

**TOWN OF WESTLAKE**

**ORDINANCE NO. 453**

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS TO REZONE AN APPROXIMATELY 365 ACRE TRACT OF LAND GENERALLY LOCATED IN DENTON AND TARRANT COUNTIES, TEXAS, WHICH REFLECTS A "PD" PLANNED DEVELOPMENT DISTRICT AUTHORIZING SINGLE FAMILY, GOLF, RESORT HOTEL, OFFICE AND RETAIL USES; DEFINING CERTAIN TERMS; PROVIDING A CONCEPT PLAN PRIOR TO ISSUANCE OF A BUILDING PERMIT 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**, on August 24, 1992, the Board adopted a Comprehensive Plan (the "1992 Comprehensive Plan") for the Town; and

**WHEREAS**, on November 16, 1992, the Board of Aldermen (sometimes referred to as the "Board") of the Town of Westlake, Texas (the "Town"), adopted a Comprehensive Zoning Ordinance (the "Zoning Ordinance"); and

**WHEREAS**, the Zoning Ordinance has been amended by the Board after receiving recommendations from the Planning and Zoning Commission (the "Commission"); and

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

**WHEREAS**, the UDC has been amended, with the most recent amendments being adopted on August 23, 2003 and

**WHEREAS**, there is located within the corporate limits of the Town an approximately 365 acre tract of land (commonly known as Planning Area 3 - Resort and hereinafter sometimes referred to as the "Planning Area"); and

**WHEREAS**, the Board of Aldermen agree that the boundaries for PD 3-3, PD 3-4 and PD 3-5 must be amended and certain uses clarified in order to accommodate a move of a retail shopping mall; and

**WHEREAS**, the Board 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 Board has determined to be consistent with the updated 2004

Land Use Plan the Thoroughfare Plan, Open Space Plan, and Master Water and Sewer Plan all as amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN 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.

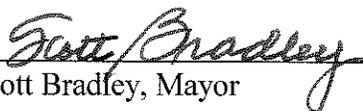
SECTION 2: That the Comprehensive Zoning Ordinance of the Town of Westlake, Texas, Ordinance No. 309, is hereby amended by this PD Ordinance, by amending the property described in the attached Exhibit 1 attached hereto by reference for all purposes. This PD will be subject to an approved Concept Plan, development standards, and other regulations attached hereto.

SECTION 3: Upon the adoption of this PD, the Town Secretary shall promptly enter the new Planned Development on the Town's Official Zoning Map, which entry shall include the abbreviated designation "PD No. 3-3 A" and the date that this Ordinance was adopted by the Board.

SECTION 4: It is hereby declared to be the intention of the Board of Aldermen 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 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 Board of Aldermen of the Town of Westlake without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5: This Ordinance shall become effective upon its passage.

PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE TOWN OF WESTLAKE, TEXAS, ON THIS 22<sup>ND</sup> DAY OF MARCH 2004.

  
\_\_\_\_\_  
Scott Bradley, Mayor

ATTEST:

  
\_\_\_\_\_  
Ginger Crosswy, Town Secretary

  
\_\_\_\_\_  
Trent Petty, Town Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stan Lowry, Town Attorney

**CIRCLE T PLANNING AREA 3**  
**RESORT**

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## ARTICLE I. GENERAL PROVISIONS

### SECTION 1 SHORT TITLE

This ordinance shall be known and may be cited as the "Amended Circle T Planning Area No. 3 - Resort Planned Development Zoning District 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 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 viewsapes; 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 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.

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 any one or more of the drawings that must be submitted and approved by the Planning and Zoning Commission and the Board prior to, or simultaneous with a preliminary plat.

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 Supplement contained in Ordinance No. 307 and adopted by the Board.

Residential area means an area within the PD District devoted to single family residential uses, as identified in the Land Use Schedule in Article II of this PD Ordinance.

Town means the Town of Westlake, Texas.

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

#### **SECTION 4 PD SUPPLEMENT**

Concurrently with the adoption of Ordinance 309, 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.

#### **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 UDC standards as follows:

- A. With respect to the office use, by the "O-Office Park" zoning district standards;
- B. With respect to the resort hotel use, by the "R-Local Retail" zoning district standards: and
- C. With respect to single family residential use, by the "Single Family" zoning district standards.

Except to the extent provided by an approved 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) an approved PD Concept Plan, this PD Ordinance and the PD Supplement and (ii) 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 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 approved 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 and the Master Drainage Plan of the Town and the UDC

**Section 6.2 PD Development Plans** A PD development plan is required for development within the PD District. The UDC governs the process by which PD development plans are submitted and approved.

**Section 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 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.

**CIRCLE T PLANNING AREA 3 - RESORT  
LAND USE SCHEDULE**

<b>PERMITTED USES</b>	<b>Permitted "X" Special Use "S" Accessory "A"</b>
<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)	
Stables (As a Business)	S
<b>RESIDENTIAL USES</b>	
Single Family Detached	X
Single Family Zero Lot Line	
Single Family Attached	
Duplex	
Home Occupation	X
Servants/Caretakers Quarters	A
Temporary Accommodation for Employees/Customers/Visitors	A
Swimming Pool (Private)	A
Detached Garage (Private)	A
Sport/Tennis Courts (Private)	A

<b>PERMITTED USES</b>	<b>Permitted "X" Special Use "S" Accessory "A"</b>
<b>INSTITUTIONAL and GOVERNMENTAL USES</b>	
Emergency Ambulance Service	X
Post Office (Governmental)	X
Mailing Service (Private)	X
Heliport	
Helistop/Verti-stop	A
Telephone, Electric, Cable, and Fiber Optic Switching Station	X
Electrical Substation	S
Utility Distribution Lines <sup>2</sup>	X
Utility Shop and Storage	S
Water and Sewage Pumping Station (below grade)	X
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)	A
Child Daycare (Private; 7 or more)	
School, K-12 (Public or Private)	
School (Vocational)	
College or University	
Community Center (Public)	
Civic Club	X
Church or Place of Worship	X
Use Associated to a Religious Inst.	X
Government Building	X
Police Station	X
Fire Station	X
Library	X
Data Center	

<b>PERMITTED USES</b>	<b>Permitted "X" Special Use "S" Accessory "A"</b>
<b>COMMERCIAL USES</b>	
Multifamily (Apartments)	
Offices (General)	X
Studio	X
Banks and Financial Institutions	X
Information Processing	
Hotel/Motel	X
Hotel/Motel with Conferencing Facility	X
Laundry/Dry Cleaning (<3,000 S.F.)	
Laundry/Dry Cleaning (Drop/Pick)	A
Shoe Repair	
Beauty Parlor/Barbershop	
Clothing Store	
Quick Copy/Duplicating Services	
Personal Services	A
Liquor Store	
Micro-brewery and Wine Production and Sales (<30,000 S.F.)	S
Grocery	
Convenience Store	
Service Station	
Drug Store	
Variety Store	
Bakery Sales	
Stationery and/or Book Store	
Antique Shop	
Art Gallery/Museums	
Hardware Store	
Sporting Goods	
Paint and Wallpaper	
Cloth Store	
Retail Stores - General (Excluding Second Hand Goods)	
Restaurant, Cafe or Dining Facility	X
Restaurant, Café of Dining Facility serving alcohol	S
Auto/Truck Parts and Accessories	
Household Furniture/Appliances (including Sales and Service)	
Farmer's Market	
Feed Store	
Parking Structure	X

<b>PERMITTED USES</b>	<b>Permitted "X" Special Use "S" Accessory "A"</b>
Cafeteria (Private)	A
Job Printing, Lithography, Printing, or Blueprinting	
Vehicle Display and Sales (inside)	
Medical Laboratory	
R&D Laboratory	
Conference Center	
Live Theater	
Motion Picture Theater	
Custom Business Services	
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
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 <sup>3</sup>
Health/Spa Facilities (Private)	A <sup>3</sup>
Athletic Fields (Private)	A <sup>3</sup>
Athletic Courts (Private)	A <sup>4</sup>
Equestrian Center	X
Athletic Courts (Public)	A
Commercial Amusement (Inside)	A
Lake Cruise/Water Taxi	
<b>AUTO SERVICES</b>	
Truck/Trailer Rental	
Auto Body Repair	

PERMITTED USES	Permitted "X" Special Use "S" Accessory "A"
Auto Mechanical Repair	
Quick Lube/Oil Change	
Vehicle Maintenance (Private)	
Vehicle Fueling (Private)	
<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>5</sup>
Temporary Construction Materials Storage	X <sup>5</sup>
Temporary Sales Office	X <sup>6</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. Accessory to "Country Club (Private Membership)" and "Golf Clubhouse (Public or Private)" (must be located in the same building as the principal use, or in a separate building that is connected (by pedestrian walkways) to the principal use building).
4. Accessory to "Country Club (Private Membership)" and "Recreation Center (Private)".
5. Limited to period of construction.
6. Limited to "build out" period.

**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 Office** The maximum aggregate floor area for office uses in this PD District is 164,700 square feet.

**Section 1.2 Resort Hotel** The maximum aggregate floor area for the resort hotel use shall be 500,000 square feet.

**Section 1.3 Single Family** The maximum density for the areas used for single family use areas shall be determined by the minimum lot sizes set forth below.

### SECTION 2 MINIMUM LOT SIZE

**Section 2.1 Office** The minimum lot size for lots used for office shall be 100,000 square feet.

**Section 2.2 Resort Hotel** The minimum lot size for lots used for the resort hotel shall be 200,000 square feet.

#### Section 2.3 Single Family

- A. 15.1 acres will be allowed to be developed as single family residential with minimum lot sizes of 6,000 square feet.
- B. 29.0 acres will be allowed to be developed as single family residential with minimum lot sizes of 12,000 square feet.
- C. 22.7 acres will be allowed to be developed as single family residential with minimum lot sizes of 15,000 square feet.
- D. 50.6 acres will be allowed to be developed as single family residential with minimum lot sizes of 30,000 square feet.

### SECTION 3 MINIMUM LOT WIDTH

**Section 3.1 Office** The minimum lot width for areas used for office shall be 200 feet.

**Section 3.2 Resort Hotel** The minimum lot width for areas used for the resort hotel shall be 200 feet.

**Section 3.3 Single Family** The minimum lot width for the areas used for single family shall be as follows:

- A. 60 feet for lots in developed in areas allowing 6,000 square foot minimum lots;
- B. 85 feet for lots developed in areas allowing 12,000 square foot minimum lots;
- C. 100 feet for lots developed in areas allowing 15,000 square foot minimum lots;  
and
- D. 125 feet for lots developed in areas allowing 30,000 square foot minimum lots.

## **SECTION 4 MAXIMUM BUILDING HEIGHT**

**Section 4.1 Office** Except as provided below, the maximum height for all structures within the areas used for office shall be the lesser of three stories or 45 feet.

**Section 4.2 Resort Hotel** Except as provided below, the maximum height for all structures within the areas used for resort hotel shall be the lesser of five stories or 75 feet.

**Section 4.3 Single Family** Except as provided below, the maximum height for all structures within the areas used for single family shall be the lesser of 2.5 stories or 40 feet.

**Section 4.4 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 Office** The minimum building size for office uses shall be 3,000 square feet.

**Section 5.2 Resort Hotel** The minimum building size for the resort hotel shall be 3,000 square feet.

**Section 5.3 Single Family** The minimum house size for single family dwelling units shall be as follows:

- A. 1,500 square feet for lots dwelling units constructed in areas allowing 6,000 square foot minimum lots;
- B. 1,800 square feet for dwelling units constructed in areas allowing 12,000 square foot minimum lots;

C. 2,000 square feet for dwelling units constructed in areas allowing 15,000 square foot minimum lots; and

D. 2,400 square feet for dwelling units constructed in areas allowing 30,000 square foot minimum lots.

## **SECTION 6 FRONT YARD SETBACKS**

**Section 6.1 Office** The minimum front yard for office uses shall be 50 feet.

**Section 6.2 Resort Hotel** The minimum front yard for resort hotel uses shall be 100 feet.

**Section 6.3 Single Family** The minimum front yard for single family uses shall be as follows:

A. no minimum, but staggered for lots developed in areas allowing 6,000 square foot minimum lots;

B. 25 feet for lots developed in areas allowing 12,000 square foot minimum lots;

C. 35 feet for lots developed in areas allowing 15,000 square foot minimum lots; and

D. 40 feet for lots developed in areas allowing 30,000 square foot minimum lots

### **Section 6.4 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 Office** The minimum rear yard for office uses shall be 25 feet.

**Section 7.2 Resort Hotel** The minimum rear yard for the resort hotel uses shall be 100 feet.

**Section 7.3 Single Family** The minimum rear yard for single family uses shall be as follows:

- A. no minimum, but staggered in areas allowing 6,000 square foot minimum lots;
- B. 25 feet for lots in areas allowing 12,000 square foot minimum lots;
- C. 35 feet for lots in areas allowing 15,000 square foot minimum lots; and
- D. 40 feet for lots in areas allowing 30,000 square foot minimum lots.

### **Section 7.4 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 window sills, 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.

C. A full rear yard setback is not required for an accessory structure if the structure does not exceed 15 feet in height. Accessory structures include, but are not limited to, swimming pools, game courts, fences, and garages. Where the rear yard is adjacent to an alley, a three-foot setback must be provided. Where the rear yard is not adjacent to an alley, no setback is required.

## **SECTION 8 SIDE YARD SETBACKS**

**Section 8.1 Office** The minimum side yard for office uses shall be 25 feet.

**Section 8.2 Resort Hotel** The minimum side yard for resort hotel uses shall be 75 feet.

**Section 8.3 Single Family** The minimum side yard for single family uses shall be as follows:

- A. no minimum, but staggered in areas allowing 6,000 square foot minimum lots;
- B. 10 feet for lots in areas allowing 12,000 square foot minimum lots;
- C. 15 feet for lots in areas allowing 15,000 square foot minimum lots; and
- D. 20 feet for lots in areas allowing 30,000 square foot minimum lots.

**Section 8.4 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.

D. A side yard setback is not required for an accessory structure if the structure does not exceed 15 feet in height and is located in the rear 30 percent of the lot.

**SECTION 9 SLOPE REQUIREMENTS**

**Section 9.1 Residential Slope** Except as provided below, non single family structures shall not exceed the height of a line drawn at a slope of 5:1 (including streets and other rights of way) from any single family lot line. If the grade of the ground rises or falls from the point of origin of the slope line, the maximum permitted height shall increase or decrease by the difference in grade.

**Section 9.2 Roadway Slope** Non single family structures shall not exceed the height of a line drawn at a slope of 2:1 (including streets and other rights of way) from the right-of-way line of any roadway. If the grade of the ground rises or falls from the point of origin of the slope line, the maximum permitted height shall increase or decrease by the difference in grade.

**ARTICLE IV. EXHIBITS**

EXHIBIT 1 Legal Description of PD District

**LEGAL DESCRIPTION  
REVISED PD 3-3**

**BEING** a tract of land situated in the Richard Eads Survey, Abstract Number 393 (Denton County) and Abstract Number 492 (Tarrant County), the J. Bacon Survey, Abstract Number 1565 (Denton County), Abstract Number 2026 (Tarrant County), the Memucan Hunt Survey, Abstract Number 756 (Tarrant County), the Charles Medlin Survey, Abstract Number 823 (Denton County), Abstract Number 1084 (Tarrant County) the Jesse Gibson Survey, Abstract Number 592 (Tarrant County), the G. B. Hendricks Survey, Abstract Number 680 (Tarrant County) and being a portion of that tract of land conveyed to AIL Investments, Ltd., recorded in Volume 13275, Page 542 of Deed Records Tarrant County, Texas and under County Clerk's Number 98-R0052417 of Real Property Records, Denton County Texas and being more particularly described by metes and bounds as follows;

**BEGINNING** at the southwest corner of that tract of land conveyed to FMR Texas Limited Partnership, recorded in Volume 13457, Page 403 of Deed Records, Tarrant County, Texas and under County Clerk's Number 98-R0091571 of Real Property Records, Denton County, Texas;

**THENCE** S 70°31'18"W, 349.16 feet to the beginning of a curve to the right;

**THENCE** with 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 of which bears S 80°12'00"W, 252.18 feet;

**THENCE** S 89°52'43"W, 362.13 feet;

**THENCE** N 00°27'35"E, 858.37 feet;

**THENCE** S 87°43'00"W, 487.51 feet;

**THENCE** S 00°27'39"W, 839.96 feet;

**THENCE** S 89°52'38"W, 412.04 feet;

**THENCE** S 88°54'36"W, 1253.20 feet;

**THENCE** S 87°36'46"W, 138.70 feet;

**THENCE** N 00°31'56"E, 1296.32 feet;

**THENCE** S 89°49'56"W, 2682.60 feet;

**THENCE** S 00°05'13"W, 1321.04 feet;

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

C&B Job No. 011400.501.1.0059

S#CTR

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leg.doc

Tracking No. N/A

March 15, 2004

Page 1 of 3

**THENCE** N 00°11'13"W, 337.43 feet;

**THENCE** N 00°14'01"W, 2553.84 feet;

**THENCE** N 89°52'59"E, 1186.14 feet;

**THENCE** S 66°58'16"E, 192.22 feet;

**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;

**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 curve to the left;

**THENCE** with said curve to the left, an arc distance of 479.72 feet, through a central angle of 63°46'21", having a radius of 431.00 feet, the long chord of which bears N 57°56'46"E, 455.34 feet;

**THENCE** N 26°03'35"E, 100.00 feet to the beginning of a curve to the right;

**THENCE** with said curve to the right, 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 of which bears N 32°31'00"E, 138.10 feet;

**THENCE** N 38°58'25"E, 195.02 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 1143.64 feet, through a central angle of 53°22'54", having a radius of 1227.50 feet, the long chord of which bears S 76°14'58"E, 1102.73 feet;

**THENCE** N 77°03'35"E, 1984.36 feet to the beginning of a curve to the left;

**THENCE** with said curve to the, an arc distance of 540.74 feet, through a central angle of 27°21'27", having a radius of 1132.50 feet, the long chord of which bears N 63°22'52"E, 535.62 feet;

**THENCE** N 49°42'08"E, 307.68 feet to the beginning of a curve to the right;

**THENCE** with said curve to the right, an arc distance of 506.78 feet, through a central angle of 28°32'13", having a radius of 1017.50 feet, the long chord of which bears N 63°58'14"E, 501.56 feet;

**THENCE** S 09°40'08"E, 892.93 feet;

**THENCE** S 16°36'28"W, 1518.12 feet;

**THENCE** S 00°59'38"E, 573.79 feet;

**THENCE** S 11°34'10"E, 564.14 feet to the **Point of Beginning** and containing 15,888,662 square feet or 364.73 acres of land more or less.

# PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS            )  
  )  
COUNTY OF TARRANT         )

I, Geri Autrey, PUBLISHER of the Alliance Regional Newspapers of Haslet, Texas, a newspaper of general circulation which has been published in Denton County and Tarrant County regularly and continuously for a period of one year prior to the first day of publication of this notice, solemnly swear that the notice hereto attached was published in the Alliance Regional Newspapers, on the following dates, to-wit:

March 26, 2004

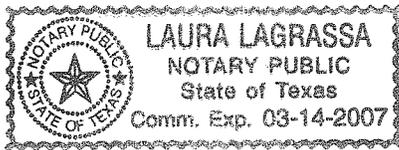
Town of Westlake  
Ordinance No. 453

Geri Autrey  
\_\_\_\_\_  
Publisher

SUBSCRIBED AND SWORN TO before me on the 2nd day of April, 2004 to certify which witness my hand and official seal.

Laura Lagrassa  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

My Commission Expires: 3-14-07



# PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS            )  
  )  
COUNTY OF TARRANT         )

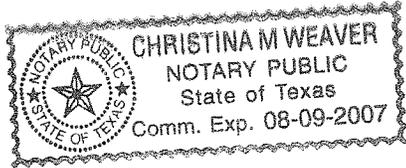
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April 2, 2004

Town of Westlake  
Public Hearing Ordinance 453

*Gerri Autrey*  
\_\_\_\_\_  
Publisher

SUBSCRIBED AND SWORN TO before me on the 7<sup>th</sup> day of April, 2004 to certify which witness my hand and official seal.



*Christina M Weaver*  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

My Commission Expires: 08-09-2007

# PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS            )  
  )  
COUNTY OF TARRANT         )

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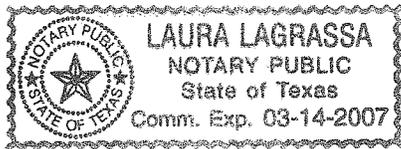
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Town of Westlake  
Ordinance No. 453

Gerri Autrey  
\_\_\_\_\_  
Publisher

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Laura Lagrassa  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS



My Commission Expires: 3-14-07

# PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS            )  
  )  
COUNTY OF TARRANT         )

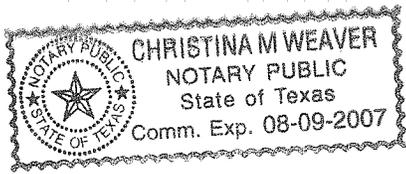
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Christina M Weaver  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

My Commission Expires: 08-09-2007

AIL INVESTMENT, L.P.

AIL INVESTMENT, L.P.

EXISTING PD 3-3  
.3± Ac.  
(TRANSFERRED TO PD 3-5)

EXISTING PD 3-3  
119.5± Ac.  
(TRANSFERRED TO PD 3-4)

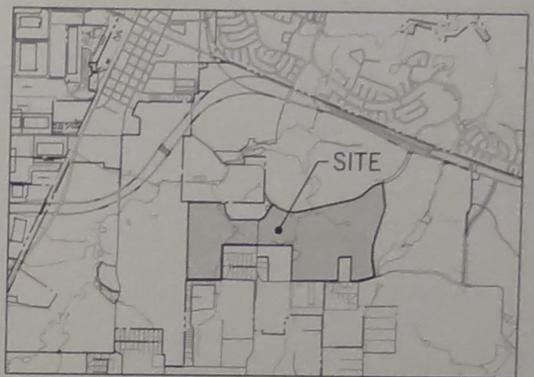
CIVIC COMPLEX  
24.6± Ac.

REVISED PD 3-3  
364.7± Ac.

DOVE ROAD  
1.8± Ac.  
(R.O.W.)

.7± Ac.  
(R.O.W.)

FIDELITY



VICINITY MAP



SCALE: 1" = 300'

LAND USE SUMMARY

	ACRES
ORIGINAL PD 3-3	516.0±
REVISED BASED ON SURVEY	511.6±
RIGHT OF WAY DEDICATION (DOVE RD.)	2.5±
TRANSFERRED TO PD 3-4	119.5±
TRANSFERRED TO PD 3-5	.3±
CIVIC COMPLEX REZONED	24.6±
NET REVISED PD 3-3	364.7±

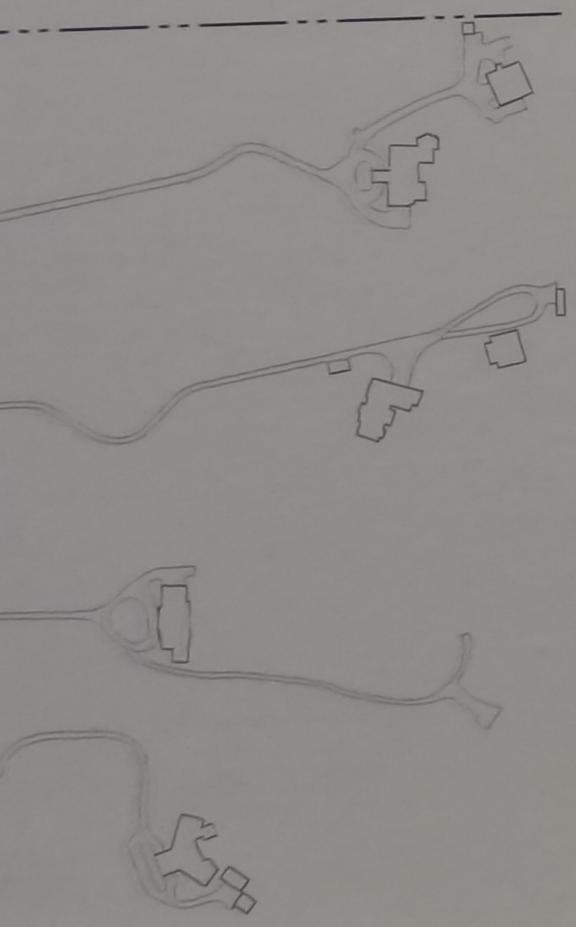
AN EXHIBIT SHOWING  
REVISED PD 3-3 AREA

OWNER		PLANNER /ENGINEER	
AIL INVESTMENT, L.P. 3600 HERITAGE PARKWAY, SUITE 200 FORT WORTH, TEXAS 76117 (817) 204-8000		 CARTER & BURGESS, INC. 1011 AVON STREET FORT WORTH, TX 76104	
PROJECT NO.	DRAWN BY	APPROVED BY	DATE
		REV.	

# LAND USE SUMMARY

	ACRES
ORIGINAL PD 3-3	516.0 ±
REVISED BASED ON SURVEY	511.6 ±
RIGHT OF WAY DEDICATION (DOVE RD.)	2.5 ±
TRANSFERRED TO PD 3-4	119.5 ±
TRANSFERRED TO PD 3-5	.3 ±
CIVIC COMPLEX REZONED	24.6 ±
NET REVISED PD 3-3	364.7 ±

349.16'  
S70°31'18"W  
LTA=19°21'24"  
750.00'  
127.91'  
253.38'



## AN EXHIBIT SHOWING REVISED PD 3-3 AREA

<b>OWNER</b>		<b>PLANNER /ENGINEER</b>	
AIL INVESTMENT, L.P. 3600 HERITAGE PARKWAY, SUITE 200 FORT WORTH, TEXAS 76177 (817) 224-6000		 <b>Carter &amp; Burgess</b> CARTER & BURGESS, INC. 777 MAIN STREET FORT WORTH, TX 76102	
PROJECT NO. 011400.501	DRAWN BY CAG	APPROVED BY AAH	DATE 02/23/04
		REV.	PP NO.

