

**CITY OF LAKEWAY
ORDINANCE NO. 2016-10-17-01**

**OAKS AT LAKEWAY PLANNED UNIT DEVELOPMENT:
AMENDMENT NO. 2**

AN ORDINANCE AMENDING CITY OF LAKEWAY ORDINANCE NO. 2014-01-21-01, OAKS AT LAKEWAY PLANNED UNIT DEVELOPMENT (PUD), TO REPLACE THE LEED CERTIFICATION REQUIREMENT WITH ARCHITECTURAL CERTIFICATION OF COMPLIANCE WITH GREEN AND SUSTAINABLE BUILDING TECHNIQUES AND PRACTICES; 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, Stratus Lakeway Center, LLC, is the owner (“the owner”) of approximately 89.7 acres of land located at the intersection of Main Street and RM 620 South (“the property”), and

WHEREAS, the owner desires to amend the site development standards to replace the LEED certification requirement with architectural certification of compliance with green and sustainable building techniques and practices; and

WHEREAS, the Zoning and Planning Commission held discussion and invited public comment on the proposed amendment in a public hearing held October 5, 2016; and

WHEREAS, the City Council held discussion and invited public comment on the proposed amendment in a public hearing held October 17, 2016; 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 amendment to the site development standards;

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 Chapter 211 of the Local Government Code.

Section 2.02 Purpose

The purpose of this ordinance is to amend the site development standards established in Ordinance 2014-01-26-01, Oaks at Lakeway Planned Unit Development (PUD).

Article 3. Amendment

Oaks at Lakeway PUD, subsection 3.9.22, pertaining to LEED certification, shall be revised to read as follows:

3.9 Site Development Standards.

22. **Green Building.** ~~Each new building shall achieve U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) certification, with a minimum LEED-certified certification, using appropriate LEED rating system for each building type.~~ The project site, including each building included in the project, shall be planned and designed using green and sustainable building techniques and practices, including utilization of reclaimed water for all landscape irrigation; locally sourced and recycled building materials; prudent solar orientation; glazing and shading; pedestrian walkways; and energy efficient lighting. To confirm compliance with this provision, upon substantial completion of each building within the project, owner shall cause the project architect to provide the City with the following signed and sealed written statement:

"I certify that the Lakeway Oaks project site improvements completed to date and the building "[INSERT SPECIFIC BUILDING REFERENCE]", as both such site improvements and building (the "Site and Building Improvements") are identified in those certain plans and specifications prepared by EnviroPlan Architects Planners, dated August 15, 2014, and for which the City issued building permits (the "Approved Plans"), (i) have been designed using green and sustainable building techniques and practices, including utilization of reclaimed water for all landscape irrigation; locally

sourced and recycled building materials; prudent solar orientation; glazing and shading; pedestrian walkways; and energy efficient lighting; and (ii) the Site and Building Improvements have been constructed substantially in accordance with the Approved Plans."

Proof that the required statement was delivered to the City, either via hand delivery or via certified mail, will be deemed compliance with the requirements of this section.

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.

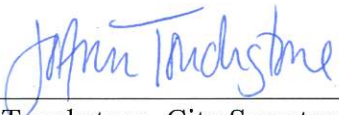
PASSED AND APPROVED this the 17th day of October, 2016.

CITY OF LAKEWAY:



Joe D. Bain, Jr., Mayor

ATTEST:



Jo Ann Touchstone, City Secretary

