

TOWN OF WESTLAKE

ORDINANCE NO. 882

AN ORDINANCE ZONING AN APPROXIMATELY 37.798 ACRE TRACT OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF ASPEN LANE AND PEARSON ROAD, FURTHER DESCRIBED AND DEPICTED IN EXHIBIT "A" ATTACHED HERETO, FROM THE R5 "COUNTRY RESIDENTIAL" ZONING DISTRICT TO PD7 "PLANNED DEVELOPMENT DISTRICT NUMBER SEVEN"; AUTHORIZING RESIDENTIAL DEVELOPMENT; APPROVING A CONCEPT/DEVELOPMENT PLAN; APPROVING A SPECIFIC USE PERMIT (SUP) FOR PRIVATE STREETS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 102 of the Code of Ordinances of the Town of Westlake establishes zoning districts, permissible uses, development standards, and other zoning related regulations; and

WHEREAS, Section 62-31 of the Code of Ordinances of the Town of Westlake adopts a Comprehensive Plan for the Town of Westlake; and

WHEREAS, Section 102-33(3) of the Code of Ordinances of the Town of Westlake states that the purpose of a Planned Development District is to: Provide for a superior design of lots or buildings; Provide for increased recreation and/or open space opportunities for public use; Provide rural amenities or features that would be of special benefit to the property users or community; Protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and viewscapes; Protect or preserve existing historical buildings, structures, features or places; and provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and

WHEREAS, on April 29, 2019, the Town of Westlake received a Zoning Change Request from the Waterside Land Company, LLC on behalf of the property owner for the property depicted and described in **Exhibit "A"** requesting that the Town zone said property to PD7 "Planned Development District Number Seven" in accordance with Chapter 102 of the Code of Ordinances of the Town of Westlake, Texas; and

WHEREAS, because of the size, location, and natural features of the property the Town has a critical interest in the development of said property and is encouraging such development to the highest possible standards of quality consistent with the Town's long-term development vision; and

WHEREAS, the property owner (or representative) appeared before the Planning and Zoning Commission and Town Council and affirmed that the property owner is seeking this zoning request; and

WHEREAS, all legal requirements of state statutes and Town ordinances of the Town of Westlake, as well as all legal requirements and legal notices and prerequisites having been complied with, including but not limited to chapter 551 of the Government Code and Chapter 211 of the Local Government Code; and

WHEREAS, on May 13, 2019, the request was heard by the Westlake Planning and Zoning Commission and the Planning and Zoning Commission recommended approval with conditions of said request; and

WHEREAS, the Town Council of the Town of Westlake, Texas, at a public hearing called at a regular session of the Town Council did consider the following factors in making a determination as to whether the requested change should be granted or denied: congestion in the streets, including safety of the motoring public and the pedestrians using the facilities in the area; to secure safety from fire, panic or other dangers; the promotion of health and the general welfare, to provide for adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of the population, facilitating the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and

WHEREAS, the Town Council has determined that said Zoning Change Request is consistent with the development goals, standards, and desired uses described in the Comprehensive Plan; and

WHEREAS, 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 this Ordinance 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 property shown on attached **Exhibit "A"** is hereby rezoned from the R5, "Country Residential" zoning district to PD7, Planned Development District Number Seven", including the approval of a concept/development plan and a Specific Use Permit (SUP) for private streets, subject to the conditions contained in **Exhibit "B"**.

SECTION 3: This Zoning District shall be subject to all regulations contained in the Code of Ordinances of the Town of Westlake, Texas, except where amended herein.

SECTION 4: The Town Secretary shall amend, or cause to have amended, the Official Zoning Map of the Town of Westlake to reflect the zoning of the property described and depicted on attached **Exhibit "A"**.

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: 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 7: That this Ordinance only affects the Property located within the boundaries of PD 7 and does not change or affect any other property, including but not limited to the property adjacent to PD 7.

SECTION 8: Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor offense and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each separate offense. A separate offense shall be deemed committed upon each day, or part of a day, during which a violation occurs or continues.

SECTION 9: 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 2019.

ATTEST:



Laura Wheat, Mayor



Kelly Edwards, Town Secretary

APPROVED AS TO FORM:



L. Stanton Lovry, Town Attorney

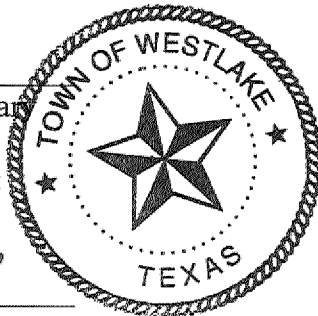


EXHIBIT A

Description and Depiction of Subject Property

Property Depiction

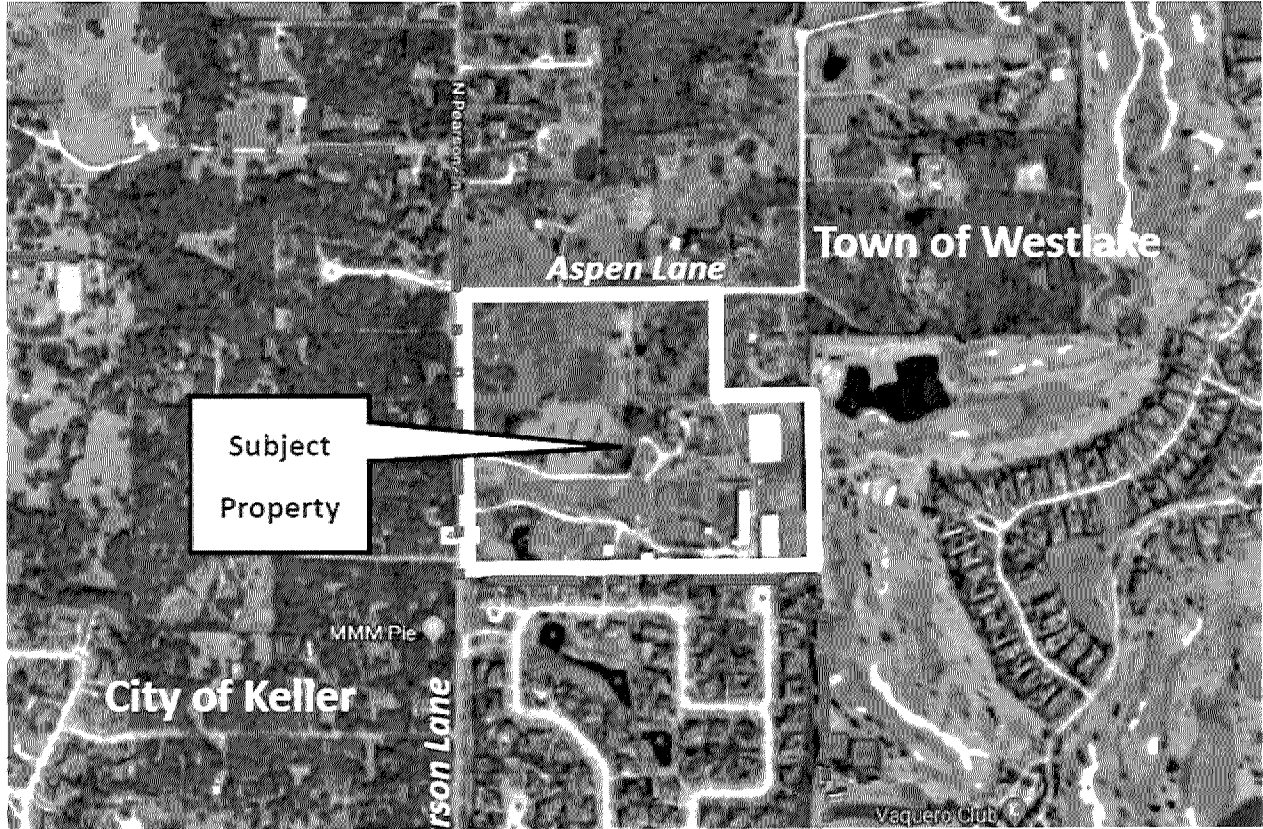


EXHIBIT A continued

Description and Depiction of Subject Property

Property Description

ALL that certain tract or parcel of land situated in the JOSIAH WALKER SURVEY, ABSTRACT NO. 1604 and the G. B. HENDRICKS SURVEY, ABSTRACT NO. 680, Tarrant County, Texas as described in Deed to J. Timothy Brittan and Kristin Brittan as recorded in Instrument No. D206068103 of the Deed Records, Tarrant County, Texas and a portion of Lot 1, Block 1, FISHER ADDITION, an Addition to the Town of Westlake, Tarrant County, Texas as recorded in Instrument No. D214043902 of the Plat Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod found for the northwest corner of said Brittan tract, being in the apparent southerly right-of-way line of Aspen Lane, also being in the apparent easterly right-of-way line of Pearson Lane;

THENCE North 89 degrees 27 minutes 00 seconds East with said southerly right-of-way line, 764.91 feet to a 1/2 inch steel rod found for the most northerly northeast corner of said Brittan tract, also being the northwest corner of said Lot 1;

THENCE North 89 degrees 27 minutes 38 seconds East continuing with said southerly right-of-way line and the northerly boundary line of said Lot 1, 299.29 feet to a 1/2 inch capped steel rod stamped "PRISM SURVEYS" set;

THENCE South 00 degrees 42 minutes 13 seconds East departing said right-of-way line, 441.21 feet to a 1/2 inch capped steel rod stamped "PRISM SURVEYS" set in the southerly boundary line of said Lot 1;

THENCE North 89 degrees 26 minutes 44 seconds East with the southerly boundary line of said Lot 1, 494.41 feet to a 1/2 inch capped steel rod stamped "ENCOMPASS" found for the most easterly northeast corner of said Brittan tract;

THENCE South 00 degrees 09 minutes 05 seconds East with the easterly boundary line of said Brittan tract, 751.97 feet to a 1/2 inch capped steel rod stamped "PRISM SURVEYS" found for the southeast corner thereof;

THENCE South 88 degrees 56 minutes 54 seconds West with the southerly boundary line of said Brittan tract, 1553.43 feet to a 1/2 inch steel rod found for the southwest corner thereof, also being in the said apparent easterly right-of-way line of Pearson Lane;

THENCE North 00 degrees 06 minutes 02 seconds West with said easterly right-of-way line, 766.38 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" found;

THENCE North 01 degrees 29 minutes 15 seconds West continuing with said right-of-way line, 440.48 feet to the place of beginning and containing 37.798 acres of land, more or less.

EXHIBIT B

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 38 residential lots with a gross maximum density of 1.0 dwelling unit per acre.
- B. The development authorized by this ordinance shall be consistent with all provisions and graphics contained the Concept/Development Plan, attached as Exhibit B-1, including the clustering of residential lots as shown in said graphics. However, where a conflict exists between the provisions of Exhibit B and Exhibit B-1, the provisions of Exhibit B shall prevail.
- C. 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.
 - 5. For the purpose of executing the design goals of this ordinance and all exhibits attached herein, amended plats may be submitted as part of a building permit application in order to perform minor adjustments to lot boundaries as needed. The final recording of said amended plat may be deferred to the completion of construction provided the plat is recorded before the completion of the final inspection.
- D. 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. Guard house
 - 7. HOA operated amenities in compliance with all Town ordinances
 - 8. Accessory Uses (as authorized in the Town’s zoning regulations)

- E. Homeowner's Association – The development shall be governed by a Homeowner's Association (HOA) that will be responsible for common area maintenance, guard house and community center maintenance, private street maintenance, front yard maintenance and enforcing the HOA Design Guidelines for the community. The Home Owners 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.
- F. 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.
- G. The developer and homebuilder(s) 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.
- I. 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 each housing type as described in Exhibit B-1:
 - 1. All single-family homes (except the Golf Villas bordering Vaquero Golf Course)
 - a. Housing Type: Single Family Detached;
 - b. Minimum Lot Size: 1,000 square feet;
 - c. Minimum Lot Width at Building Line: 70 feet; which may be reduced in order to accommodate required lot clustering;
 - d. Front Setback: 10 feet; or 5 feet where courtyards/motor courts are provided;
 - e. Side Setbacks: 0 feet; the principal structure may be located on the property line; the total length of the building to be located on the property line shall not exceed 20% of the average lot depth;
 - f. Rear Setback: 40 feet, or 0 feet abutting water features and/or open space;
 - g. Minimum Unit Size: 3,000 square feet;
 - h. Maximum Height: 35 feet from finished floor to the mid-point of the span of the highest roof pitch.
 - 2. Golf Course Villas

- a. Housing Type: Single Family Detached;
- b. Minimum Lot Size: 1,000 square feet;
- c. Minimum Lot Width at Building Line: 70 feet;
- d. Front Setback: 10 feet; or 5 feet for side facing garages, courtyards and accessory structures not utilized for storage;
- e. Side Setbacks: 0 feet; the principal structure may be located on the property line; the total length of the building to be located on the property line shall not exceed 20% of the average lot depth;
- f. Rear Setback: 40 feet;
- g. Minimum Unit Size: 3,000 square feet
- h. Maximum Height: 48 feet from the finished floor to the highest roof ridge.

B. Special Setback Provisions:

- 1. Lots adjacent to Aspen Lane shall have a 40-foot minimum setback from Aspen Lane.
- 3. All homes shall be setback a minimum of 120 feet from Pearson Lane
- 4. 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 made of sectional wood or be wood clad. 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. High quality clay or concrete tile (with a thickness similar to clay). (Acceptable styles and colors to be detailed in the Spencer Ranch Design Guidelines document)
- 2. Metal: Traditional standing seam with standing folded and soldered seams. Allowed for porches and architectural features only. (Acceptable styles and colors to be detailed in the Spencer Ranch Design Guidelines document)
- 3. Flat or low-pitched roofing that is 2:12 pitch or less may be of any code approved material.

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 B-1 such that the primary articulation elements and general layout of the home on the lot are generally consistent with the elevations. Provided all other provisions of this section are met, significant deviations from these elevations may be approved provided that both the homeowner's association and the Town Manager or designee are in agreement.

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 or their designee. 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-1)
 - 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 (within the planting areas that define the cluster zones and lake edges) that are consistent with restoration of the natural mosaic.
 - 3. Specifics on execution of the landscaping goals stated in Exhibit B-3 including details of planting locations and types, quantities and schedule;
 - 4. A detailed tree survey as required by the Code of Ordinances;
 - 5. Any replanting requirements as part of required tree mitigation;
 - 6. Specific planting and maintenance responsibilities of the developer versus the homebuilder and the homeowner's association;
 - 7. Details for guest parking in the development where applicable;
 - 8. 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 19.1 acres (50.5%) of the development shall be reserved as open space. All open space, including public and private, shall be substantially consistent with Exhibit B-1 and shall be distributed as follows:
 - a. Private Open Space: 11.5 acres minimum
 - b. Public Open Space (parkland): 3.0 acres minimum
 - c. Water Areas: 4.6 acres
2. Private open space amenities shall, at a minimum, include the following:
 - a. Gate house – The gatehouse shall be constructed and completed by the developer. The gatehouse design shall be consistent with the design shown in Exhibit B-1. The gate house shall be constructed not later than the final acceptance of public improvements for the development. However, the gate house may be constructed and occupied prior to the final acceptance of public improvements as further detailed in the required development agreement.

D. Parkland Dedication – Parkland dedication as proposed by the developer in Exhibit B-1 is hereby approved subject to the following conditions:

1. Parkland dedication shall be consistent with Exhibit B-1.
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-1 and shall require final approval as part of the development agreement between the applicant/developer and the Town.
4. The gatehouse, including the property upon which the gatehouse is located, shall be owned and maintained by the HOA.

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 public improvements. Said features shall be located and designed as shown and described on Exhibit B-1 and shall be maintained by the homeowners association.

Section 4 – Fencing

- A. The perimeter of the development, not including the publicly owned areas, along Aspen Lane, Pearson Lane and the southern boundary of the development shall

contain decorative iron fencing located in a manner substantially consistent with the Concept/Development Plan (Exhibit B-1) 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. Brick is not a permitted material. Masonry wall sections shall be permitted as depicted in Exhibit B-1 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 minimalized in order to preserve the open ground plane and permitted for privacy needs, screening, and/or dog runs in ways that are consistent with HOA guidelines which must prevent isolation of the “lot” from the general ground plane. Individual lot fencing materials shall be established in the required 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.
- B. Trails – An internal trail/sidewalk system shall be constructed and shall connect to the public trail system at access-controlled locations. 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.
- 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 shall be approved by the Town Manager or designee and that generally conforms to the public art provisions contained in Exhibit B-3 as proposed by the developer. A Town of Westlake entry marker or monument shall be included in this plan.

SUMMARY OF EXHIBITS:

Exhibit B-1 – Concept/Development Plan