

**TOWN OF WESTLAKE**

**ORDINANCE NO. 987**

**AN ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, AMENDING ORDINANCE 315, AS AMENDED, WHICH APPROVED PLANNED DEVELOPMENT ZONING DISTRICT 3-9 (PD 3-9), AN APPROXIMATELY 157.8 ACRE TRACT GENERALLY LOCATED NORTH OF STATE HIGHWAY 170, AND EAST OF U.S. HIGHWAY 377; 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**, Ordinance 315, approved by the Town Council on September 14, 1998, established Planned Development District 3-9 (PD 3-9), an approximately 157.8 acre tract generally located north of SH 170 and east of U.S. Hwy 377; and

**WHEREAS**, Ordinance 315 was amended by Ordinance 577, approved by the Town Council on September 24, 2007; and

**WHEREAS**, Ordinance 315 was further amended by Ordinance 593, approved by the Town Council on April 24, 2008; and

**WHEREAS**, an application was received requesting that the Land Use Schedule found in Article Two, Section One of Ordinance 315 be amended to allow the listed use of “Commercial Amusement (Inside)” as a permitted use within the retail and mixed-use sub-areas as shown on the concept plan; 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; and

**WHEREAS**, following provision of proper legal notice, including written notice to owners within 200 feet of the subject property, published notice and posted notice in accordance with the Texas Open Meetings Act of public hearing, a public hearing was held on January 16, 2024 by the Planning and Zoning Commission (Commission) whereby the Commission recommended to the Town Council approval of the amendments to Ordinance 315 contained herein; and

**WHEREAS**, following provision of proper legal notice, including written notice to owners within the PD3-9 zoning district and within 200 feet of the PD3-9 zoning district, published notice and posted notice in accordance with the Texas Open Meetings Act of public hearing, a public hearing was held on January 22, 2024 by the Town Council; 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 and its Land Use Map, Thoroughfare Plan, and Open Space Plan, all as amended to date; 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 315 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 315 are hereby authorized:

“Article II – Uses, Section One - Land Use Schedule – Permitted Uses, Amusement/Recreation:

“*Commercial Amusement (Inside)*” is hereby approved as a permitted use within the “retail” and “mixed-use” sub-areas as shown on the land use table therein.

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

**PASSED AND APPROVED ON THIS 22nd DAY OF JANUARY 2024.**

ATTEST:

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Sean Kilbride, Mayor

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Amy Piukana, Town Secretary

APPROVED AS TO FORM:

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L. Stanton Lowry, Town Attorney