

TOWN OF WESTLAKE, TEXAS
ORDINANCE NO. 1010

AN ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, AMENDING CHAPTER 102, “ZONING”, ARTICLE VII, “PLANNED DEVELOPMENT REGULATIONS”, DIVISION 2, “PLANNED DEVELOPMENT DISTRICT PROCEDURES”, SECTION 102-269, “AMENDMENT OF PLANS”, TO MODIFY PROVISIONS RELATING TO MINOR MODIFICATIONS TO PD SITE PLANS; 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 Type A General Law Municipality located in Denton County and Tarrant County, Texas, incorporated in accordance with the provisions of the Texas Local Government Code, as amended, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Westlake, Texas is a Type A General Municipality empowered under the provisions of Section 51.012 of the Texas Local Government Code, as amended, to adopt an ordinance or rule that is in the interest, welfare, and good order of the Town of Westlake, Texas; and

WHEREAS, the Town Council of the Town of Westlake, Texas finds that the passage of this Ordinance is advantageous and beneficial to the Town of Westlake and in the interest of good governance.

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

SECTION 1: That the findings and recitations set out in the Preamble of this Ordinance are found to be true and correct and hereby adopted by the Town Council of the Town of Westlake, Texas and made a part hereof for all purposes.

SECTION 2: That the Town of Westlake, Texas hereby amends Chapter 102, “Zoning”, Article VII, “Planned Development Regulations”, Division 2, “Planned Development District Procedures”, Section 102-269, “Amendment of Plans” to read as follows:

(b) *PD site plans.* PD site plans are not considered part of a PD Ordinance. Except as otherwise provided in this subsection, any amendment to an approved PD site plan must be approved by the commission. Notwithstanding the provisions of this subsection, however, minor modifications to any PD site plan may be approved by the town manager **or designee**. If the town manager, **or designee**, believes that a request for minor modification entails a significant change in the site plan, he / she may refer the request to the commission for determination. A minor modification to a PD site plan is defined as any modification that does not:

- (1) Alter the basic relationship of proposed development to adjacent property;
- (2) Change the uses permitted;
- (3) Increase the maximum density, floor area, or height; **or**
- (4) Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to ordinance requirements; ~~**or**~~
- ~~(5) **Reduce the minimum yards or setbacks.**~~

SECTION 3: That all ordinances of the Town of Westlake, Texas in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the Town of Westlake, Texas not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4: Should any section, paragraph, sentence, clause, or phrase of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be unconstitutional, illegal, or invalid, and shall not affect the validity of the Unified Development Code as a whole.

SECTION 5: 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, Texas 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 occurs shall constitute a separate offense.

SECTION 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and the public notice of the time, the place, and the purpose of said meeting was given as required.

SECTION 7: This Ordinance shall take effect immediately from and after its passage upon reading and the publication of the caption, as provided by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS ON THIS 21ST DAY OF OCTOBER, 2024.

Kim Greaves, Mayor

ATTEST:

Dianna Buchanan, Town Secretary

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney