

**CITY OF LAKEWAY
ORDINANCE NO. 2013-10-21-03**

**PLANNED UNIT DEVELOPMENT AMENDMENT: TUSCAN VILLAGE
AMENDMENT NO. 4**

AN ORDINANCE AMENDING THE LAND USE REGULATIONS OF APPROXIMATELY 42.6 ACRES OF LAND LOCATED AT 1930 LOHMANS CROSSING ROAD; AND PROVIDING FOR: FINDINGS OF FACT; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Lakeway, Travis County, Texas (“the City”) seeks to provide for the public health, safety and welfare of its citizens; and

WHEREAS, JH Tuscan Village, LP, is the owner (“the owner”) of approximately 42.6 acres of land located at 1930 Lohmans Crossing Road (“the property”); and

WHEREAS, the owner desires to amend the Land Use Regulations to eliminate the restriction on a certain number of stories and simply allow the building height to regulate the size of multifamily structures; and

WHEREAS, the Zoning and Planning Commission held discussion and invited public comment on the proposed zoning change in a public hearing held October 2, 2013; and

WHEREAS, the City Council held discussion and invited public comment on the proposed zoning change in a public hearing held October 21, 2013; and

WHEREAS, the City Council finds that it is in the best interest of the welfare of the citizens of Lakeway, Texas, and consistent with the City of Lakeway Comprehensive Plan to approve the requested change in zoning classification;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKEWAY, TEXAS:

Article 1. Findings of Fact

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Article 2. General

Section 2.01 Authority

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, particularly including Chapter 211 of the Texas Government Code.

Section 2.02 Purpose

The purpose of this ordinance is to amend the Land Use Regulations to eliminate the restriction on a certain number of stories and simply allow the building height to regulate the size of multifamily structures.

Article 3. Amendment

Tuscan Village Planned Unit Development (PUD) Land Use Regulations, subsection 2.D.3.b., pertaining to building height of multifamily structures, shall be revised to read as follows:

b. Multifamily: forty (40) feet [~~and no more than two (2) stories in Section 1 and three (3) stories in Section 2~~].

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.

Article 4. Severability

Should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Article 5. Repealer

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

Article 6. Effective Date


This ordinance shall take effect immediately from and after its passage and publication as may be required by law.

Article 7. Proper Notice and Meeting

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Government Code.

PASSED AND APPROVED this 21st day of October, 2013.

CITY OF LAKEWAY:



David P. DeOme, Mayor

ATTEST:



Donna Boyle, City Secretary

