

TOWN OF WESTLAKE

ORDINANCE NO. 521

AN ORDINANCE AMENDING THE TOWN OF WESTLAKE CODE OF ORDINANCES, *SECTION 102-31 ZONING MAP*, TO BE ATTACHED HERETO AS EXHIBIT A TO REFLECT A CHANGE OF ZONING FOR APPROXIMATELY 54.77 ACRES OF LAND, DESCRIBED AS THE FOLLOWING: CHARLES M THROOP SURVEY - A1107, Tr 1B4; A1510, Tr 1B03; A1510 Tr 7A01 and A1510, Tr 7A01A; A1510, Tr 7A2 and A1510, Tr 7A5; AND THE TW MANN SURVEY - A1107, Tr 1B and A1510, Tr 1B1; PREVIOUSLY ZONED R-1 AND OFFICE PARK, INTO ONE RESIDENTIAL PD AND RELATED SITE PLAN ATTACHED HERETO AS EXHIBIT B; 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 of Westlake (the "Town"); and

WHEREAS, on September 22, 2002, based upon the recommendations of the Planning and Zoning Commission, the Board of Aldermen of the Town of Westlake, Texas adopted Ordinance #406 amending the Zoning Ordinance and Official Zoning map; and

WHEREAS, an analysis of the Town's codes and regulations has determined that amendments 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 quality low density residential development; and

WHEREAS, the Board, at a public hearing called by the Board, did consider the following factors in making a determination as to whether the requested changes should be granted or denied: safety of the motoring public and the pedestrians using the facilities in the areas immediately surrounding the effected zoning districts; safety from fire

hazards and measures for fire control, protection of adjacent property from flood or water damages, noise producing elements and glare of the vehicular and stationary lights and effect of such lights on established character of the neighborhoods, location, lighting and types of signs and relation of signs to traffic control and adjacent property, street size and adequacy of width for traffic reasonably expected to be generated by the proposed uses around the effected zoning districts and in the immediate neighborhoods, adequacy of parking, location of ingress and egress points for parking, and protection of public health and the general welfare, effect on light and air, the effect on the transportation, water, sewerage, schools, parks and other facilities; and

WHEREAS, the Board, at a public hearing called by the Board did consider the following factors in making a determination as to whether the requested changes should be granted or denied: effect on the congestion of the streets, the fire hazards, and other dangers possibly present in the securing of safety from same, the effect on the promotion of health and the general welfare, the effect on adequate light and air, the effect on the overcrowding of the land, the effect on the concentration of population, the effect on the transportation, water, sewerage, schools, parks and other public facilities, and

WHEREAS, the Board further considered among other things the character of the effected zoning districts and their peculiar suitability for particular uses and with the view to conserve the value of buildings, encourage the most appropriate use of land throughout this town; and

WHEREAS, the Board does find that there is a public necessity for the proposed zoning ordinance amendments, that the public demands it, that the public interest clearly requires the amendment, that the zoning ordinance amendments do not unreasonably invade the rights of those who bought or improved property with reference to the classifications which existed at the time their original investment was made; and does find that the changes in the zoning ordinance lessen the congestion in the streets, help secure safety from fire, panic and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitates the adequate provisions of transportation, water, schools, parks and other public requirements; and

WHEREAS, the Town Board has determined that there is a necessity and need for these changes in the zoning ordinance and has also found and determined that there has been a change in the condition; and therefore, feels that changes in the zoning ordinance are needed, are called for, and are in the best interest of the public at large, the citizens of the Town, and help promote the general health, safety, and welfare of this community.

WHEREAS, the Town Board approved the zoning change with the following conditions:

- 1) The preliminary and final plat will illustrate all flood plain within the development being dedicated to the Town as a separate lot, filed by separate instrument;
- 2) The preliminary and final plat will illustrate a maximum of seven (7) lots on the west side of flood plain being a minimum of 43,560 square feet each. East of the floodplain there will be a maximum of 21 lots which will be at or near 40,000 square feet each.
- 3) The preliminary and final plat will illustrate a varying 20 feet rear yard setback allowance;
- 4) The preliminary and final plat submittals will be accompanied by a final revised site plan

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

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

SECTION 2: That the Comprehensive Zoning Ordinance of the Town of Westlake, Texas be amended by amending ARTICLE II. DISTRICTS AND MAPS, *Section 102-31 Zoning Map*, to read as follows:

Sec. 102-31. Zoning map.

(a) *Designated; rezoning of property.* Exhibit A to be attached to Ordinance No. 521 is hereby adopted as the Official Zoning Map of the Town of Westlake and shall be identified and maintained by the town in accordance with the provisions of this chapter, as amended from time to time. The Official Zoning Map incorporates the rezoning of properties in the town to conform with the Comprehensive Plan and this chapter.

(b) *Division of town.*

(1) The town is divided into eleven zones, or districts, as shown on the Official Zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this chapter. The zones, or districts, hereby established are and shall be known and cited as:

Zoning Districts

TABLE INSET:

Abbreviated Designation	Zoning District Name
R-5	Country Residential
R-2	Rural Residential

R-1	Estate Residential
R-0.5	Neighborhood Residential
MF	Multifamily Residential
LR	Local Retail
O	Office Park
O-H	Office Park--Hotel
O-I	Office--Industrial Park
PD	Planned Development District
GU	Governmental Use

(2) The Official Zoning Map shall be identified by the signature of the mayor attested by the town secretary, under the following words:

"This is to certify that this is the Official Zoning Map referred to in chapter 102, article II, of the Code of Ordinances of the Town of Westlake," together with the date of adoption of the Official Zoning Map.

(3) When changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map by the town secretary promptly after the amendment has been approved by the board of aldermen, and the change shall note the ordinance number and date that the change was approved.

(4) No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter.

(5) The original reproducible tracing of the Official Zoning Map shall be located in the office of the town secretary in the town hall and shall be the final authority as to the current zoning status of land and water areas, building and other structures in the town.

(6) The Board of Aldermen may by resolution adopt a new Official Zoning Map should the original reproducible tracing of the Official Zoning Map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no other correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the mayor attested by the town secretary, under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of Map being replaced) as a part of the Code of Ordinances of the Town of Westlake, Texas."

(7) Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(UDC 1994, art. III, § 1; Ord. No. 203, § 1, 11-16-1992; Ord. No. 373, § 2, 8-14-2000; Ord. No. 426, § 2, 9-23-2002)

SECTION 3: That the Site Plan attached hereto as Exhibit B be attached to this Ordinance and recorded in Appendix A of the Town of Westlake Code of Ordinances as an approved PD.

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 to exceed the maximum allowed by State law and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

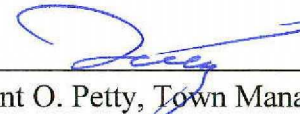
SECTION 7: This Ordinance shall become effective upon its passage by the Board of Aldermen.

PASSED AND APPROVED ON THIS 9th DAY OF JULY 2007.

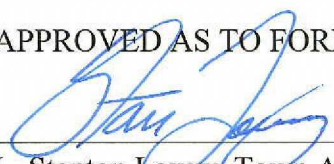

Scott Bradley, Mayor

ATTEST:


Kim Sutter, Town Secretary


Trent O. Petty, Town Manager

APPROVED AS TO FORM:



L. Stanton Lowry, Town Attorney

Legend

6' Iron Fence with Masonry Columns

6' Masonry & Iron Entry Walls

6' Iron Fence with Masonry Columns 40' O.C.

Flood Plain

Floodway

Common "Natural" Open Space

Common "Manicured" Open Space

8' Concrete Trail (6' along Dove & Sam School Road frontage). Trail to be field-located to preserve existing trees.

Masonry Columns located at intersections of Lotlines & Flood Plain

Notes:

-All streets are private.

-Fencing between lots is 6' Iron

-No fencing within Flood Plain

-All Open Space Maintained by HOA

SAGE GROUP, INC.

Master Planning
Landscape Architecture

8445 Freepark Parkway, Ste. 660
Irving, Texas 75063
TEL. 972-929-8443

Applicant:

TERRA LAND MANAGEMENT, INC.

395 W. Northwest Parkway, Suite 300
Southlake, Texas 76092
817-410-9201

1400 & 1440 Dove Rd.
Owner:
Alvin F. Oien, Jr.
1440 Dove Rd.
Roanoke, TX 76262
Tel: (817) 490-0676

1280 Dove Rd.
Owner:
Wendall Noack
12337 Woodland Springs Dr.
Keller, TX 76248
Tel: (817) 233-2759

2650 Sam School Rd.
Owner:
Richard W. Austin, Sr.
Richard W. Austin, Jr.
2650 Sam School Rd.
Roanoke, TX 76262
Tel: (817) 431-9150

2698 Sam School Rd.
Owner:
Southlake Terra, L.P.
395 W. Northwest Parkway,
Suite 300
Southlake, TX 76092
Tel: (817) 410-9201

LEGAL DESCRIPTION

WHEREAS, Southlake \ Terra L.P., is the owner of a 54.765 tract of land situated in the T.W. Mann Survey Abstract No. 1107, and the C.M. Troop Survey Abstract No. 1510, in the Town of Westlake, Tarrant County, Texas, as described in County Clerk's File No. D207010344; Volume 4181, Page 644; Volume 4113, Page 373 and Volume 10652, Page 2118, of the Deed Records of Tarrant County, Texas, and being more particularly described as follows:

BEGINNING, at a 1/2 " iron rod found with a yellow cap stamped Hultt Zollars, in the westerly right of way of Sam School Road (Variable R.O.W.) and in the south line of Westlake/Southlake Park Addition No. 1, as described in Volume 388-214, Page 78, of the Plat Records of Tarrant County, Texas, said point being by deed call S00°02'E at 100.0 feet, S15°20'E at 343.6 feet and S88°31'W at 26.0 feet, from the northwest corner of the T.W. Mann Survey;

Thence, S18°36'51"E, with the westerly line of Sam School Road, for a distance of 278.66 feet, to a 1/2 " iron rod set with a yellow cap stamped SLS 4415 at the northeast corner of a tract to Mark Williams and Joe Williams, as described in Volume 12360, Page 2118, of said Deed Records;

Thence, S83°39'59"W, departing Sam School Road and with the north line of the Williams tract, also being the centerline of a 30' Ingress/Egress Easement, for a distance of 228.00 feet, to an X cut set in concrete, the northwest corner of the Williams tract, also being the northeast corner of a tract to Richard W. Austin, Sr. and Richard W. Austin, Jr. as described in Volume 10652, Page 2118, of said Deed Records;

Thence, S18°35'43"E, with the west line of the Williams tract, and the east line of the Austin tract for a distance of 195.77 feet, to a 1/2" iron rod found, being in the north line of a tract to Edgar A. Noack, as described in Volume 4113, Page 373, of said Deed Records;

Thence, N79°42'06", continuing with the south line of said Williams and the north line of the Noack tract, for a distance of 5.40 feet, to a 5/8" iron rod found at the northeast corner of said Noack tract;

Thence, S00°35'35"W, with the east line of the Noack tract, for a distance of 827.84 feet, to a 1" iron pipe found;

Thence, N87°10'29"W, with an interior north line of said Noack tract, for a distance of 471.98 feet, to a 1/2" iron rod set;

Thence, S00°25'43"W, continuing with the east line of the Noack tract, passing a 1" iron rod found at 876.63', and continuing for a total distance of 921.67 feet, to a point near the center of Dove Road, (County Road Project No. 3080) ;

Thence, N87°10'10"W, near the center of Dove Road, for a distance of 159.32 feet;

Thence, N68°07'35"W, continuing with Dove Road, for a distance of 224.87 feet, to the southwest corner of the Noack tract, also being the southeast corner of a tract to Alvin F. Oien, Jr., as described in Volume 4181, Page 644, of said Deed Records;

Thence, N67°38'47"W, with the south line of said Oien tract and continuing with Dove Road, for a distance of 427.60 feet;

Thence, S88°49'43"W, continuing with said line, for a distance of 210.26 feet, to the southwest corner of said Oien tract, being the southeast corner of the Dove Addition, as described in Cabinet A, Page 6965, of said Plat Records;

Thence, N07°54'35"E, departing Dove Road and with the west line of said Oien tract and the east line of said Dove Addition, for a distance of 1953.55 feet, to a 1/2" iron rod found with a red cap, at the northwest corner of the Oien tract, being the northeast corner of Dove Addition, also being in the south line of said Westlake/Southlake Park Addition No. 1;

Thence, N89°23'40"E, with the north line of the Oien tract and the south line of said Westlake/Southlake Park Addition No. 1, for a distance of 974.39 feet, to a 3/8" iron rod found in concrete at the northeast corner of said Oien tract;

Thence, N88°45'45"E, with said south line, for a distance of 387.18 feet, to the Point Of Beginning, containing 2,385,582.21 square feet or 54.765 acres of land, more or less.

Area Summary

Residential Lots	54.17%	29.67 ac.
Right-of-Way Dedication:		
Dove & Sam School	1.99%	1.09 ac.
Internal Streets	7.03%	3.85 ac.
Open Space	36.81%	20.16 ac.
Gross Acreage	100.00%	54.77 ac.

Site Data

Gross Acreage	54.77 ac.
Density	0.53 du/ac.

Lot Summary

Residential Lots	29
Common Areas	17
Average Lot Size:	44,566 s.f.
Minimum Lot Size:	43,560 s.f.

L.U.D./Zoning

Existing Zoning:	R-1 & O
Proposed Zoning:	RPD

Building Setbacks

	Proposed	R-1
Front	40'	40'
Side	20'	20'
Rear	20'*	40'

*unless otherwise noted

7 JUNE 07

0

100'

200'

400'

TERRA BELL ORD 521

Zoning Case No.: SP-07-01

Residential P.D. Concept & Site Plan

Tierra Bella

29 Lots - 54.77 Gross Ac.

Westlake, Tarrant County, Texas