

**TOWN OF WESTLAKE**

**ORDINANCE NO. 1022**

**AN ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, AMENDING ORDINANCE 703, AS AMENDED, WHICH APPROVED THE PLANNED DEVELOPMENT ZONING DISTRICT 1-2 (PD 1-2), AN APPROXIMATELY 85.9 ACRE TRACT OF LAND THAT IS GENERALLY LOCATED BETWEEN STATE HIGHWAY 114, DAVIS BOULEVARD, AND SOLANA BOULEVARD, COMMONLY KNOWN AS “ENTRADA”, PROVIDING A DEFINITION FOR “STACKED FLATS” AND CERTAIN STANDARDS RELATED TO THE DESIGN AND CONSTRUCTION OF THE SAME; AMENDING THE LAND USE SCHEDULE FOR ENTRADA; AMENDING THE MEASUREMENTS FOR BUILDING HEIGHT; AMENDING ORDINANCE 1001, WHICH APPROVED AMENDMENTS TO A DEVELOPMENT PLAN FOR CERTAIN PORTIONS OF ENTRADA AND THAT WILL LIMIT STACKED FLATS TO CERTAIN BLOCKS; AMENDING PROVISIONS FOR REQUIRED PARKING FOR CERTAIN USES; 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 (the “Town”) is a general law municipality; and

**WHEREAS**, the Town Council of the Town (the “Town Council”) finds it necessary for the public health, safety, and welfare for development to occur in a controlled and orderly manner in accordance with the Town’s Comprehensive Plan; and

**WHEREAS**, the Town Council adopted Ordinance 703 on April 22, 2013 establishing PD 1-2 to provide specific rules and regulations for developing an approximately 85-acre tract of land that is generally located between State Highway 114, Davis Boulevard, and Solana Boulevard; and

**WHEREAS**, the Town Council adopted Ordinance 720 on October 28, 2013 establishing a development plan for developing said approximately 85-acre tract of land; and

**WHEREAS**, the Planning and Zoning Commission and the Town Council of the Town, in compliance with the laws of the State of Texas with reference to amendments to PD 1-2 have given the requisite notices by publication and otherwise and, after holding due a meeting in accordance with the Texas Open Meetings Act, is of the general opinion that PD 1-2 should be amended; and

**WHEREAS**, the Planning and Zoning Commission met on May 6, 2025 and reviewed and considered the proposed text amendments to PD 1-2 and provided a recommendation to the Town Council; and

**WHEREAS**, both the Planning and Zoning Commission and the Town Council recognize the need to add clarity to provisions of PD 1-2 established pursuant to Ordinance 703, as amended subsequently by Ordinances 852, 908, and 935 to help define intent of interpretation and to revise the development plan for Entrada established pursuant to Ordinance 720, as amended subsequently by Ordinances 830, 918, 934, 959, 994, 997, and 1001 for implementation of specific development vision and goals.

**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 Section 3.2 of Article I as provided in Ordinance No. 703, and amended by Ordinance No. 852 and Ordinance No. 935, that is entitled “Words and Terms Defined”, shall be hereby amended to include a new definition for “Stacked Flat” as provided below:

**Stacked Flat: a residential unit that is expressly prohibited on the first floor of mixed-use buildings and limited to the upper floor(s) on designated lots permitted to mix residential and non-residential uses by-right. Stacked flats may be for rent or for sale.**

**SECTION 3:** That Section 3 of Article II as provided in Ordinance No. 703, and amended by Ordinance No. 852 and Ordinance No. 935, that is entitled “Residential to Non-residential Development Ratios”, is hereby amended to read as follows:

**SECTION 3 RESIDENTIAL TO NON-RESIDENTIAL DEVELOPMENT RATIOS**

The Developer is limited to the Residential Use restrictions described in **Article II, Section 1, of the Land Use Schedule and the following provisions related to the pace of residential to non-residential development: Exhibit 7 “Residential Use Summary Table”.**

**Section 3.1: Pace of Residential Use Development within PD 1-2:**

- 3.1.1 First Year of Active Development: Developer is entitled to ten (10) residential units initially. After the initial ten (10) units, Developer is entitled to units eleven (11) through (30) after 45,000 non-residential air conditioned square footage is permitted. **For purposes of this Section, the “First year of active development” is defined as beginning on the date of the issuance of the first vertical building permit for PD1 Planning Area 2 (PD1-2).**
- 3.1.2 From Residential Unit 31 forward, **until build-out, the** Developer must demonstrate to the **satisfaction of the Westlake Building Official Town Manager,** that the 45,000 air-conditioned square feet of non-residential **air-conditioned** building space (as set out in 3.1.1) is substantially completed,

and that for Residential Unit 31 forward, **until build-out**, Developer must also demonstrate to the **Westlake Building Official Town Manager** that a ratio of 1,500 sq. ft. of non-residential use building space has been permitted for each additional Residential Unit permitted **for Residential Unit 31 forward, until build-out.**

3.1.3 Developer is to maintain a database illustrating conformance to this requirement to the **Westlake Building Official Town Manager** and include an up-to-date report with each new Residential Unit building permit application. Non-residential use buildings must be substantially outwardly completed within six-months of being included in the 1500:1 ratio, which is 1500 square feet of non-residential to each Residential Unit calculations.

**3.1.4 The provisions in Paragraphs 3.1.1 – 3.1.3 do not apply to Residential Units that meet the definition for Stacked Flats. The provisions as set forth in Paragraphs 3.1. – 3.1.3 shall apply to all other Residential Units that are permitted by-right or by approval of a Specific Use Permit.**

**SECTION 4:** That the “Land Use Schedule”, found in Section 1 of Article II of Ordinance No. 703, and amended by Ordinance No. 852 and Ordinance No. 935, that is entitled “Uses”, shall be hereby amended to replace the use “Condominium (residential)” which requires a Specific Use Permit as shown in the Mixed-use Development Land Use Schedule with “Stacked Flats” which shall be permitted by-right within PD 1-2, as follows:

	PD 1	PD 1-2
RESIDENTIAL USES		
<del>Condominium (residential)</del> Stacked Flats		<del>SX</del>
COMMERCIAL USES		
<del>Private Club</del>	NSA	S

**SECTION 5:** That Section 4.2, entitled “Residential condominiums”, found in Section 1 of Article II of Ordinance No. 703, and amended by Ordinance No. 852 and Ordinance No. 935, that is entitled “Uses”, shall be hereby amended as follows:

**“Section 4.2 Residential condominiums: Residential condominiums are only allowed by SUP as shown in Exhibit 6.**

**Section 4.2 Stacked flats: Stacked flats are allowed by-right and only in the areas as shown in Exhibit 6, subject to the following additional standards:**

**1. Stacked Flats are prohibited on the first floor; and shall be expressly limited to the upper floor(s) of the mixed-use buildings in which they are located.**

2. Stacked Flats constructed on or after May 20, 2025 shall provide a minimum habitable area of 1,800 square feet.

3. The first floor for all principal buildings in which Stacked Flats are located shall be expressly limited to the non-residential uses that are either permitted by-right or permitted by approval of a SUP. Recommended or advised commercial uses on the first floor include:

- a. a bakery;
- b. a bistro;
- c. a café;
- d. a coffee shop;
- e. a corner market or a corner store;
- f. a dry cleaner;
- g. a pharmacy;
- h. a restaurant; and / or
- i. a destination or a neighborhood-oriented retail

establishment.

4. All openings for doors and windows along building facades facing a street or open space be vertical in orientation and rectangular in proportion, except for shopfront display windows and transom windows.

5. The principal roofs for all buildings with stacked flats may be sloped or flat; where flat, the roof shall be surrounded on all sides by a horizontal parapet wall that is no less than 42 inches high where the roof deck meets the parapet wall.

a. All building mechanical equipment located on a flat roof shall also be visually screened from all sides by either an opaque screen enclosure or by parapet walls, either of which shall be at least 12 inches greater in height than the equipment.

6. The first floor for all principal buildings in which Stacked Flats are located shall be designed as a shopfront in which all the following architectural features and elements shall be provided along any building façade fronting a street:

a. Shopfronts shall be constructed of custom metal work, stone, stucco, and steel frame. Shopfronts constructed of extruded aluminum frames or aluminum panels shall be expressly prohibited.

b. The shopfront shall be no less than 70 percent glazed in glass for the total building wall area between two feet and 12 feet above the adjacent sidewalk.

c. The shopfront glazing shall have both display windows and transom windows.

d. All transom windows shall have dividing muntins; and shall be free of signage.

e. Shopfronts shall require a minimum 18-inch-high knee wall. Knee walls shall be a maximum of 36 inches high above the adjacent sidewalk. All knee walls shall be designed as an integral component of the overall shopfront.

f. Shopfront doors shall be recessed from the building façade to allow the door (or the doors) to swing out without obstructing pedestrian flow on the adjacent sidewalk. Where appropriate, sliding doors and / or sliding windows that allow the activity of the business to open adjacent to and onto the adjacent sidewalk may be installed for cafés, restaurants, and other food service establishments, subject to review and approval by the Town Planner.

g. Wall signs, if permitted, and subject to review and approval by the Town Planner, shall only be installed above transom windows. In lieu of installing a wall sign, one blade sign for each first floor business, no more than six square feet each, may be permanently installed perpendicular to the building façade. All blade signs shall clear a minimum of eight feet above the adjacent sidewalk. Businesses on corner lots may install one blade sign per street frontage.

7. Except as otherwise provided in this Section 4.2, the design of all Stacked Flats shall comply with the provisions as set forth in the Westlake Entrada Design Guidelines.

8. The Town Planner shall not have authority to administratively approve any deviations or exceptions to the minimum habitable area required for a Stacked Flat or the required non-residential uses on the first floor.

**SECTION 6:** That Section 4.1 found in Section 4 of Ordinance No. 703, and amended by Ordinance No. 852 and Ordinance No. 935, that is entitled “Maximum Building Height”, shall be hereby amended as follows:

“Section 4.1 For all principal structures and accessory structures constructed on or before May 20, 2025, the ~~The~~ maximum height for all structures located within PD 1-2 is 735’ Mean Sea level (MSL). For all principal structures constructed after May 20, 2025, the maximum height for all such principal structures within this PD 1-2 shall be four (4) stories; except that there shall be no height limitation for any principal structure located within the portions of this PD 1-2 identified as the Building Height Waiver Sub-Area as depicted on the Development Plan. For all accessory structures constructed after May 20, 2025, no such accessory structure shall be taller than two (2) stories in height. The height (i.e., stories) for all principal structures and accessory structures shall be measured from finished grade. In addition, the minimum height for the first story shall be 16 feet as measured from the finished floor to the finished ceiling for all principal structures and the minimum height for all upper stories shall be 10 feet as measured from the finished floor to the finished ceiling.”

**SECTION 7:** That Section 15.8 found in Section 15 of Ordinance No. 703, and amended by Ordinance No. 852 and Ordinance No. 935, that is entitled “Parking Standards”, shall be hereby amended as follows:

“Section 15.8 Parking spaces shall be provided in accordance with Town ordinances unless (a) a parking analysis is provided with a Site Plan application and is approved by the Town **or (b) restaurant and retail tenant spaces located on Block K, Block L, and Block Q that are less than 1,500 square feet shall be exempt from minimum off-street parking requirements as found in the UDC.**”

**SECTION 8:** That the Entrada Development Plan attached hereto as EXHIBIT “A—1” is hereby amended such that Block K, Block L, Block N, and Block Q are permitted to have Stacked Flats as a matter of right provided, however, that the total number of residential units that may be constructed within Entrada shall not exceed 322. There shall also be an exhibit attached hereto as EXHIBIT “A—2” that depicts the Building Height Waiver Sub-Area.

**SECTION 9:** That this Ordinance shall be cumulative of all other Ordinances adopted by the Town of Westlake and all provisions of other Ordinances as adopted by the Town of Westlake which are inconsistent with the provisions or terms of this Ordinance are hereby repealed.

**SECTION 10:** 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 11:** This Ordinance shall take effect immediately from and after its passage as the law in such case provides.

**SECTION 12:** It is hereby declared to be the intention of the Town Council of the Town of Westlake, 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 13:** This ordinance shall take effect immediately from and after its passage as the law in such case provides.

**PASSED AND APPROVED ON THIS 20th DAY OF MAY 2025.**

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Kim Greaves, Mayor

**ATTEST:**

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Dianna Buchanan, Town Secretary

**APPROVED AS TO FORM:**

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L. Stanton Lowry, Town Attorney