

TOWN OF WESTLAKE

ORDINANCE NO. 438

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, AMENDING APPROXIMATELY 39.6 ACRES AS ESTABLISHED IN ORDINANCE NO. 314 (PD NO. 3-8) AND IN ORDINANCE NO. 313-01 (PD NO. 3-7) TO PROVIDE FOR AN "O" OFFICE PARK USE, PROVIDING AN EXHIBIT "A" BEING A ZONING EXHIBIT SHOWING THE AREAS BEING REZONED; PROVIDING FOR AN EXHIBIT "B" BEING A LEGAL DESCRIPTION; PROVIDING FOR GENERAL REGULATIONS; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR AREA REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 24, 1992, the Board of Aldermen of the Town of Westlake, Texas adopted a Comprehensive Plan for the Town; and

WHEREAS, on November 13, 1992, the Board of Aldermen of the Town of Westlake, Texas adopted a Comprehensive Zoning Ordinance; and

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

WHEREAS, on September 14, 1998, the Board of Aldermen adopted Ordinance 314 rezoning an approximate 222.6-acre tract of land to a Planned Development District known as "PD 3-8" and authorizing office, office/industrial, and retail uses; and

WHEREAS, on November 13, 2000, the Board of Aldermen adopted Ordinance 313-01 rezoning an approximate 210.4-acre tract of land to a Planned Development District known as "PD 3-7" and authorizing office, office campus, and public golf course uses; and

WHEREAS, an analysis of the Town's codes and regulations has determined that an amendment to these codes and regulations are required in order to protect the health, safety, and welfare of the Town and to comply with the development goals for low density residential development; and

WHEREAS, on May 15, 2003, the Planning and Zoning Commission of the Town has recommended that the Zoning Ordinance as contained in the Unified Development Code be revised in accordance with the procedures and processes established in that code for the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WESTLAKE, TEXAS:

That the recitals set forth above are hereby incorporated herein, adopted by the Town and found to be true and correct.

SECTION 1: General Regulations: The property as shown in Exhibits "A" and "B" is hereby rezoned in accordance with this ordinance. The general regulations and requirements of the property as shown in Exhibits "A" and "B" shall be identical to and consistent with the requirements of the zoning category "O" Office Park, described in Ordinance 314, Town of Westlake Uniform Development Code.

1.1 Zoning Exhibit

- A. Any amendment of PD 3-8 for the "O" land use shall be accompanied by a zoning exhibit map drawn to scale that clearly indicates the location of the requested zoning, the land uses planned for the land use, the name of the applicant, the name of the owner, the date of preparation of the zoning exhibit, north arrow and scale, and any general notes deemed appropriate.
- B. The zoning exhibit map shall be a part of the zoning amendment and shall be filled with the adopting ordinance.

1.2 Concept Plan, Development Plan, and Site Plans

- A. This amendment shall not relieve the developer of submitting and providing concept plans, development plans, and site plans as required by the Uniform Development Code.
- B. The concept plan and the traffic impact analysis, as required by the Unified Development Code, shall not be required at the time of zoning approval but shall be required to be provided at the time of site plan approval.

1.3 Allowable Uses

- A. In addition to the uses allowed in Section 1 of Article II of the Unified Development Code, the following uses shall be allowed:
 - a. Emergency Ambulance Services

- b. Verti-stop and Heli-stop
- c. Heliport
- d. Electric, Cable, and Fiber Optic Switching Station
- e. Water and Sewage Pumping Station (below grade)
- f. Water and Sewage Pumping Station (above grade)
- g. Water, Sewer, Electric, and Gas Meters
- h. Electric Transformers
- i. Private Streets/Alleys/Drives
- j. Laundry/Dry Cleaning (drop/pick)
- k. Golf Clubhouse (Public or Private)
- l. Health/Spa Facilities (Private)
- m. Cafeteria (Private)
- n. Job Printing, Lithography, Printing, or Blueprinting

B. In addition to the uses allowed as accessory uses in Section 1 of Article II of the Unified Development Code, the following accessory uses shall be allowed:

- a. Child Daycare (Private, 7 or more)
- b. Restaurant, Café, or Dining Facility
- c. Parking Structure
- d. Custom Business Services
- e. Recreation Center (Private)
- f. Athletic Courts
- g. Medical Laboratory
- h. R&D Laboratory
- i. Conferencing Center (10,000 sq. ft. or smaller)

C. In addition to the uses allowed by specific use permit in Section 1 of Article II of the Unified Development Code, the following specific uses shall be allowed:

- a. Water and Sewage Pumping Station (above grade)

- b. Water Storage Tank and Pumping System (elevated or above grade)
- c. Athletic Fields
- D. The individual retail or service uses located as accessory uses shall not exceed a total of 3,000 square feet.
- E. Temporary Construction Office or temporary construction material storage shall be limited to the period of construction.

1.4 Open Space & Trail System

Open Spaces, trail systems, and public recreational uses shall be subject to the Open Space plan of the Town. Compliance with requirements of the Open Space plan shall be shown on the required concept plan, development plan, or site plan as required by Section 2.2 of this ordinance.

1.5 Thoroughfares

Thoroughfares located adjacent to or within the area of an “O” land use shall be subject to the Thoroughfare Plan of the Town.

1.6 Applicable Town Ordinances

- A. Except to the extent as provided by this amendment, the “O” land use shall be subject to all regulations provided in the Uniform Development Code and other Town ordinances as amended.
- B. Unless otherwise provided in this ordinance, regulations as provided in Ordinance No. 307 Supplemental Regulations to the PDs shall apply.

SECTION 2: Development Standards: Land zoned as “O” land use shall be subject to the following development standards:

2.1 Density

The maximum floor area ratio for structures located in the “O” land use shall be 0.45:1 for all sites not abutting a residentially zoned property located within the corporate limits of the Town or adjoining municipality

2.2 Building Height

- A. The maximum building height for all sites having a 0.45:1 floor area ratio shall be five stories or 75 feet, whichever is less.
- B. The height limits imposed in this Section 2.2 – Building Height shall not apply to:

- a. chimneys and vent stacks, church spires, elevator shafts, penthouses, 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.

2.3 Building Size

The minimum building size shall be 3,000 square feet.

2.4 Parking Requirements

- A. The minimum parking requirements for uses located within the “O” land use shall conform to the requirements provided in Article 6 – Parking and Loading Standards of the Unified Development Code.
- B. Relief from the parking requirements contained in Article 6 – parking and Loading Standards of the Unified Development Code for developments that constitute a number of structures and include shared parking or scheduled parking, shall be permitted upon approval of a parking study that justifies any departure from the regulations of Article 6. Said parking study must be reviewed by the Town traffic engineer and approved by the Board of Aldermen upon recommendation by the Planning and Zoning Commission.
- C. No parking top floor of a parking structure, or floor that is open to the sky, shall have area lighting that extends above the parapet wall of the top floor, or have lighting poles or structures which exceed the overall height of poles or structures located in parking areas adjacent to such parking structure. All parking lot lighting shall have full-shielded cut-off of light and shall not have more than a 250-watt light source.

SECTION 3: Area Requirement: Land zoned as “O” land use shall be subject to the following area requirements:

3.1 Minimum Lot Size

The minimum lot size for lots in the “O” land use shall be 100,000 square feet. However, the lot size may be reduced by special exception of the Board of Aldermen

upon demonstration that said reduction in lot size is consistent with the character and goal for development of “O” Office Park land uses.

3.2 Minimum Lot Width

The minimum lot width for lots in the “O” land use shall be 200 feet measured at the minimum front yard setback distance for the “O” land use, with the exception of any area used for public use.

3.3 Front Yard Setback

The minimum front yard setback for lots in the “O” land use shall be 50 feet.

3.4 Rear Yard Setback

The minimum rear yard setback for lots in the “O” land use shall be 50 feet.

3.5 Side Yard Setback

The minimum side yard setback for lots in the “O” land use shall be 45 feet, with the exception of any area used for public use.

3.6 Maximum Height Slope

- A. No structure located in the “O” land use shall exceed the height of a line drawn at a slope of 2:1 from any public right-of-way or roadway easement.
- B. No structure located in the “O” land use shall exceed the height of a line drawn at a slope of 5:1 from any abutting residential property line.
- C. If the grade of the ground rises or falls from the point of origin of the slope line, the maximum height shall increase or decrease by the difference in grade.

3.7 Scenic View Protection

No structure may extend beyond the elevation of 785 MSL. In addition, the Board of Aldermen may require additional sight line illustrations and/or cross-sections through sites having maximum FAR requirements of 0.45:1. Additional restrictions on sites that threaten the view corridors along natural slopes may be applied by the Board.

SECTION 4: Sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the Board of Aldermen hereby

declares that it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5: This ordinance shall be cumulative of all other ordinances of the Town affecting the regulations of land and zoning and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance.

SECTION 6: It shall be unlawful for any person to violate any provision of this ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$ 2,000) and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

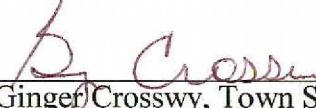
SECTION 7: This ordinance shall become effective upon its passage by the Board of Aldermen.

PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE TOWN OF WESTLAKE, TEXAS, ON THIS 9th DAY OF JUNE 2003.



Scott Bradley, Mayor

ATTEST:

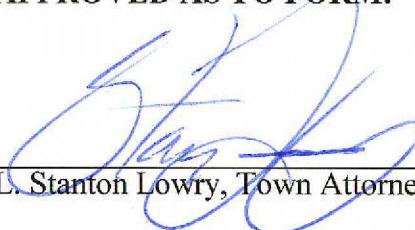


Ginger Crosswy, Town Secretary

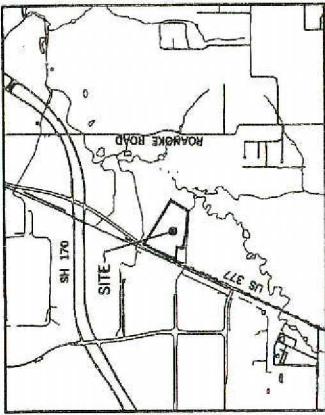


Trent O. Petty, Town Manager

APPROVED AS TO FORM:



L. Stanton Lowry, Town Attorney



VICINITY MAP

SCALE: 1" = 100'



PROPOSED ZONING: "O"
OFFICE PARK
39.559 Ac.

27.7± Ac.
 (W/in Existing PD 3-8)

11.8± Ac.
 (W/in Existing PD 3-7)

N085° 07' 29" W
 422.24'
 TOWN OF
 WESTLAKE
 VOL 15922
 PG 264

N085° 48' 53" W
 577.39'
 N78° 19' 50" W
 278.52'

N87° 37' 04" W
 400.56'

"O"

OFFICE PARK

A REZONING EXHIBIT FOR
PD 3-7 AND PD 3-8

MEAS'D 39.559 ACRES OF LAND SITUATED IN THE WILLIAM CITY SURVEY, A-5-4
 TOWN OF WESTLAKE, TARRANT COUNTY, TEXAS

OWNER	PLANNER /ENGINEER
AIL INVESTMENT, L.P. 3600 HERITAGE PARKING, SUITE 200 FORBES FORBES 6117 22nd Street Fort Worth, Texas 76107 (817) 224-6000	Corner & Burgess Corner & Burgess, Inc. 1000 Main Street Fort Worth, Texas 76102 (817) 224-6000

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DO NOT VARY FROM DRAWING

10/2003

LEGAL DESCRIPTION

BEING a tract of land situated in the William Huff Survey, Abstract Number 648, Town of Westlake, Tarrant County, Texas, and being a portion of that tract of land conveyed to AIL Investment, L.P., by deed recorded in Volume 14320, Page 194 and 195 of Deed Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows;

COMMENCING at a Texas Department of Transportation brass disc, found at the southwest corner of Tract 8 of said AIL tract, in the east right-of-way of Interstate Highway 35W (a variable width right-of-way);

THENCE with said east right-of-way the following courses and distances;

THENCE N 24°35'49"E, 2312.32 feet with said east right-of-way;

THENCE S 85°07'29"E, 18.55 feet, departing said easterly right-of-way to the **POINT OF BEGINNING**

THENCE N 24°31'26"E, 714.96 feet;

THENCE N 27°56'47"E, 46.56 feet;

THENCE with said non-tangent curve to the right, an arc distance of 455.42 feet, through a central angle of 06°58'05", having a radius of 3744.72 feet, the long chord of which bears N 28°01'24"E, 455.14 feet;

THENCE S 58°21'43"E, 1731.69 feet;

THENCE S 31°38'16"W, 687.34 feet;

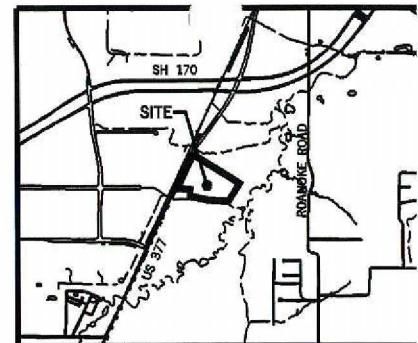
THENCE N 87°37'04"W, 400.56 feet;

THENCE N 85°48'53"W, 278.52 feet;

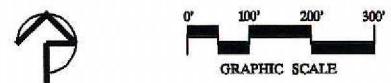
THENCE N 78°19'50"W, 577.39 feet;

THENCE N 04°52'31"E, 211.29 feet;

THENCE N 85°07'29"W, 422.24 feet to the **POINT OF BEGINNING** and containing 1,723,177 square feet or 39.559 acres of land more or less.



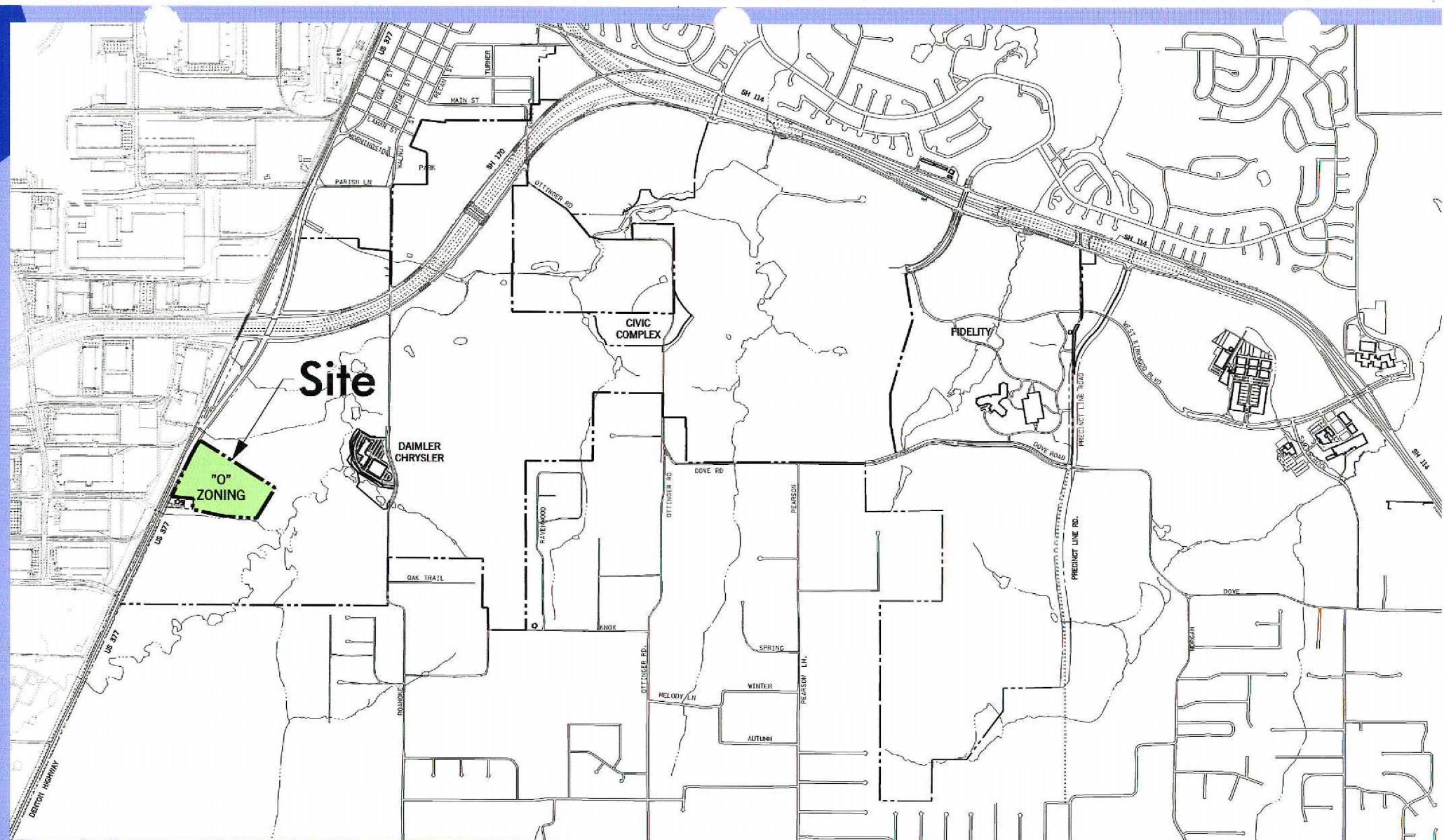
VICINITY MAP



AERIAL PHOTOGRAPH OF
"O"
OFFICE PARK

BEING 39.559 ACRES OF LAND SITUATED IN THE WILLIAM HUFF SURVEY, A TOWN OF WESTLAKE, TARRANT COUNTY, TEXAS		PLANNER /ENGINE
OWNER	Carter-Burgess	
AI INVESTMENT, L.P.	CARTER & BURGESS, INC.	
3600 HERITAGE PARKWAY, SUITE 800 FORT WORTH, TEXAS 76177 (817) 224-0400	172 MAIN STREET FORT WORTH, TX 76102	
PROJECT # 011156.021	ISSUED BY AH	REVISED BY AH
		DATE 5/10/03
		PP

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Rezoning Location Exhibit

0 800 1600 2400
GRAPHIC SCALE IN FEET


PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS)
COUNTY OF TARRANT)

I, Gerri 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:

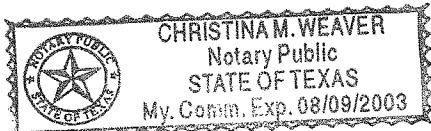
June 27, 2003

Town of Westlake

Ordinance No. 438

Publisher

SUBSCRIBED AND SWORN TO before me on the 26th day of
June, 2003 to certify which witness my hand and official seal.



Christina M. Skears
NOTARY PUBLIC, STATE OF TEXAS

My Commission Expires: 08-09-2003

TOWN OF WESTLAKE
ORDINANCE NO. 437

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION TO FINANCE THE ACQUISITION AND IMPROVEMENT OF FACILITIES FOR EDUCATIONAL AND ECONOMIC DEVELOPMENT AND CULTURAL AND CIVIC IMPROVEMENT, THE PAYMENT OF AND SECURITY FOR THE CERTIFICATES, THE DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT, THE AWARDING OF THE SALE OF THE CERTIFICATES, THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION THEREWITH, THE TAKING OF ALL ACTION APPROPRIATE TO EFFECT THE SALE AND DELIVERY OF THE CERTIFICATES, AND RESOLVING RELATED MATTERS.

TOWN OF WESTLAKE
ORDINANCE NO. 438

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, AMENDING APPROXIMATELY 39.6 ACRES AS ESTABLISHED IN ORDINANCE NO. 314 (PD NO. 3-8) AND IN ORDINANCE NO. 313-01 (PD NO. 3-7) TO PROVIDE FOR AN "O" OFFICE PARK USE; PROVIDING AN EXHIBIT "A" BEING A ZONING EXHIBIT SHOWING THE AREAS BEING REZONED; PROVIDING FOR AN EXHIBIT "B" BEING A LEGAL DESCRIPTION; PROVIDING FOR GENERAL REGULATIONS; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR AREA REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND, PROVIDING FOR AN EFFECTIVE DATE.

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PLUMBING

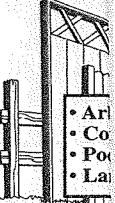
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