

CITY OF LAKEWAY, TEXAS

ORDINANCE NO. 2021-04-19-02

AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS, AMENDING THE CODE OF ORDINANCES, TITLE II: BUILDING AND DEVELOPMENT REGULATIONS; CHAPTER 22: GENERAL REGULATIONS; ARTICLE 22.03: DEVELOPMENT AGREEMENTS; AMENDING TITLE II: BUILDING AND DEVELOPMENT REGULATIONS; CHAPTER 28: SUBDIVISION AND SITE DEVELOPMENT; ARTICLE 28.11: GRANDFATHERING OF REGULATIONS; AND PROVIDING FOR SAVINGS, SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Texas Local Government Code Title 7 Regulation of Land Use, Structures, Business, and Related Activities and Sections 2.01 and 2.02 of the Charter of the City of Lakeway, Texas (the City), the City has the general authority to enter into agreements with other entities; and

WHEREAS, the City Council of the City of Lakeway, Texas, (the Council) seeks to pursue the interests of the City by enforcing regulations and requirements within its extraterritorial jurisdiction;

WHEREAS, the Council further deems it necessary to enter into agreements with property owners within its extraterritorial jurisdiction for the enhanced economic development and infrastructure planning of the City; and

WHEREAS, the City of Lakeway Code of Ordinances should be amended to properly reflect the Councils' ability to enter into development agreements.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lakeway, Texas:

(1) FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

(2) AMENDMENT I

The City of Lakeway Code of Ordinances, Title II (Building and Development Regulations), Chapter 22 (General Regulations), Article 22.03 (Development Agreements), Section 22.03.001 (Council authorized to negotiate and execute agreements; minimum area) is

hereby amended as follows:

“Sec. 22.03.001 Council authorized to negotiate and execute agreements; no minimum area

- (a) The city council is hereby authorized to negotiate and enter into agreements (“development agreements”) with landowners to govern the development of property within the city's extraterritorial jurisdiction (ETJ).
- (b) The city council may enter into a development agreement if ~~the property contemplated by the agreement includes at least 1000 acres and~~ if all of the property either was within the city's ETJ within six months prior to the development agreement; ~~and/or, pursuant to a provision in the development agreement, the landowner requests that areas not within any city's ETJ be included within the city's ETJ. For purposes of the minimum area requirement,~~ The city may enter into a single agreement governing a number of tracts of land owned by different landowners with no minimum area requirement if the tracts, in the aggregate, encompass at least 1000 acres, even if one or more tracts subject to the agreement has an area less than 1000 acres.

(3) AMENDMENT II

The definition of “Development agreement” in City of Lakeway Code of Ordinances, Title II (Building and Development Regulations), Chapter 28 (Subdivision and Site Development), Article 28.11 (Grandfathering of Regulations), Section 28.11.002 (Definitions applicable to this article) is hereby amended as follows:

“Sec. 28.11.002 Definitions applicable to this article

Development agreement. An agreement between the city and a landowner(s), which contains comprehensive provisions for the development of ~~a minimum of 1,000 acres~~ property in the extraterritorial jurisdiction of the city.

(4) SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

(5) SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

(6) REPEALER

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

(7) EFFECTIVE DATE

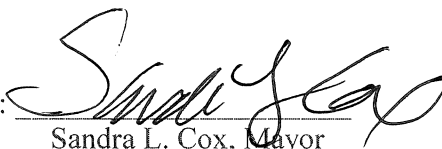
This Ordinance shall be effective immediately upon passage and publication as provided for by law.

(8) PROPER NOTICE & MEETING

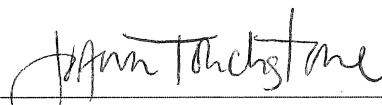
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, and Chapter 551. Notice was also provided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

PASSED & APPROVED this 19th day of April, 2021, by the City Council of Lakeway, Texas.

CITY OF LAKEWAY:

By: 
Sandra L. Cox, Mayor

ATTEST:


Jo Ann Touchstone, City Secretary

