

**TOWN OF WESTLAKE**

**ORDINANCE NO. 928**

**AN ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, AMENDING ORDINANCE 882 WHICH PROVIDES THE DEVELOPMENT STANDARDS FOR THE PLANNED DEVELOPMENT DISTRICT 7 (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**, the property owner of a 34.798 acre portion of the development proposes amendments to Ordinance 882 in order to approve an amended concept/development plan specific to the 34.798 acre portion owned by said owner and to alter certain development conditions; 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 May 17, 2021 by the Planning and Zoning Commission (Commission) whereby the Commission recommended to the Town Council approval of the amendments to Ordinance 882 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 May 24, 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 882 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 882 are hereby authorized:

- A. Ordinance 882, Exhibit B is hereby repealed and replaced with the attached **Exhibit "A"**.
- B. Ordinance 882, Exhibit B-1 is hereby repealed and replaced with the attached **Exhibit "B"** – Phase One Concept/Development Plan, and **Exhibit "C"** – Development Description and Illustrations.
- C. The PD7 zoning district is hereby divided into two phases. Phase one shall include the 34.798 acres depicted on **Exhibit "B"**. Phase two shall include the remaining three acres of the PD7 zoning district not included in **Exhibit "B"**.
- D. All ingress and egress to and from Aspen Lane shall be limited to residents and service vehicles only during "restricted hours", which are defined as 7:30 a.m. through 3:30 p.m.
- E. All other provisions of Ordinance 882 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 6:** This ordinance shall take effect immediately from and after its passage as the law in such case provides.

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

**PASSED AND APPROVED ON THIS 24th DAY OF MAY 2021.**

ATTEST:

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Laura Wheat, Mayor

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Todd Wood, Town Secretary

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Amanda DeGan, Town Manager

APPROVED AS TO FORM:

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L. Stanton Lowry, Town Attorney

## **EXHIBITS**

**EXHIBIT A** PLANNED DEVELOPMENT DISTRICT 7 (PD7) DEVELOPMENT STANDARDS

**EXHIBIT B** PD7 PHASE ONE CONCEPT/DEVELOPMENT PLAN

**EXHIBIT C** DEVELOPMENT DESCRIPTION AND ILLUSTRATIONS

## **EXHIBIT “A”**

### **Planned Development District Number 7 (PD7) Development Standards**

#### **Section 1 – General**

- A. The purpose of PD7 is for a detached single-family residential development of not more than 36 residential lots with a gross maximum density of 0.95 dwelling units per acre.
- B. Phase one of the PD7 zoning district shall not contain more than 32 single family residential lots.
- C. Phase two of the PD7 zoning district may contain up to 4 single family residential lots pending final approval of a concept/development plan specific to the phase two portion of the development. Said concept/development plan shall be approved as an amendment to the PD7 zoning district.
- D. The development authorized by this ordinance shall be consistent with all provisions and graphics contained the Phase One Concept/Development Plan, attached as Exhibit B, and the development description and illustrations, attached as Exhibit C. However, where a conflict exists between the provisions of Exhibit A, Exhibit B, and Exhibit C, the provisions of Exhibit A shall prevail.
- E. Platting
  - 1. The developer shall submit, and receive approval for, a preliminary site evaluation prior to any land disturbance activities;
  - 2. Prior to the final acceptance of public improvements, approval of private streets and release of residential building permits, the developer shall submit, and receive approval for, a final plat, which shall be platted as a single phase.
  - 3. The final plat noted above shall be recorded with the County Clerk prior to the release of any residential building permits.
  - 4. Prior to the approval of the preliminary site evaluation, the developer shall submit a development agreement for final approval by the Town Council per the requirements of the Code of Ordinances.
- F. Permitted Uses – The following are permitted principal and accessory uses:
  - 1. Single Family Detached Homes
  - 2. Open Space
  - 3. Private Streets
  - 4. Public and Private Parks
  - 5. Drainage facilities (including retention and detention ponds)
  - 6. Clubhouse and indoor pickleball courts

7. Accessory Uses (as authorized in the Town's zoning regulations)

- G. Homeowner's Association – The development shall be governed by a Homeowner's Association (HOA) that will be responsible for common area maintenance, clubhouse and other amenity maintenance, private street maintenance, and enforcing the HOA Design Guidelines for the community. The Home Owner's Association shall appoint an Architectural Review Committee that must have at least one (1) Texas Licensed Architect with experience in applying Design Guidelines and advising an Architectural Review Committee on matters of design.
- H. Any change, reassignment, and/or transfer of ownership from the developer that is the signatory party in the development agreement noted above to a different entity shall require the approval of the Town Council through an amendment to the development agreement, through a separate resolution, or as an amendment to this ordinance.
- I. The developer and homebuilder of all units constructed in the development shall operate as a single entity, with final compliance with the terms and conditions of such commitment laid out in the Town approved Development Agreement or unless otherwise requested by the developer and approved by the Town Manager or designee for special conditions.
- J. All plans submitted for permit within this development shall be prepared by a Texas Licensed Architect and contain sufficient details required to explain the full exterior construction to a competent contractor.

Section 2 – Residential Design Standards

- A. Lot and Housing Specifics: The following are the design criteria for all homes constructed in the phase one portion of the development:
  - a. Housing Type: Single Family Detached;
  - b. Minimum Lot Size: 21,250 square feet;
  - c. Minimum Lot Width at Building Line: 105 feet;
  - d. Front Setback: 30 feet
  - e. Side Setbacks: 5 feet on one side of the lot and 15 feet on the opposite side
  - f. Rear Setback: 40 feet;
  - g. Minimum Unit Size: 4,500 square feet;
  - h. Maximum Height: 35 feet from finished floor to the mid-point of the span of the highest roof pitch.
  - i. Maximum First Floor under Roof: ~~7,800 square feet~~ Not to exceed 40% of individual lot square footage.
- B. Special Setback Provisions:

1. Lots adjacent to Aspen Lane shall have a 40-foot minimum setback from Aspen Lane.
  2. All homes shall be setback a minimum of 120 feet from Pearson Lane
  3. All homes shall be setback a minimum of 40 feet from the southern boundary line of the development.
- C. Garages: All homes shall have a minimum of four parking spaces for off-street automobile parking in any configuration but must have a minimum of two enclosed parking spaces and two additional off-street parking spaces. Garage doors shall be recessed a minimum of (8) eight inches (nominal) from the plane of the adjacent wall. Front facing garage doors are allowed if located further back on the lot than the side-facing garage portion and are in a motor court setting.
- D. Roofs: Permitted roof materials include:
1. Flat or barrel clay tiles, metal seamed, copper, wood shake, TPO (for flat roof installations), or slate.
- E. Exterior Walls: Exterior walls shall meet the requirements of the Town's Building Quality Manual as adopted by Resolution 18-02.
- F. Design Guidelines: Prior to the approval of the preliminary site evaluation, the developer shall submit final design guidelines for approval by the Town Council that shall be recorded with the private deed covenants, conditions and restrictions. Said guidelines shall incorporate the recommendations contained in the Westlake Building Quality Manual referenced above. With the exception of any guideline provision addressing a particular architectural style, said design guidelines shall be enforced by Town staff in reviewing building permit applications for compliance with the provisions above. Guideline provisions to be enforced by staff include, but may not be limited to, general building articulation, massing, fenestration, roof slope, construction details and building materials.
- G. Elevation Samples: All homes and buildings constructed in this development shall be generally consistent with the elevation samples provided in Exhibit C such that the primary articulation elements and general layout of the home on the lot are generally consistent with the elevations. Otherwise, all home design shall adhere to the provisions of the development's design guidelines.

### Section 3 – Landscaping, Open Space, Water Features, Tree Preservation and Parkland Dedication

- A. Landscaping: Not later than 90 days after the approval of the preliminary site evaluation, the developer shall submit a master landscape plan for the development prepared by a State of Texas registered landscape architect. Said plan shall be reviewed for final approval by the Town Manager. The plan may be forwarded to the Town Council for final approval at the discretion of the Town Manager. The final approved master landscape plan shall be included with the development agreement. At a minimum the plan shall include the following:
1. The Plan shall substantially comply with the Concept/Development Plan (Exhibit B)
  2. The landscape plan shall reflect developer's efforts to comply with the "landscape Integrity" objectives of the Town's Comprehensive Plan and employ predominantly those plant materials that are consistent with restoration of the natural mosaic.
  3. A detailed tree survey as required by the Code of Ordinances;
  4. Any replanting requirements as part of required tree mitigation;
  5. Specific planting and maintenance responsibilities of the developer versus the homebuilder and the homeowner's association;
  6. Details for guest parking in the development where applicable;
  7. Locations and specifications for the internal trail system
- B. Tree Preservation – All protected trees shall require mitigation upon damage or removal as required by the Code of Ordinances. Mitigation may be provided through tree plantings as shown on the landscape plan during development and/or home building phases. Where possible, old growth trees and tree clusters should be preserved as identified in the master landscape plan.
- C. Open Space
1. A minimum of 11.98 acres (34.68%) of the phase one portion of the development shall be reserved as open space. All open space, including public and private, shall be substantially consistent with Exhibit B and shall be distributed as follows:
    - a. Private Open Space (including water features and clubhouse): 7.71 acres minimum
    - b. Public Open Space (parkland): 2.74 acres minimum
    - c. Landscape Easements on Private Lots: 1.53 acres minimum
  2. Private open space amenities shall, at a minimum, include the following:
    - a. Clubhouse: The clubhouse shall be constructed and completed by the developer prior to the final acceptance of public improvements. The design shall be consistent with the designs shown in Exhibit C.

- D. Parkland Dedication – Parkland dedication as proposed by the developer in Exhibits B and C is hereby approved subject to the following conditions:
1. Parkland dedication shall be consistent with Exhibit B.
  2. Maintenance responsibilities for the parkland shall be the responsibility of the developer/HOA.
  3. Details of amenities, and final locations of parking and trails shall be consistent with Exhibit B and shall require final approval as part of the development agreement between the applicant/developer and the Town.
- E. Water Features – Water features are a key component of the development, making this a “Water Themed” development as called for in the Town’s Comprehensive Plan. Water features shall be constructed by the developer as part of the required improvements. Said features shall be located and designed as shown in Exhibit B and described and depicted in Exhibit C and shall be maintained by the homeowner’s association.
- F. Landscape Easements - Landscape easements shall be shown on the preliminary site evaluation and final plat for the development. The easements shall be consistent with the landscape easements shown on Exhibit B and shall, at a minimum, contain the total landscape easement area described in Section C above. The following note shall be placed on the final plat relative to the landscape easements: “Landscape easements are intended for landscape material such as trees, plants and groundcover only. No impervious surface of any kind or permanent structures, including buildings and swimming pools, may be placed in any landscape easement.”

#### Section 4 – Fencing

- A. The perimeter of the development, not including the publicly owned areas, along Aspen Lane and Pearson Lane shall contain decorative iron fencing located in a manner substantially consistent with the Phase One Concept/Development Plan (Exhibit B) and which preserves the sense of “open ground plane” as described in the Town’s Comprehensive Plan by the use of decorative iron fencing with masonry columns. The perimeter fence located along the southern border of the development will contain decorative iron with metal posts. Brick is not a permitted material. Masonry wall sections shall be permitted as depicted in Exhibit B for the purpose of providing aesthetic accents, privacy, and/or shield undesirable vehicle light transmission as determined in the master landscape plan.
- C. Individual property fences shall be constructed of decorative iron and shall not exceed 54 inches in height with metal columns consistent with the architectural design guidelines.

## Section 5 – Streets, sidewalks/trails, parking and access

- A. Streets – A Specific Use Permit (SUP) is hereby granted for all community streets within PD7, which shall be private and constructed to Town standards. Street lighting shall be located at all corners and intersections. Lights shall be low pedestal type fixtures that comply with Town standards and Comprehensive Plan recommendations as well as follow the Town's low intensity lighting standards. A street stub-out for future connection shall be provided between the phase one and phase two portions of the development as depicted on Exhibit B.
- B. Trails – An internal trail/sidewalk system shall be constructed and shall connect to the public trail system at access-controlled locations as shown in the concept/development plan. The final location and details of the internal trail system shall be included with the required landscape plan. The public trail shall comply with all Town requirements and shall be generally located as shown in concept/development plan and shall be constructed by the developer as part of the required public improvements. Trail amenities shall at a minimum include the amenities proposed by the developer.
- C. Parking – Adequate guest parking, trailhead and park parking, and parking for the proposed private amenities shall be shown on the master landscape plan with maintenance responsibilities borne by the homeowner's association as described in the required development agreement.
- E. Access – Street access to the development from Pearson Lane shall require written final approval from the City of Keller.
- F. Cluster mailboxes – Prior to installation, the final design, location and size of any cluster mailboxes as required by the United States Postal Service shall be submitted to the Town Manager or designee for review. Upon review, the Town Manager or designee may approve or deny said design, location and size. If denied, the developer may appeal the decision of the Town Manager or designee to the Town Council provided the written appeal is received not later than 30 days from the formal notice of denial.
- G. Prior to the final acceptance of public improvements, the developer shall install intersection illumination improvements to the intersection of Aspen Lane and Pearson Lane such that the nighttime visibility of the intersection is improved. Said illumination improvements shall be detailed as part of the development agreement and shall require the final approval of the town manager or designee.

## Section 6 – Utilities, Drainage and Grading

- A. Public Utilities – Water and sewer service shall be provided by the Town of Westlake to this development. The developer shall, at their cost, construct all necessary water and sewer system improvements per Town standards and shall

secure any necessary easements. The phase one developer shall provide for stubs for future utility connections for the phase two portion of the development to be further detailed in the development agreement.

- B. Duct Bank - A Duct Bank system shall be installed by the Developer throughout the subdivision as required by Town ordinances. The Duct Bank shall be located within a utility easement, the final details of which shall be determined by the Town Manager or designee. The home builder shall tie into the Duct Bank prior to the Final Inspection for the home.
- C. Stormwater – Stormwater facilities shall be installed by the developer and employ facilities that are recommended by the comprehensive plan. Final location and design of said facilities shall require the final approval of the Town Manager or designee.
- D. Lot Grading – Grading and disturbance of land by the developer shall be restricted to areas necessary to construct streets, public infrastructure, development amenities, and approved water features. The pre-grading of individual residential lots by the developer for the purpose of creating a residential pad is hereby prohibited.

#### Section 7 – Public Art and Town Entry Marker/Monument

- A. As part of the development agreement noted above, the developer agrees to submit a public art plan to be approved by the Town Manager or designee.-A Town of Westlake entry marker or monument shall be included in this plan.