

**CITY OF LAKEWAY, TEXAS**

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

**AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS, AMENDING THE CODE OF ORDINANCES, TITLE II: BUILDING AND DEVELOPMENT REGULATIONS; CHAPTER 30: ZONING; ARTICLE 30.03 ZONING USE REGULATIONS; SEC. 30.03.009: DISTRICT C-1 (OFFICE/RETAIL); 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 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 30.03 (Zoning Use Regulations), Sec. 30.03.009 (District C-1 (Office/Retail)) of the City of Lakeway Code of Ordinances is hereby amended as follows:

“Sec. 30.03.009 District C-1 (Office/Retail)

...

(e) Prohibited uses and structures.

(1) Any activity which produces nuisances as described herein.

(2) Any structure used for retail or service businesses which exceeds 100,000 square feet.

(3) Any single business entity or commonly controlled retail or service business (including their affiliates or subsidiaries) which have multiple structures or multiple-story buildings containing an aggregate of more than 100,000 square feet of inside and outside sales or displays.

(4) Any attempt to circumvent the intent of this chapter by splitting the structures or using multi-story buildings will not be permitted.

...

(g) Minimum building setbacks.

Building footprint (sq. ft.), organized sewer or private facility when abutting a residential area:

	0 - 50,000 sq. ft.	50,000 –100,000 sq. ft. <u>and Greater</u>
Street(s) (ft.):	40	40
Side (ft.):	25	100
Rear (ft.):	40	100

Building footprint (sq. ft.), organized sewer or private facility when abutting a nonresidential usage:

	0 - 50,000 sq. ft.	50,000 –100,000 sq. ft. <u>and Greater</u>
Street(s):	40	40
Side:	10 (25 golf course)	50
Rear:	40	50”

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

**CITY OF LAKEWAY:**

By:   
Sandra L. Cox, Mayor

**ATTEST:**

  
Jo Ann Touchstone, City Secretary

