

CITY OF LAKEWAY, TEXAS

ORDINANCE NO. 2024-04-15-05

AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS AMENDING TITLE II: BUILDING AND DEVELOPMENT REGULATIONS; CHAPTER 22: GENERAL REGULATIONS; ARTICLE 22.02: DEFINITIONS; 22.02.001 DEFINITIONS; CHAPTER 24: BUILDING REGULATIONS; ARTICLE 24.02: BUILDING CODE; SECTION 24.02.241: POSITION OF STRUCTURES ON LOT; SECTION 24.02.442: FENCES; AND PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

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, the City Building Commission held discussion and invited public comment on the proposed amendments in a public hearing held March 14, 2024; and

WHEREAS, the City Building Commission found that it is in the best interests of the citizens of Lakeway, Texas, to request the proposed amendments of City Council; and

WHEREAS, the City Council held discussion and invited public comment on the proposed amendments in a public hearing held April 15, 2024; and

WHEREAS, the Council has determined that it is in the best interest of the citizens of Lakeway, Texas to adopt the proposed amendments:

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), 22.02.001 (Definitions), Chapter 24 (Building Regulations), Article 24.02 (Building Code), Sections 24.02.241 (Positions of Structures on Lot), and Section 24.02.442 (Fences) is hereby amended as follows:

“Sec. 22.02.001 Definitions

...

Non-Primary Street. Any street, public or private, that is adjacent to a property but is not a primary street such as a corner lot.

...

Primary Street. A street, public or private, that provides primary entry (front entrance) to a residence.

...

Sec. 24.02.241 Position of structures on lot

(a) Encroachments. Structures, including overhangs, may not encroach into any setback, public utility easement, or drainage easement. **Exceptions:**

- (1) Retaining Walls
- (2) Fences unless located within a street or golf course setback. See additional exception in (3) below
- (3) Accessory structures (except additions and garages), including overhangs, fences, pools, decks, patios, etc. up to 15 feet into a non-primary street-side setback
- ~~(3)~~ Signs
- (5) Driveways
- (6) Sidewalks no wider than 4 feet
- (7) Basketball goals provided they are at least 25 feet from the hard surface of the street.

...

Sec. 24.02.442 Fences

(a) General standards.

- (1) A building permit is required for the following:
 - (A) Any new fence or screening structure construction.
 - (B) Any fence or screening structure repair that alters the location, design, or specifications of the existing fence or screening structure.
- (2) No fences of any type shall be placed on any lot which by reason of high walls, excessive height, etc., will unreasonably obscure the view from a dwelling located or reasonably likely to be located upon an abutting lot. (For this purpose, “abutting lot” includes a lot separated only by a street from an adjacent lot.)

(3) No fence of any type, including invisible fences installed to prohibit animals from leaving private property, shall encroach into the street or golf course setbacks ~~except for required safety railing and guardrails.~~ **Exceptions:**

(A) Required safety railing and guardrails

(B) Fences up to 15 feet into a non-primary street-side setback

(4) Wood fences are prohibited on lots abutting a golf course where the wood fence would be visible from the golf course.

(5) All fences shall be constructed so that all fence runs are finished on both sides of the fence. Stringers shall have pickets on both sides. Fence posts that are placed on the inside of a fence that encloses a yard do not have to be matched on the outside of the fence.

(6) Masonry supporting structures shall be constructed of rock, brick or stucco and shall be a minimum of fourteen (14) inches by fourteen (14) inches and shall be at least as high as the approved fence height, but will not exceed the approved fence height by more than six (6) inches.

(7) Masonry supporting structures shall be placed on steel reinforced concrete footings. Such footing shall be placed into virgin soil or solid bearing and shall be at least two (2) inches larger on all sides of the masonry structure and a minimum of eight (8) inches in depth.

(8) Fences located over dedicated utility/drainage easements may have to be removed should access to such easements be required by any authorized utility company or be required to provide adequate drainage from areas of higher elevation. Replacement of fences shall be at the owner's expense.

(9) For those fenced developments or projects which have keyed or coded access through a gate, the developer or owner shall provide keys or codes to the city police department and a key switch for the Travis County ESD #6 Fire Department.

(10) Lattice materials may be used for privacy screening (such as the screening of a hot tub, patio or porch) provided they extend no more than twelve (12) feet in length, are no more than eight (8) feet in height. Lattice fences must use panels with a minimum thickness of 3/8 inches. Each lattice panel shall be framed.

(11) Plans for masonry walls, or any portion thereof, four (4) feet or greater in height shall be signed and sealed by a registered professional engineer or architect. Masonry walls are measured from the base of the footing to the top of the wall. Dry stack walls are measured from the grade under the lowest layer to the top of the wall.

(12) All fences shall be maintained in good condition.

(13) All fences, including wood, wrought-iron, and ornamental fencing, shall be continuous flat-topped without spikes or sharp points.

(b) Subdivision perimeter fencing.

(1) Subdivision perimeter fencing is fencing that is installed with the development of a subdivision with the intent to provide a uniform border around the perimeter of the subdivision.

(2) Subdivision perimeter fencing up to six (6) feet in height may be approved administratively. Subdivision perimeter fencing up to eight (8) feet in height may be approved by the city building commission (CBC) as a waiver.

(c) Yard fences.

(1) Yard fences are those which enclose a yard to provide security and/or to provide privacy.

(2) Yard fences shall be constructed of wood, wrought iron, masonry or pre-cast concrete.

(3) Yard fences up to six (6) feet in height may be approved administratively. Yard fences up to eight (8) feet in height may be approved by the code official or authorized designee.

(4) At least one end of a yard fence shall terminate at the residential unit with which it is associated.

(5) Yard fences should be located on property lines whenever possible. Yard fences shall not encroach in the street-side or golf course setbacks. **Exceptions:**

(A) **Exception:** The code official or authorized designee may approve a waiver for encroachment of a yard fence into a setback when such fence is extended to connect with a subdivision perimeter fence

(B) **Required safety railing and guardrails**

(C) **Fences up to 15 feet into a non-primary street-side setback**

(6) (A) Yard fences constructed of wood shall have masonry supporting structures spaced at least every twelve (12) feet along those portions of the fence facing the street or lake beginning with one column at the fence end on the side setback.

(B) Exception: For duplexes constructed prior to 1995 and located within R-4, duplex zoned districts, masonry supporting structures shall be located:

(i) Along fence runs facing a street at the point one property line meets another; and

(ii) At the corners of those fences facing two streets.

(7) Areas used for the storage of materials or equipment in nonresidential areas shall be screened from view from the street and all adjoining properties through the use of wood, masonry or pre-cast concrete yard fences.

(8) Masonry or pre-cast concrete yard fences may be required in nonresidential areas to abate noise.”

...

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. GENERAL 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, Chapter 551 of the Texas Government Code.

PASSED & APPROVED this 15th day of April, 2024, by the City Council of Lakeway, Texas.

CITY OF LAKEWAY:

By: 
Thomas Kilgore, Mayor

ATTEST:


Jo Ann Touchstone, City Secretary

