

TOWN OF WESTLAKE

ORDINANCE NO. 939

AN ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, AMENDING ORDINANCE 928 APPROVING A CONCEPT/DEVELOPMENT PLAN FOR A THREE-ACRE PORTION OF THE (PD7) ZONING DISTRICT. PROVIDING A PENALTY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

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

WHEREAS, on May 20, 2019, the Town Council approved Ordinance 882 establishing the 37.798 acre Planned Development District 7 (PD7) zoning district; and

WHEREAS, on May 24, 2021, the Town Council approved Ordinance 928 amending Ordinance 882 by repealing and replacing the approved concept/development plan and development standards and creating a phase one and phase two portion of the Planned Development District 7 (PD7) zoning district; and

WHEREAS, on May 24, 2021, the Town Council approved the phase one concept/development plan for the PD7 zoning district called "Westlake Ranch"; and

WHEREAS, the property owner of the three-acre phase two portion of the PD7 zoning district seeks approval of concept/development plan for said property; and

WHEREAS, following provision of proper legal notice, including written notice to owners within the PD7 zoning district and within 200 feet of the PD7 zoning district, published notice and posted notice in accordance with the Texas Open Meetings Act of public hearing, a public hearing was held on September 20, 2021 by the Planning and Zoning Commission (Commission) whereby the Commission recommended to the Town Council approval of the amendments to Ordinance 928 contained herein; and

WHEREAS, following provision of proper legal notice, including written notice to owners within the PD7 zoning district and within 200 feet of the PD7 zoning district, published notice and posted notice in accordance with the Texas Open Meetings Act of public hearing, a public hearing was held on September 27, 2021 by the Town Council; and

WHEREAS, upon the recommendation of the Planning and Zoning Commission and after a public hearing, the Town Council of the Town of Westlake, Texas, is of the opinion that

it is in the best interests of the Town and its citizens that these amendments to Ordinance 928 should be approved and adopted.

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

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

SECTION 2: That the following amendments to Ordinance 928 are hereby authorized:

- A. The concept/development plan for the phase two portion of the PD7 zoning district, attached as **Exhibit "A"**, is hereby approved. Phase two of the development shall be consistent with **Exhibit "A"**.
- B. A preliminary site evaluation shall not be required for phase two. Specific to the phase two, conditions in Ordinance 928 that reference the preliminary site evaluation shall be understood to mean the final plat.
- C. Specific to phase two, home elevations may deviate from the elevation samples provided in Ordinance 928.
- D. The provisions regarding landscaping and a tree survey contained in Ordinance 928, Exhibit A, Section 3(A) shall be met for phase two not later than the application for the phase two final plat.
- E. Open space shall be consistent with the open space indicated on **Exhibit "A"**. Open space amenities as noted in Ordinance 928 shall not be required for phase two. Landscape easements shall comply with the provisions of Ordinance 928, Exhibit A, Section 3(F).
- F. All other provisions and conditions of Ordinance 928 shall be applicable to phase two and shall remain in full force and effect, except where amended herein.

SECTION 3: That this Ordinance shall be cumulative of all other Town Ordinances and all other provisions of other Ordinances adopted by the Town which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 4: 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) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5: This ordinance shall take effect immediately from and after its passage

as the law in such case provides.

SECTION 6: It is hereby declared to be the intention of the Town Council of the Town of Westlake, Texas, that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared legally invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such legal invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the Town Council of the Town of Westlake without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.

SECTION 7: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED AND APPROVED ON THIS 27th DAY OF SEPTEMBER 2021.

ATTEST:

Careli-Forster, MAYOR PRO-TEM for
Laura Wheat, Mayor

Todd Wood
Todd Wood, Town Secretary

Amanda DeGan P.O. P.O.
Amanda DeGan, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry
L. Stanton Lowry, Town Attorney



EXHIBITS

EXHIBIT A PHASE TWO CONCEPT/DEVELOPMENT PLAN