

CITY OF LAKEWAY, TEXAS

ORDINANCE NO. 2018-10-15-04

AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS, AMENDING THE CODE OF ORDINANCES, TITLE II: BUILDING AND DEVELOPMENT REGULATIONS; CHAPTER 22: GENERAL REGULATIONS; ARTICLE 22.02 DEFINITIONS; SEC. 22.02.001: DEFINITIONS; AND PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the City Council seeks to promote orderly and safe use of property within the City of Lakeway, Texas (“City”); and

WHEREAS, pursuant to Texas Local Government Code Chapter 211 the City has general authority to regulate the location and use of buildings, other structures and land for business, industrial, residential, or other purposes; 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.

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 22 (General Regulations); Article 22.02 (Definitions), Sec. 22.02.001 (Definitions) of the City of Lakeway Code of Ordinances is hereby amended as follows:

“Restaurant. An eating establishment at which;

1. Food and beverages are is sold primarily exclusively for consumption at tables on the premises;
2. Food and beverage service is provided via table service by servers;

3. Non-disposable dinnerware (utensils, plates, glasses and cups, etc.) is provided;
4. All tables are bussed by restaurant staff; and
5. ~~and where~~ The gross receipts derived from the sale of alcoholic beverages from on-premises sales shall do not exceed seventy-five (75%) percent of the establishment's restaurant's gross receipts.

Restaurant, fast food. An eating establishment whose business model includes two or more of the following criteria or characteristics:

1. Food is ordered from a wall menu inside the restaurant or through a speaker system or pass-through window from an outdoor menu board;
2. Food is ordered while customers remain standing or remain in their cars;
3. Payment must be made by customers before food is consumed;
4. Food and beverages are usually served in disposable or edible containers;
5. Customers typically bus their own tables if they eat inside the establishment; or
6. The consumption of food or beverages within a motor vehicle parked upon the premises is allowed or encouraged.

~~specializing in foods prepared and served quickly and designed to permit customers to remain in their automobiles. Customer service from a counter and seating on premises may also be provided.”~~

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

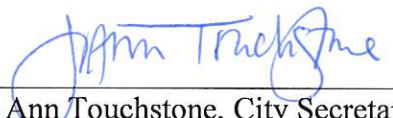
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, and Chapter 551. Notice was also provided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

PASSED & APPROVED this, the 15th day of October, 2018, by the City Council of Lakeway, Texas.

CITY OF LAKEWAY:

By: 
Sandra L. Cox, Mayor

ATTEST:


Jo Ann Touchstone, City Secretary

