

**CITY OF LAKEWAY, TEXAS**

**ORDINANCE NO. 2019-02-19-03**

**AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS, AMENDING THE CODE OF ORDINANCES, TITLE II: BUILDING AND DEVELOPMENT REGULATIONS; CHAPTER 30: ZONING; ARTICLE 30.04: CITY REGULATIONS; SEC. 30.04.001: USES AND ACTS PROHIBITED IN THE CITY; AND PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Texas Local Government Code Chapter 211 the City of Lakeway, Texas (“City”) has general authority to regulate the size, location, and use of buildings, other structures and land for business, industrial, residential, or other purposes; and

**WHEREAS**, pursuant to Texas Local Government Code Chapter 51, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, pursuant to Section 2.04 of the Charter of the City of Lakeway, the City has the authority to promote the public health, morals, and general welfare through the use of zoning and land use regulation; and

**WHEREAS**, the City Council seeks to promote orderly and safe use of property within the City.

**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**

Title II (Building and Development Regulations) Chapter 30 (Zoning); Article 30.04 (City Regulations), Sec. 30.04.001 (Uses and Acts Prohibited in the City) of the City of Lakeway Code of Ordinances is hereby amended as follows:

“Sec. 30.04.001 Uses and acts prohibited in the city

All uses or acts not expressly permitted or authorized by this chapter are prohibited in the city, including but not by way of limitation, the following:

- (1) Open-air commercial amusements, except those in place for one week or less, for which a permit has been issued by the city council.
- (2) Junkyards, salvage yards, wrecker yards, and all open-air storage of junk, waste products and salvage materials.
- (3) Placing, locating or erecting a mobile home.
- (4) Mobile home or recreational vehicle parks.
- (5) Building material storage yards.
- (6) Businesses engaged in the sale of firearms.
- (7) Meat processing plants.
- (8) Missions or shelters.
- (9) Recycling or solid waste centers.
- (10) Quarrying, mining or extractive uses of all descriptions except the drilling and use of water wells.
- (11) Steel or iron manufacturing, tool & die makers.
- (12) Taverns and bars.
- (13) Bingo halls, dance halls.
- (14) Crematories.
- (15) Tattoo parlors.
- (16) Adult entertainment activity, except as permitted in district C-2.
- (17) The sale, use, display, or possession of fireworks, except when approved by the city council by special permit. As used in this subsection, the word “use” shall mean to in any manner shoot, discharge, explode and/or ignite any fireworks.
- (18) To discharge a firearm within the incorporated limits of the city; provided, however, that the following are defenses to prosecution under this section:
  - (A) The person discharging the firearm was a peace officer acting in the performance of his official duties; or
  - (B) The person discharging the firearm was lawfully defending a person or property; or
  - (C) The firearm discharged was a toy gun not capable of discharging a projectile a distance in excess of fifty (50) feet.
- (19) Automobile sales lots (new or used) except as permitted in a C-4 district.

(20) The keeping of animals, livestock or poultry of any kind, except dogs, cats, or other common household pets provided that they do not constitute a nuisance (except as permitted in AG district).

(21) Zoos.

(22) The hanging of laundry or camping equipment, or other like items to dry in the open except when such items are not visible to the public (except as permitted in R-6 district).

(23) The parking of trucks, buses, trailers, mobile homes, recreational vehicles (other than conventional passenger vehicles, pickup trucks, motorcycles and vans) on any public right-of-way or lot (outside of a building), with the following exceptions:

(A) Recreational vehicles may be parked on a residential lot for a period not to exceed a total of seventy-two (72) consecutive hours not more frequently than every sixty (60) days;

(B) Recreational vehicles parked for short stays when being loaded or unloaded;

(C) Vehicles used for agricultural purposes parked in an AG district;

(D) Boat trailers parked in M districts;

(E) One boat with trailer or one recreational vehicle or one utility-type trailer or one non-passenger truck per lot in district R-6;

(F) Non-passenger type trucks associated with a permitted business parked in C-1, C-2, C-4, HM, GUI, M, or REC districts;

(G) Delivery trucks parked for short stays when being loaded or unloaded in districts C-1, C-2, or C-4.

(24) The parking of boats, houseboats or other similar waterborne vehicles on any public right-of-way or lot outside of a building with the following exceptions:

(A) All the above vehicles may be parked or docked within M districts as provided herein;

(B) All the above vehicles may be docked at private docks;

(C) One boat with trailer or one recreational vehicle or one utility-type trailer or one non-passenger truck per lot in district R-6.

(25) The repair of any motor, waterborne, or aircraft vehicle on a public right-of-way or lot (outside of a building) with the following exceptions:

(A) As permitted in M, AG, or AV districts;

(B) As accessory use to a permitted business in districts C-1 or C-2.

(26) Uses or acts attended by nuisances as defined herein.

(27) The open-air (outside of a building) display of any products, materials, vehicles, boats, or equipment for sale, lease or rent (except live vegetation) except in conjunction with a permitted use in C-4 or M districts or a special use permit granted by the city council pursuant to article 30.05.

(28) Driving a motor vehicle, as defined by the Texas Transportation Code, excluding golf carts, across private residential property except on residential driveways constructed of concrete, exposed aggregate or other materials expressly approved by the city except for permitted construction, property maintenance or an emergency.

(29) Operating, maintaining, or using property as a short term rental without a lawfully issued special use permit. ”

### 3. 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.

### 4. 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.

### 5. EFFECTIVE DATE

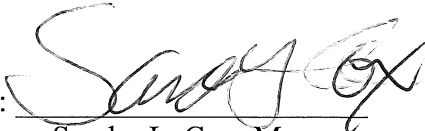
This Ordinance shall be effective immediately upon passage and publication as provided for by law.

### 6. PROPER NOTICE & MEETING

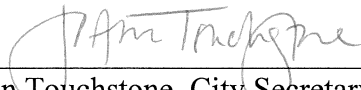
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, and Chapter 551. Notice was also provided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

**PASSED & APPROVED** this, the day of February<sup>19th</sup>, 2019, by the City Council of Lakeway, Texas.

**CITY OF LAKEWAY:**

By:   
Sandra L. Cox, Mayor

**ATTEST:**

  
Jo Ann Touchstone, City Secretary

