89°52'40" W, 803.58 feet;  
**THENCE** S 01°45'09" E, 315.41 feet;  
**THENCE** N 89°55'57" W, 630.71 feet;  
**THENCE** N 76°17'08" W, 209.46 feet;  
**THENCE** N 41°18'25" W, 569.86 feet to the beginning of a non-tangent curve to the right;  
**THENCE** with said non-tangent curve to the right, an arc distance of 128.76 feet, through a central angle of 03°55'08", having a radius of 1882.50 feet, the long chord which bears N 88°08'17" E, 128.73 feet;  
**THENCE** S 89°54'10" E, 898.42 feet;  
**THENCE** N 75°29'58" E, 1406.35 feet to the **Point of Beginning** and containing 884,076 square feet or 20.30 acres of land more or less.

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

### **Exhibit 1, cont.**



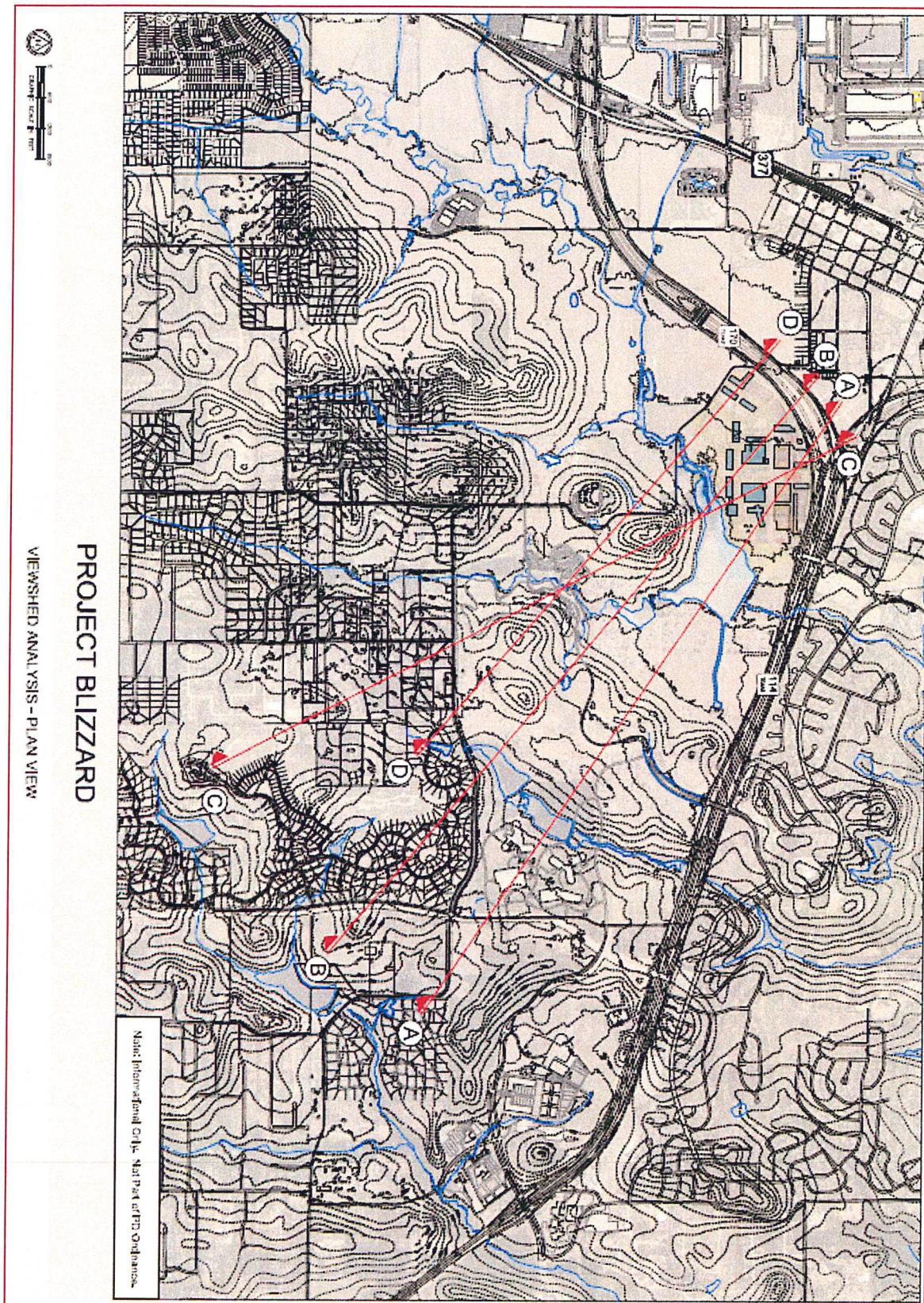
## EXHIBIT 2



PROJECT BLIZZARD

## VIEWED ANALYSIS - CROSS SECTIONS

**EXHIBIT 2, cont.**



## EXHIBIT 3 Street "A"—Primary Road

### STREET A PRIMARY ARTERIAL

Typically Street A is the main boulevard running through the area. It will be four lanes and divided where it passes through the mixed use development and be urban in character. The median will be narrow, on-street parking will be allowed, sidewalks will be close to the street edge and traffic lights will be more frequent if required. Speed limits will lower on this stretch to allow for pedestrian crossings and street intersections.

#### Street Character

Street A will be primarily commercial. There will be high traffic volume, but it will remain pedestrian friendly.

#### Building Heights

Building heights will be no less than two stories and no more than four stories.

#### Sidewalk Zones/ Build To Lines

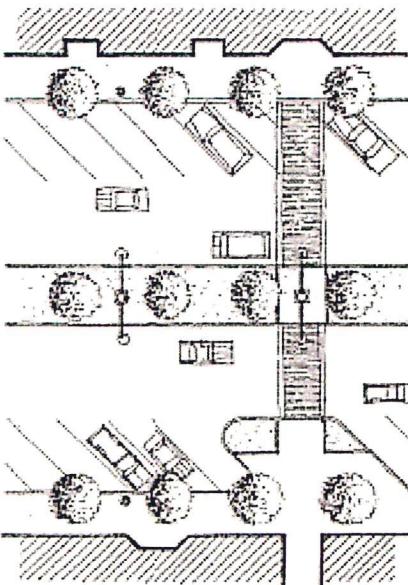
The depth of the sidewalk and "build-to" line will be a minimum of 15 feet from the face of the curb.

#### Parking

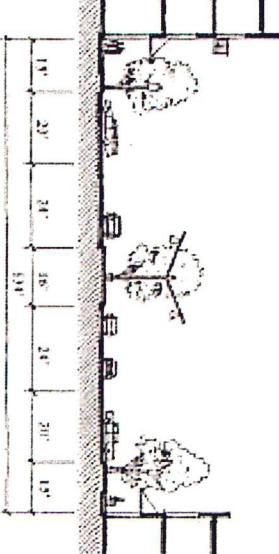
Angled and parallel street parking will be allowed on both sides.

#### Landscaping

Street trees are required along sidewalks and in medians placed at a maximum spacing of 25 feet.



Street Plan



Street Section

## EXHIBIT 4 Street 'B"—Town Square

### **STREET B TOWN SQUARE**

Town Square may be a one-way street within the mixed use development. It is primarily a retail shopping street with slow traffic. There will be parallel parking on the inside curb next to the Square and angled parking on the outside curb next to the shops.

#### **Street Character**

Town Square will be primarily commercial, with active pedestrian areas.

#### **Building Heights**

Building heights will be no less than two stories and no more than four.

#### **Sidewalk Zone/ Build-To-Lines**

The depth of the sidewalk and "built-to" line shall be 15 feet from the curb. All buildings facing Town Square must be built 100% to the build-to line with the exception of civic buildings, building entries, through-block passages, and required building articulations.

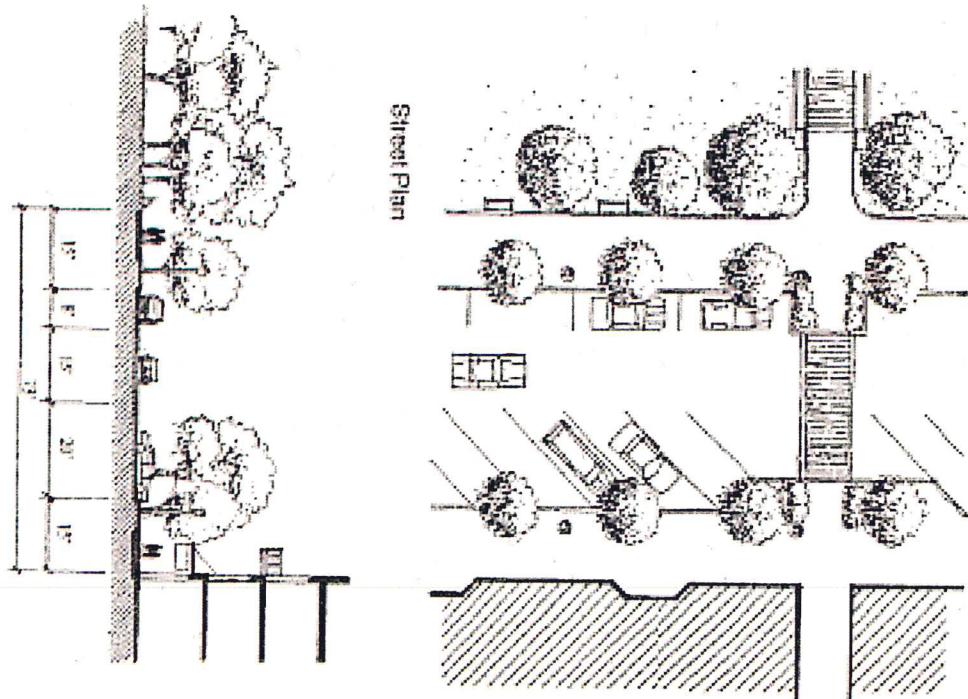
#### **Parking**

Angled parking will be allowed on the outside of the street and parallel parking will be allowed on the inside next to the square.

#### **Landscape**

Street trees are required along sidewalks at a maximum spacing of 25 feet.

Street Section



## EXHIBIT 5 Street "C"—Perimeter Road

### STREET C PERIMETER ROAD

The perimeter road parallels the boundaries of the site and may form the outer ring of the mixed-use development area's street system. It is a two-way street with parallel parking provided on both sides.

#### Street Character

The portions of the perimeter road nearest to retail and office areas are primary commercial. The remainder is primarily residential with occasional shops or cafés mixed in at street level.

#### Building Heights

Building heights vary but are generally one to three stories.

#### Sidewalk Zone/ Build-To-Lines

The depth of the sidewalk zone adjacent to residential uses shall be 10 feet from the curb, and adjacent to all other uses shall be 15 feet from the curb. The "build-to" line for residential uses shall be a minimum of 20 feet from the curb and a maximum of 40 feet from the curb. The "build-to" line for all other uses shall be 15 feet from the curb.

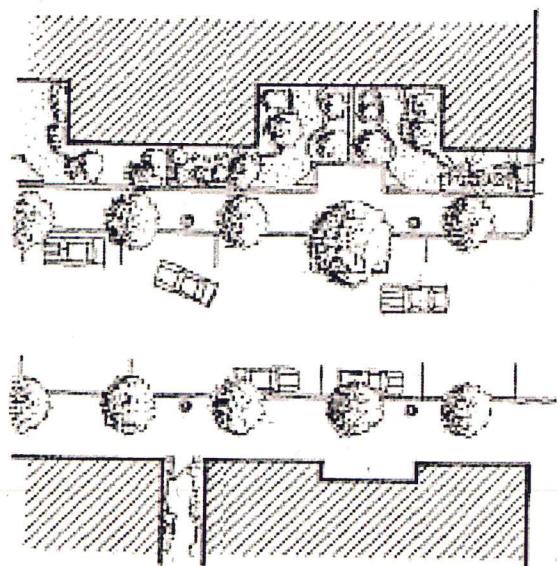
#### Parking

Parallel parking will be provided on both sides of the street.

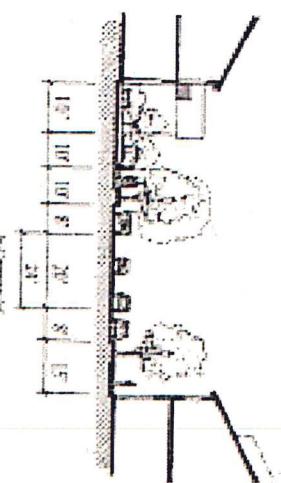
#### Landscape

Street trees are required along sidewalks at a minimum spacing of 25 feet.

Street Plan



Street Section



## EXHIBIT 6 Street "D"—Interior Road

### STREET "D" INTERIOR STREETS

Interior streets are two-lane streets with on-street parking.

#### Street Character

Interior Street is an active shopping, business and residential street. Its residential areas are generally above the street level, but some are on the ground floor level as well.

#### Building Heights

Building heights vary from one to four stories.

#### Sidewalk Zones/ Build-To-Lines

The depth of sidewalk zones and "Build-to" lines shall vary from 15 feet in residential areas to 25 feet in dense retail areas.

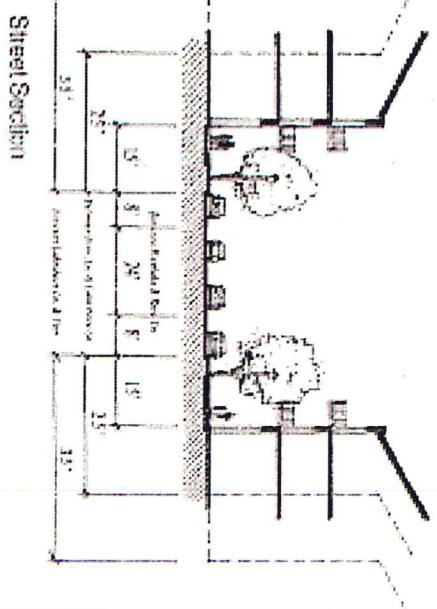
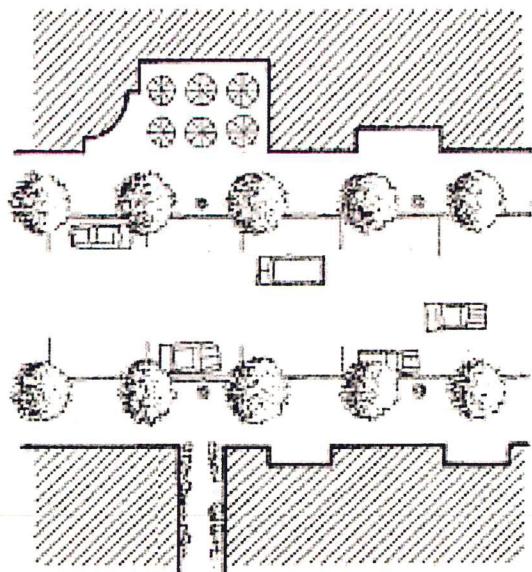
#### Parking

Parallel parking is allowed on both sides of the street.

#### Landscaping

Street trees are required along sidewalks at a maximum spacing of 25 feet.

Street Plan



Street Section

## EXHIBIT 7 Street "E"—Service Lanes

### **STREET E SERVICE LANES**

Service Lanes are two-way / two-lane service corridor midway between blocks within the mixed use areas. It provides access for service vehicles to parking areas and nearby buildings.

#### **Street Character**

The Service Lane is a small, vehicle-oriented alley with slow traffic throughout. It is not designed to encourage a high level of pedestrian traffic, but it will accommodate them.

#### **Building Heights**

Building heights vary from one to four stories.

#### **sidewalk zones/ Build-To-Lines**

The depth of sidewalk zones and "build-to" lines shall be five feet from the curb.

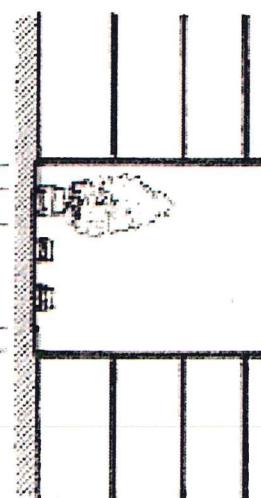
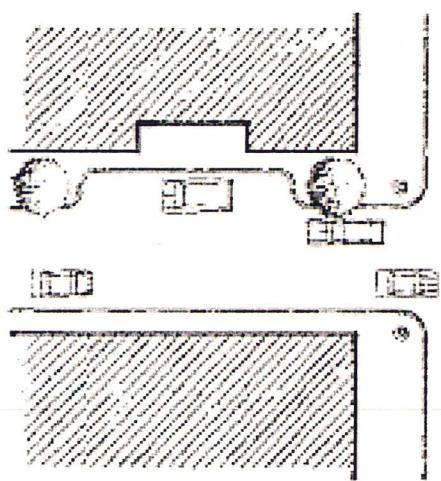
#### **Parking**

There is no on street parking with the exception of occasional loading zones.

#### **Landscape**

Street trees are not required.

#### **Street Plan**



Street Section

## EXHIBIT 8 Lake Edge

### LAKE EDGE

The shore along Lake Turner is a waterfront area to be enjoyed by all the residents and visitors of Westlake. A continuous pathway, possibly a portion of the Town's trail system, runs along the shore.

#### Building Heights

Buildings along the Lake Edge will be one to three stories.

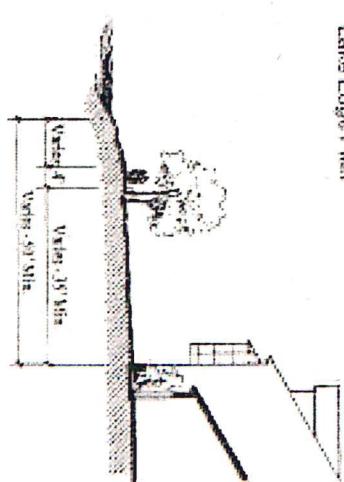
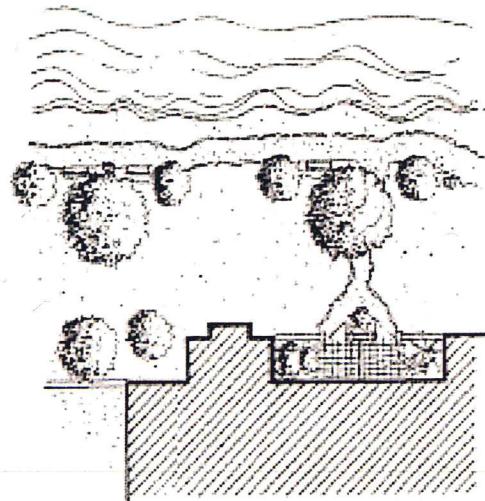
#### Pathway Zones/ Build-To-Lines

The continuous pathway shall be at least six feet wide. The pathway must be at least 35 feet from any building face (but may be adjacent to a building face). Buildings must be set back at least 50 feet from the shoreline.

#### Landscaping

The Lake Edge landscaping will be approved at the time of FPD Site Plan approval.

Lake Edge Plan



Lake Edge Section

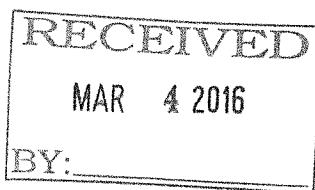
# INVOICE

## Star-Telegram

808 Throckmorton St.  
FORT WORTH, TX 76102  
(817) 390-7761  
Federal Tax ID 26-2674582

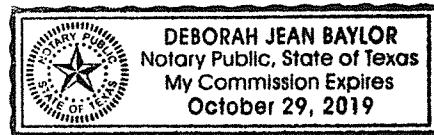
### Bill To:

TOWN OF WESTLAKE  
1301 SOLANA BLVD  
BLDG 4 STE 4202  
WESTLAKE, TX 76262-7940



**Customer ID:** TOW27  
**Invoice Number:** 337008951  
**Invoice Date:** 2/25/2016  
**Terms:** Net due in 21 days  
**Due Date:** 2/29/2016  
**PO Number:**  
**Order Number:** 33700895  
**Sales Rep:** 073  
**Description:** TOWN OF WESTLAKE  
**Publication Dates:** 2/24/2016 - 2/25/2016

Description	Location	Col	Depth	Linage	MU	Rate	Amount
TOWN OF WESTLAKE ORDINANCE NO.	I3580	1	51	51	LINE	\$6.11	\$623.12
Misc Fee							\$10.00
<b>Net Amount:</b>							<b>\$633.12</b>



THE STATE OF TEXAS  
County of Tarrant

Before me, a Notary Public in and for said County and State, this day personally appeared Christy Holland, Bids & Legal Coordinator for the Star-Telegram, published by the Star - Telegram, Inc. at Fort Worth, in Tarrant County, Texas : and who after being duly sworn, did depose and say that the attached clipping of advertisement was published in the above named paper on the listed dates:

BIDS & LEGALS DEPT. Star-Telegram. (817) 390-7037      SUBSCRIBED AND SWEARN TO BEFORE ME,  
THIS DAY OF FEBRUARY 26<sup>th</sup> 2016

Signed

Thank You For Your Payment

NOTARY PUBLIC

Remit To: Star-Telegram  
P.O. BOX 901051  
FORT WORTH, TX 76101-2051

Customer ID: TOW27  
Customer Name: TOWN OF WESTLAKE  
Invoice Number: 337008951  
Invoice Amount: \$633.12  
PO Number:  
Amount Enclosed: \$ \_\_\_\_\_

TOWN OF WESTLAKE  
ORDINANCE NO. 769  
AN ORDINANCE AMENDING THE  
COMPREHENSIVE ZONING ORDIN-  
ANCE OF THE TOWN OF  
WESTLAKE, TEXAS TO REZONE A  
PORTION OF AN APPROXIMATELY  
154-ACRE TRACT OF LAND GEN-  
ERALLY LOCATED IN DENTON  
COUNTY, TEXAS, BEING A PORTION  
OF THE PROPERTY KNOWN  
AS THE PD 3-5A PLANNING AREA  
BY DEFINING THE BOUNDARIES  
OF THE PD 3-5A PLANNING AREA;  
ESTABLISHING THE PERMITTED  
USES, DEVELOPMENT STAN-  
DARDS, DENSITIES, AND DEFINI-  
TIONS; PROVIDING EXHIBITS  
SHOWING THE BOUNDARIES;  
PROVIDING FOR AND A LEGAL  
DESCRIPTION; PROVIDING FOR  
GENERAL REGULATIONS; PRO-  
VIDING FOR DEVELOPMENT STAN-  
DARDS; PROVIDING FOR  
AREA REQUIREMENTS; PROVID-  
ING FOR THE AMENDMENT OF  
THE OFFICIAL ZONING MAP;  
PROVIDING FOR A SEVERABILITY  
CLAUSE; PROVIDING FOR A  
SAVINGS CLAUSE; PROVIDING  
FOR A PENALTY CLAUSE; AND  
DECLARING AN EFFECTIVE DATE.  
SECTION 2: THAT ANY PERSON,  
FIRM OR CORPORATION VIOLAT-  
ING 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 WESTLAKE, 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. PASSED  
AND APPROVED ON THIS 22ND  
DAY OF FEBRUARY 2016.