



3301 CARMEN AVE, 78575

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NOTICE OF PUBLIC MEETING
TOWN OF RANCHO VIEJO
STRATEGIC PLANNING COMMITTEE

APRIL 13, 2011

5:30 P.M.

NOTICE is hereby given of a Meeting of the STRATEGIC PLANNING COMMITTEE of the TOWN OF RANCHO VIEJO, TEXAS, to be held on Wednesday, April 13, 2011 at 5:30 P.M., in the TOWN MUNICIPAL OFFICE, 3301 Carmen Avenue, Rancho Viejo, to consider the following items:

1. Review Request for Variances by Mr. Jorge de la Garza, General Manager/Partner for Ziwa Corporation, Lot 3, 4 and 5, Block 2, Town Hall Subdivision III, located at the corner of Angelitos and Carmen, Rancho Viejo, Texas, to provide for variances from the Code Of Ordinances:

Chapter 14, Buildings and Building Regulations, Article III. Building Permits, Sec. 14-55. Fees for building permits - to consider a reduction in the building permit fees - to pay less than the \$7.00 per \$1,000.00 valuation.

Chapter 14, Buildings and Building Regulations, Article VI. Living Unit Restrictions, Sec. 14-136. Minimum square footage requirement for living units. - to be less than 2,900 square feet of land for each living unit, and to have more than the 15 living units located upon any one acre of ground, exclusive of public thoroughfares, but including private driveways and parking areas.

Chapter 70, Zoning, Article II. Zoning Districts, Division 1. Generally, Sec. 70-33. Districts and Boundaries. - to be used for both "C" Multiple-Family Dwelling, Apartments, Townhouses and Condominiums District and "E" Business District.

Chapter 70, Zoning, Article II. Zoning Districts, Division 1. Generally, Sec. 70-36.(a) - Certificate of Occupancy and Compliance. - to allow for partial Certificates of

Occupancy for each Condominium and Commercial Space as the project requires and the space is built out, and for individual permits to be executed for each partial build out of the main building.

Chapter 70, Zoning, Article II. Zoning Districts, Division 5. "C" Multiple-Family Dwelling, Apartments, Townhouses and Condominiums District Sec. 70-143. Parking Regulations. (i) to allow less than 2 off-street parking spaces for each unit - only 1 parking space for every unit.

Chapter 70, Zoning, Article II. Zoning Districts, Division 7. "E" Business District Sec. 70-207. Parking Regulations. (d) Restaurants and cafes shall provide off-street parking space in a ratio of one space for each 100 square feet of gross floor area. - to allow 1 space for every 200 square feet of floor area.

Chapter 70, Zoning, Article II. Zoning Districts, Division 7. "E" Business District Sec. 70-207. Parking Regulations. (e) Retail stores and office buildings shall provide off-street parking space in a ratio of one space for each 250 square feet of gross floor area. - to allow 1 off-street parking space for every 400 square feet of usable area.

Chapter 70, Zoning, Article III. Zoning Regulations and Rules, Divison 1. Generally, Sec. 70-250. Regulations applicable to all districts. (a) Setback Regulations (3) - to be less than the 25 feet of the right-of-way.

Chapter 70, Zoning, Article III. Zoning Regulations and Rules, Divison 1. Generally, Sec. 70-250. Regulations applicable to all districts. (b) Maximum height - to exceed 30 feet in height.

Chapter 70, Zoning, Article III. Zoning Regulations and Rules, Divison 1. Generally, Sec. 70-253. Permanent detached shade canopy. (b) - to exceed the 11 feet in height.

These variance requests are for the construction of a five story building for residential condominiums and light commercial to be located at the corner of Angelitos and Carmen.


Cheryl J. Kretz
Town Administrator



3301 CARMEN AVE, 78575

Phone 956-350-4093

Fax 956-350-4156

NOTICE OF PUBLIC MEETING
TOWN OF RANCHO VIEJO
BOARD OF ADJUSTMENTS AND APPEALS

APRIL 14, 2011

5:30 P.M.

NOTICE is hereby given of a Meeting of the BOARD OF ADJUSTMENTS AND APPEALS of the TOWN OF RANCHO VIEJO, TEXAS, to be held on Thursday, April 14, 2011 at 5:30 P.M., in the TOWN MUNICIPAL OFFICE, 3301 Carmen Avenue, Rancho Viejo, to consider the following items:

1. Call to Order
2. Roll Call
3. Election of Chairman and Vice Chairman
4. Approval of Minutes - December 7, 2010
5. Request for Variances by Mr. Jorge de la Garza, General Manager/Partner for Ziwa Corporation, Lot 3, 4 and 5, Block 2, Town Hall Subdivision III, located at the corner of Angelitos and Carmen, Rancho Viejo, Texas, to provide for variances from the Code Of Ordinances:

Chapter 14, Buildings and Building Regulations, Article III. Building Permits, Sec. 14-55. Fees for building permits - to consider a reduction in the building permit fees - to pay less than the \$7.00 per \$1,000.00 valuation.

Chapter 14, Buildings and Building Regulations, Article VI. Living Unit Restrictions, Sec. 14-136. Minimum square footage requirement for living units. - to be less than 2,900 square feet of land for each living unit, and to have more than the 15 living units located upon any one acre of ground, exclusive of public thoroughfares, but including private driveways and parking areas.

Chapter 70, Zoning, Article II. Zoning Districts, Division 1. Generally, Sec. 70-33. Districts and Boundaries. - to be used for both "C" Multiple-Family Dwelling, Apartments, Townhouses and Condominiums District and "E" Business District.

Chapter 70, Zoning, Article II. Zoning Districts, Division 1. Generally, Sec. 70-36.(a) - Certificate of Occupancy and Compliance. - to allow for partial Certificates of Occupancy for each Condominium and Commercial Space as the project requires and the space is built out, and for individual permits to be executed for each partial build out of the main building.

Chapter 70, Zoning, Article II. Zoning Districts, Division 5. "C" Multiple-Family Dwelling, Apartments, Townhouses and Condominiums District Sec. 70-143. Parking Regulations. (i) to allow less than 2 off-street parking spaces for each unit - only 1 parking space for every unit.

Chapter 70, Zoning, Article II. Zoning Districts, Division 7. "E" Business District Sec. 70-207. Parking Regulations. (d) Restaurants and cafes shall provide off-street parking space in a ratio of one space for each 100 square feet of gross floor area. - to allow 1 space for every 200 square feet of floor area.

Chapter 70, Zoning, Article II. Zoning Districts, Division 7. "E" Business District Sec. 70-207. Parking Regulations. (e) Retail stores and office buildings shall provide off-street parking space in a ratio of one space for each 250 square feet of gross floor area. - to allow 1 off-street parking space for every 400 square feet of usable area.

Chapter 70, Zoning, Article III. Zoning Regulations and Rules, Divison 1. Generally, Sec. 70-250. Regulations applicable to all districts. (a) Setback Regulations (3) - to be less than the 25 feet of the right-of-way.

Chapter 70, Zoning, Article III. Zoning Regulations and Rules, Divison 1. Generally, Sec. 70-250. Regulations applicable to all districts. (b) Maximum height - to exceed 30 feet in height.

Chapter 70, Zoning, Article III. Zoning Regulations and Rules, Divison 1. Generally, Sec. 70-253. Permanent detached shade canopy. (b) - to exceed the 11 feet in height.

These variance requests are for the construction of a five story building for residential condominiums and light commercial to be located at the corner of Angelitos and Carmen.

6. Adjourn


Cheryl J. Kretz
Town Administrator

March 31, 2011

Board of Adjustments & Appeals

3301 Carmen Avenue
Rancho Viejo, TX 78575

Dear Board Members:

During the past 3 years I along with a group of investors have been working on the best possible project to develop on the property located at the corner of Angelitos and Carmen. As we all know this is one of the only commercial pieces of property available in Rancho Viejo and because of this a good amount of time and consultants have been engaged to find the best possible project for our community.

Enclosed you will find information on "**The Residence**" Project with is a mixed use development. This development seeks to combine commercial space on the bottom floor with condominiums on four levels. Our goal is to accommodate a market of residents searching for an easy comfortable lifestyle in our community.

The trend in redevelopment during the past 20 years combined with the LEED initiatives have encouraged this type of development which have successfully been done in cities such as Baltimore and Boston to name a few.

Since our city ordinances and codes were developed for more traditional type of development, they do not accommodate this type of project. With this in mind we would like to ask for the following variances to the city code in order to allow for this facility to be built.

The following is our request for a variance for this project: The variance we are requesting includes the following items:

1. Permit Fee: Consideration for a reduction in fee for the building permit as per IBC Code fee structure.
 - a. IBC: \$4,543.00 for the first million & \$2.95 for each additional \$1,000.00= \$16,346.00 for a 5 million dollar project - \$4,543.00 + (2.95 * 4,000) = \$16,343.00
 - b. Rancho Viejo: \$7.00 flat rate for each \$1,000.00 = \$35,000.00 for a 5 million dollar project


2. Sec 14-136: The code calls for 2,900 sq ft of land for each unit – We will have approximately allowing for 1,000 sq.ft for each unit erected. We will have a density of 41 units per acre verses 15 per acre as called out by the code.
3. Sec 70-33 Confirmation that the zoning can be used for as both C and E Districts.
4. Sec 70-36 a – Allow for partial Certificates of Occupancy for each Condominiums and Commercial Spaces as the project requires and the space is built out. Individual permits will be executed for each partial build out of the main building.
5. Sec 70-143 i – Current Code Calls for “Condominiums, townhouses and apartments shall provide two off-street parking spaces for each unit in the building” Allow to change to 1 parking space for every unit.
6. Sec 70-207 d – “Restaurants and Cafes shall provide off-street parking in the ratio of one space for each 100 sf of gross floor area” Allow for 1 space for every 200 sf of floor area.
7. Sec 70 207 e – “ Retail stores and offices shall provide off-street parking spaces in a ratio of one space for each 250 square feet of gross floor area. Allow for 1 off-street parking for every 400 sf of usable for area.
8. Sec 70-250 a – 3 - “ Within 25 feet of right of way” Allow for 20 feet from of Right of Way – This would apply for the canopies not the building. The building is 35 feet from the front (Carmen) and 28 feet (Angelitos) from the side street.
9. Sec 70-250 b – Maximum Height “ No vertical structure or manufacture, permanent or temporary, including building, poles or other manufacturing, will exceed 30 feet in height or vertical distance as measured from the slab” Allow for building to be 68 feet in height.
10. Sec 70-253 b – “The canopy must be no higher than 11 feet measured from the ground to its highest point” Allow for the height on canopies to be 23 feet.

These variances are essential in getting this project to the next phase and one step closer to being a reality. Please understand that the reason this project works is that it distributes the project cost by combining commercial and residential which allows for affordable commercial space that in time will bring better services and we hope better quality of life and increased property values.

The project will also add a significant amount of property value to our tax roll and will start generating sales tax revenue which should allow for better funding for services provided by our city.

Please let me know should you have any questions concerning any of the items mentioned above. We thank you for your consideration and look forward to hearing from you.

Sincerely



Jorge de la Garza

Sec. 14-53. Building official and committee appointment.

The board may appoint a building official and a building committee. A majority vote of the building committee will control the decisions of said committee. If there is no duly appointed building official, then the mayor shall act as the building official. If there is no building committee, then the board of aldermen shall act as the building committee.

(Ord. No. 62, § 4, 3-15-1988)

Sec. 14-54. Filing for building permit.

An application for a building permit under this article shall be filed with the town accompanied with payment for the fee herein provided. The application for building permit shall be in such form and manner as may be required by the building official of the town. If, in the opinion of the building official, the valuation of building, alteration or structure appears to be underestimated on the application, the permit shall be denied unless the applicant can show detailed estimated cost to meet the approval of the building official. Permit valuation shall include total cost, such as plumbing, electrical, mechanical equipment and other systems. If an application for a building permit is in connection with a residential construction, the building official shall refer the applications to the building committee. After examination of the plans and specifications, the site of the proposed building, alteration or use, the building committee shall decide whether the permit applied for shall be granted or denied, such decision of the building committee to be by majority vote of the members present at a regularly called meeting of the building committee. However, the building committee shall have the power and authorization to delegate the approval of any and all permits to the building official. If the application is approved, then the building official shall issue the requested permit. A copy of the permit shall be posted in a conspicuous place on the premises during the prosecution or existence of the work authorized by the permit.

(Ord. No. 62, § 5, 3-15-1988)

Sec. 14-55. Fees for building permits.

Any application for a building permit shall demonstrate that the applicant will comply with all other codes and ordinances of the town, including but not limited to, the building codes. The fees for the issuance of a building permit shall be collected at the time an application for a permit is submitted, in an amount as determined from time to time by ordinance.

- (1) *Permit fees.* The minimum fee for issuing any permit shall be as determined by ordinance. The fee rate is \$7.00 per \$1,000.00 valuation.
- (2) *Building permit valuations.* Permit valuations shall include total cost, such as plumbing, electrical, mechanical and other systems, all or any of which require a separate permit. For the purpose of establishing the valuation for a permit, the building official may use data published by a recognized authority substantiating current cost of construction and/or the contractor's estimated cost, whichever is higher.
- (3) *Moving of a building or structure.* For the moving of any building or structure, the fee shall be in an amount as determined from time to time by ordinance.

ARTICLE VI. LIVING UNIT RESTRICTIONS

Sec. 14-136. Minimum square footage requirement for living units.

No person or entity may obtain a building permit for multifamily dwellings, apartments, townhouses and condominiums, nor erect such improvements upon property located within the town unless there is at least 2,900 square feet of land for each living unit, and in no event may there be more than 15 living units located upon any one acre of ground, exclusive of public thoroughfares, but including private driveways and parking areas.

(Ord. No. 25, § 1, 6-4-1981)

Sec. 14-137. Violation and penalty.

Any person who shall violate any of the provisions of this article, or shall fail to comply therewith or with any of the requirements thereof, shall be deemed guilty of a misdemeanor and shall be liable to a fine and, upon conviction of any such violation, shall be fined in any sum of not more than \$100.00 for each offense, and each day that such violation exists shall be considered a separate offense.

(Ord. No. 25, § 2, 6-4-1981)

Secs. 14-138—14-157. Reserved.

ARTICLE VII. IRRIGATION SYSTEMS

Sec. 14-158. Compliance with article for system installation.

No person, entity, or contractor shall install, upgrade or significantly modify all or part of an irrigation system within the town without complying with this article. A significant modification or repair is defined as installing any modification on the supply, pressure or pump side of a sprinkler system, including, but not limited to, installation of an additional zone valve, relocation of zone valves or extension or relocation of the supply line. Changes to a sprinkler system on the sprinkler side of a zone valve do not require a permit.

(Ord. No. 121, § 1, 12-14-1999)

Sec. 14-159. Permit required.

Any person, entity or contractor that installs, upgrades or significantly modifies (see section 14-158) all or part of an irrigation system within the town shall, prior to such work, file an application for an irrigation system permit including detailed plans and specifications with the town and the Valley Municipal Utility District #2 showing the exact nature and location of the proposed work. The application shall also contain other information and data as may be required by the town's building official, and the application shall contain at least the following information, to-wit:

- (1) The name, address and phone number of the company doing the work;
- (2) The name, address and phone number of the person responsible for the work;

Secs. 70-8—70-32. Reserved.

ARTICLE II. ZONING DISTRICTS

DIVISION 1. GENERALLY

Sec. 70-33. Districts and boundaries.

(a) The Town of Rancho Viejo in Cameron County, Texas is hereby divided into seven types of districts. These districts shall be known as:

- (1) "A" Recreational District.
- (2) "B" Single Family Dwelling District.
- (3) "B-1" Two-Family Dwelling District.
- (4) "C" Multiple Family Dwellings, Apartments, Townhouses and Condominiums District.
- (5) "D" Motel/Club District.
- (6) "E" Business District.
- (7) "F" Utility District.

(b) The boundaries of these districts are indicated upon the zoning map which is made a part of this chapter. The zoning map being divided into various districts and shaded in various colors to delineate the various districts, and said zoning map has been adopted by reference hereto and is incorporated as a part of this Code.

(c) No land shall be used for and no building shall be erected for or converted to any use other than provided in the regulations prescribed for the district in which it is located, except as hereinafter provided.

(Ord. No. 18, art. III, 1-19-1981)

Editor's note—An official copy of the zoning map referred to in the preceding section may be found on file in the office of the town secretary.

Sec. 70-34. Zoning map designations.

(a) When definite distances in feet are not shown on the zoning map the district boundaries on the zoning map are intended to be along existing street, alley or property lines or extensions of or from the same. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the map measured from a given line.

(b) Where the street layout actually on the ground varies from the street layout as shown on the zoning map, the board of adjustments may apply the designation shown on the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular area in question.

(Ord. No. 18, art. XIII, 1-19-1981)

Sec. 70-35. Nonconforming uses.

(a) Any use of property existing at the time of the passage of the ordinance from which this article is derived that does not conform to the regulations prescribed in the preceding sections of this chapter shall be deemed a nonconforming use.

(b) The lawful use of land existing at the time of the passage of the ordinance from which this article is derived, although such does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this chapter. If a building occupied by a nonconforming use is destroyed by fire or the elements it may not be reconstructed or rebuilt except to conform with the provisions of this chapter.

(c) The lawful use of the building at the time of the passage of the ordinance from which this article is derived may be continued, although such does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alteration, except those required by law or this chapter. If no structural alterations are made, a nonconforming use of the building may be changed to another nonconforming use of the same or more restricted classification; provided, however, that in the event a nonconforming use of a building is once changed to a nonconforming use of a higher or more restricted classification, it shall not later revert to the former or less restricted classification.

(d) The right of nonconforming use to continue shall be subject to such regulations as to maintenance of the premises and conditions of operation as may in the judgment of the board of adjustments be reasonably required for the protection of adjacent property.

(e) Nothing in this chapter shall be taken to prevent restoration of a building destroyed to the extent of not more than 51 percent of its reasonable value by fire, explosion or other casualty, or act of God, or a public enemy, nor the continued occupancy or use of such building, or part thereof, which existed at the time of such partial destruction.

(Ord. No. 18, art. XII, 1-19-1981)

Sec. 70-36. Certificate of occupancy and compliance.

(a) No building hereafter erected or structurally altered shall be used, occupied or changed in use until a building permit shall have been issued by the building official stating that the building or proposed use of a building or premises complies with the building laws and the provisions of this chapter.

(b) Certificates of occupancy and compliance shall be applied for coincident with the application for building permit and shall be issued within ten days after the erection and structural alterations of such buildings shall have been completed in conformity with the provisions of this chapter. A record of all certificates shall be kept on file in the office of the town and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(c) No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy and compliance.

DIVISION 5. "C" MULTIPLE-FAMILY DWELLING, APARTMENTS, TOWNHOUSES AND
CONDOMINIUMS DISTRICT

Sec. 70-142. Use regulations.

In a "C" district, no land shall be used and no buildings shall be erected for or converted to any use other than:

- (1) Single family dwellings.
- (2) Multiple family dwellings.
- (3) Apartment buildings of which rooms and apartments are rented to resident guests, but excluding all retail business.
- (4) Boardinghouses and lodginghouses.
- (5) Hospitals, clinics, convalescent homes and children's nurseries.
- (6) Condominiums and townhouses.
- (7) Private clubs, fraternities, sororities and lodges, except those of which the chief activity is a service customarily carried on as a business.
- (8) A church or school, public or denominational, having a curriculum equivalent to a public elementary or high school.
- (9) Uses customarily incident to any of the above uses, when situated in the same dwelling and not involving the conduct of a business, including home occupations when engaged in by the occupants of the dwelling and used as his private dwelling and when said home occupation involves no outside signs, little or no increase in traffic, and with only occasional visits by members of the public to the home. Said incidental use, however, shall never be permitted as a principal use, but only as a secondary use when indispensably necessary to the enjoyment of the premises for any of the uses permitted by this section and actually made of the premises but not otherwise.
- (10) Special exceptions may be granted by the board of adjustment for a public service facility.

(Ord. No. 18, art. VII, § 1, 1-19-1981; Ord. No. 18S, § 1, 2-9-1999; Ord. No. 18BB, § 5, 8-31-2004)

Sec. 70-143. Parking regulations.

(a) Whenever a structure is erected or converted for single-family or multiple-family dwelling units, two off-street parking spaces shall be provided on the lot for each dwelling unit in the structure.

(b) Private clubs and lodges shall provide off-street parking space in a ratio of one space for each 100 square feet of floor area in the lodge or club, exclusive of storage area.

(c) Places of assembly shall provide off-street parking space on the lot sufficient to accommodate one automobile for each four seats.

- (d) Churches shall provide one off-street parking space for each four seats.
- (e) Schools shall provide one off-street parking space for each 15 students plus one each for each teacher.
- (f) Hospitals shall provide off-street parking space on the lot sufficient to accommodate one automobile for each five beds.
- (g) Clinics shall provide off-street parking at a ratio of one spaces for each 250 square feet of floor space within the structures but in no case shall less than five off-street parking spaces be provided.
- (h) Roominghouses and lodginghouses shall provide off-street parking space at the ratio of one space for each guest for which accommodations are provided.
- (i) Condominiums, townhouses, and apartments shall provide two off-street parking spaces for each unit in the building.
(Ord. No. 18, art. VII, § 2, 1-19-1981)

Sec. 70-144. Sanitation.

There shall be no sewage disposal without water carriage. Chemical toilets may be erected on a temporary basis during construction only.
(Ord. No. 18, art. VII, § 3, 1-19-1981)

Sec. 70-145. Temporary buildings.

Temporary buildings are not allowed except for construction purposes only, and which shall be removed upon completion or abandonment of construction work. Field offices for the sale of real estate for the specified development which shall be used for temporary offices only, to be removed after sales are closed, and which are to be used only at the construction site for 12 months.
(Ord. No. 18, art. VII, § 4, 1-19-1981)

Secs. 70-146—70-173. Reserved.

DIVISION 6. "D" MOTEL/CLUB DISTRICT

Sec. 70-174. Use regulations.

In a "D" motel/club district no land shall be used and no building shall be erected or converted for any use other than:

- (1) Any use authorized in a "C" district.
- (2) Hotels, motels and which motels and hotels may have such businesses as cafes, barbershop, beauty parlors and other similar businesses when such business is for the convenience of the occupants of the building and has an integral part of the services that are offered for the guests of such hotel or motel.

- (4) *Food and beverage service providers.* Places of business where food and beverages can be purchased for on-site or off-site consumption (i.e., grocery stores, restaurants, bars/nightclubs, cafes, specialty food shops/bakeries, and caterers).
- (5) *Personal services.* Places of business where the general public can go to receive general body and grooming services. (i.e., barbershops and beauty shops, nail grooming services; tanning, massage and spa facilities.) However, tattoo and body piercing studios/facilities are specifically not allowed uses within this district.
- (6) *Medical facilities.* Small-scale businesses that provide general well being for town residents and visitors. (i.e., medical doctor, chiropractor and dental offices and examining rooms; medical labs; licensed therapeutic massage).
- (7) *Repair services.* Businesses that provide small-scale repair services for items of the general public (i.e., watch, clock and jewelry repair; TV/VCR repair; shoe and apparel alteration facilities; bicycle and vehicle repair; household appliance and general electric repair; reupholstery and furniture repair; etc.).
- (8) *Meeting location facilities.* Indoor facilities that provide opportunities for organized education, and/or the assembly of people (i.e., primary, secondary, vocation/technical, and university level educational facilities; drivers education facilities; art, dance and music schools/studios; churches, temples, synagogues, and mosques; civic, social and fraternal organizations; etc.).
- (9) *Miscellaneous.* Businesses that serve the town and its visitors, that generate moderate levels of car and pedestrian traffic but which do not provide extensive pollution, noise, light, or other negative impacts on the immediate area (i.e., dry cleaners and coin-operated laundry facilities; car washes; indoor movie and stage theaters; convenience storage facilities (no business may be conducted from individual spaces); libraries; day care centers; etc.) and the following specific entertainment facilities: amusement centers, recreational centers, miniature golf, and tennis courts.
- (10) *Special exceptions.* Public service facility.
(Ord. No. 18, art. IX, 1-19-1981; Ord. No. 18CC, § 1, 12-14-2004)

Sec. 70-207. Parking regulations.

- (a) Parking regulations for all "B", "C" and "D" district uses located in the "E" district shall be the same as those outlined in that district.
- (b) Theaters shall provide off-street parking space in a ratio of one space for each five seats.
- (c) Nightclubs shall provide off-street parking space in a ratio of one space for every 100 square feet of gross floor area.
- (d) Restaurants and cafes shall provide off-street parking space in a ratio of one space for each 100 square feet of gross floor area.
- (e) Retail stores and office buildings shall provide off-street parking space in a ratio of one space for each 250 square feet of gross floor area.

Sec. 70-242. Eight-liners expressly prohibited.

This division expressly prohibits the presence of eight-liners in the town. Any person in possession of an eight-liner is violating the provisions of this chapter.
(Ord. No. 188, § 4, 4-13-2010)

Sec. 70-243. Definitions.

Eight-liner means any coin-operated machine or contrivance capable of being used for games of chance, including but not limited to a Tic Tac Toe eight-liner or video poker machine or other contrivance or paraphernalia, on which games of chance can be played for a consideration and which afford the player an opportunity to win a prize, gift certificate, or thing of value, whether or not the prize is automatically paid by the contrivance. The term "eight-liner" does not include any electronic, electromechanical, or mechanical contrivance designed, made, and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than ten times the amount charged to play the game or device once or five dollars, whichever is less.

The term "noncash merchandise prizes, toys, or novelties" does not include gift certificates or the exchange of credit tickets for cash.
(Ord. No. 188, § 5, 4-13-2010)

Secs. 70-244—70-249. Reserved.

ARTICLE III. ZONING REGULATIONS AND RULES

DIVISION 1. GENERALLY

Sec. 70-250. Regulations applicable to all districts.

(a) *Setback regulations.* No vertical structure or manufacture of any kind, temporary or permanent, including overhangs (no roofs may overhang into any setback area) which has a vertical height of more than two feet from the slab shall be placed within the setback herein set forth, to wit: Except fence and wall regulations which have different setbacks.

For the purpose of these ordinances the following definitions shall prevail:

Right-of-way: Includes the paved portion as well as the unpaved portion of the "right-of-way". Any other words, road, roadway or thorough-fare, are not to be used in the zoning chapter.

- (1) Within 25 feet of the edge of the water of a resaca or other waterway;
- (2) Within 25 feet of a rear property line;
- (3) Within 25 feet of the right-of-way;

(4) Within five feet of the side lot line.

(b) *Maximum height.* No vertical structure or manufacture, permanent or temporary, including building, poles or other manufacture, will exceed 30 feet in height or vertical distance as measured from the slab, excluding chimneys, except that single-family residences may be built up to a maximum height of 38 feet, excluding chimneys, if they meet the additional setback requirements provided by subsection (g) of this section.

(c) *Docks and piers.* No vertical structure or manufacture, permanent or temporary, will be placed over a resaca, pond or other body of water, which has a vertical height that exceeds two feet elevation above the elevation of the spillway dam in Section 1 of Rancho Viejo Subdivision, Town of Rancho Viejo, Texas except any dock or pier that may be constructed may contain handrails that do not exceed a height of 36 inches in height, benches that do not exceed 24 inches in height and lighting devices that do not exceed six feet in height, but the same shall be constructed in a manner as to cause the least obstruction of sight. The owner of the dock or pier must maintain the dock or pier including the structural integrity of the dock or pier.

(d) *Limitations over water.* No docks, piers or other structure over water, will exceed more than 12 feet or more than ten percent of the linear distance of another shore line, into the water area, whichever is the lesser.

(e) *Seawall regulations.* No seawall will be built adjacent to any water that exceeds a height of two feet elevation above the elevation of the spillway dam in Section 1 of Rancho Viejo Subdivision, Town of Rancho Viejo, Texas. The ground adjoining a seawall will be filled in but will not exceed the height of the seawall at the seawall nor the height of the grade level trending away from the seawall and no seawall may be built more than two feet out from the normal bank of the resaca but any property owner may connect his seawall in a straight line to an existing, adjoining seawall. The owner of the seawall must maintain the seawall including the structural integrity of the seawall.

(f) *Maximum lot coverage.* No structure or dwelling unit shall be erected on any lot or piece of property where more than 40 percent of the property shall be covered by the structure or structures. Open decks, patios and driveways shall not be considered covered areas for the purpose of this Section (all other structures shall be considered in the covered area). Eight thousand square feet or 40 percent, whichever is smaller, must be free of improvements covering the property, including open decks, patios and driveways. In determining the size of the lot or piece of property, any portion of the property that is subject to street, ingress and/or egress easement shall be excluded from the lot size and any portion of the property that is subject to a resaca or water storage easement shall also be excluded from the lot size.

(g) *Side yard setbacks.* At any point that any structure exceeds 22 feet in height, measured from the top of the slab, that point (which exceeds 22 feet in height) shall be setback an additional six inches for each foot above 22 feet and up to 30 feet in height.

A single-family residential structure may increase its height up to 38 feet, excluding chimneys. At any point that any structure exceeds 30 feet in height, that point (which exceeds

- (6) A wall must be constructed entirely within the property line of the person building the wall.
- (7) Both sides of the wall must be completely finished in a proper and attractive manner.
- (8) The owner of the wall must maintain the structural integrity of the wall.
- (9) Reserved.

(Ord. No. 18, art. IVD, 3-13-1990; Ord. No. 18M, § 1, 5-13-1995; Ord. No. 18N, § 1, 8-12-1997; Ord. No. 18O, § 1, 10-14-1997; Ord. No. 18P, § 1, 5-12-1998; Ord. No. 18X, §§ 5, 6, 12-11-2001; Ord. No. 18EE, §§ 3—8, 7-10-2007; Ord. No. 178, § 2, 1-13-2009)

Sec. 70-253. Permanent detached shade canopy.

(a) All structures are to be designed by a licensed engineer to meet or exceed local building codes and installed in compliance with the engineer's specifications. The canopy is to be woven from a fire resistant fiber that has received a class A fire rating. The canopy is to have minimum burst strength of 280 pounds per square inch.

(b) The canopy must have a wind resistance up to 90 mph. The canopy must be no higher than 11 feet measured from the ground to its highest point. The canopy must not exceed 450 square feet.

(c) The canopy framing is to be made from a standard commercial quality steel, parts and accessories are all galvanized treated and powder coated and highly resistant to salt and other agents that cause corrosion.

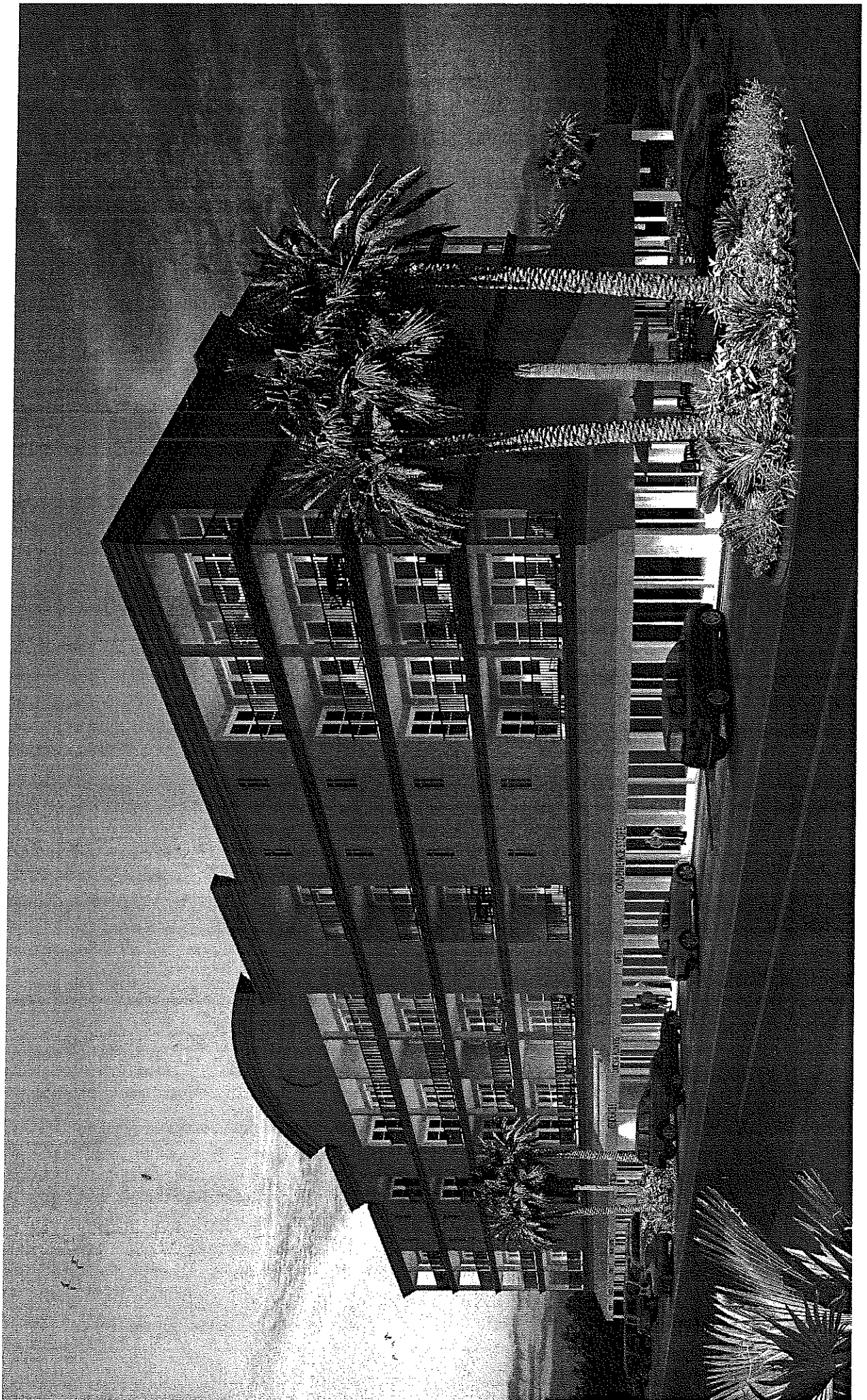
(d) This does not include temporary shade covers with temporary being defined as not up for more seven consecutive days.

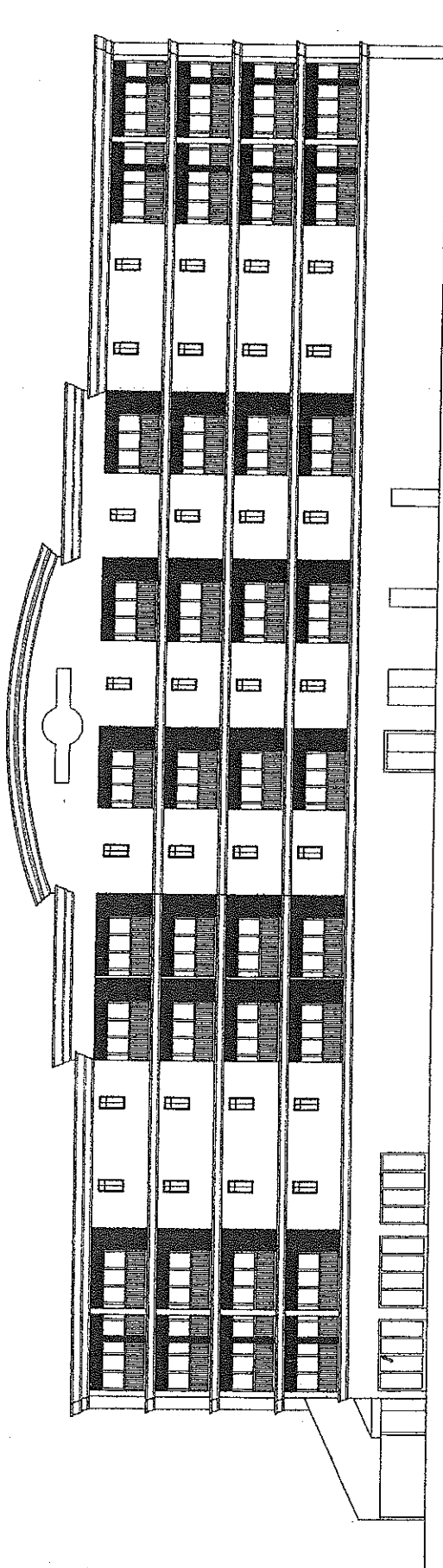
(e) The permanent detached shade canopy will be permitted in the rear yard only.
(Ord. No. 18T, § 1, 2-9-1999)

Sec. 70-254. Regulations concerning streetside mailboxes.

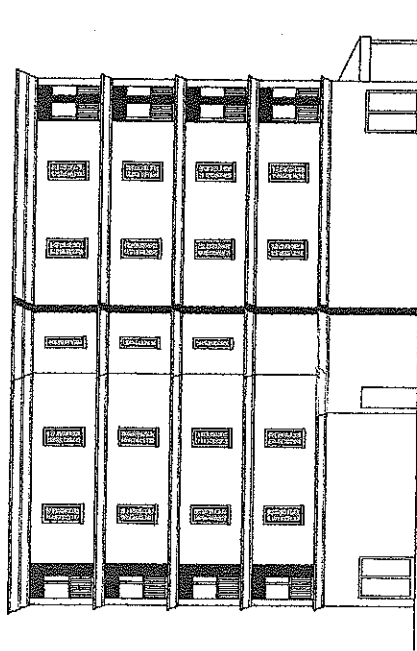
(a) Any structure occupying property within the town that receives mail service may locate one mailbox per residence at the edge of a street for the purpose of receiving regularly delivered mail. Said mailbox or mailbox structure must comply with the following requirements, to-wit:

- (1) The height of the mailbox and/or structure supporting the same may not exceed 56 inches from grade and the bottom of the mailbox shall be 42 inches from the ground.
- (2) The base or supporting structure housing the mailbox must be at least 12 inches from the edge of any paved street.
- (3) The mailbox and/or mailbox structure may not be any wider than three feet nor deeper than three feet in dimension and a single planter box not to exceed three feet by three feet may be located adjacent to the mailbox structure.





East Elevation



North Elevation

Rancho Viejo Hotel

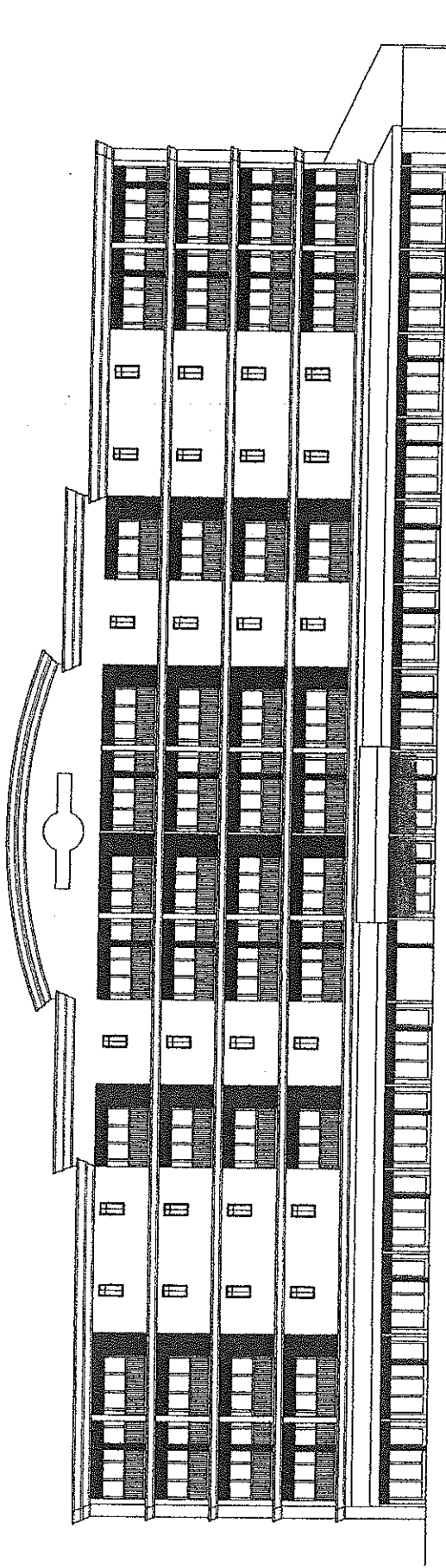
Updated: November 20, 2010

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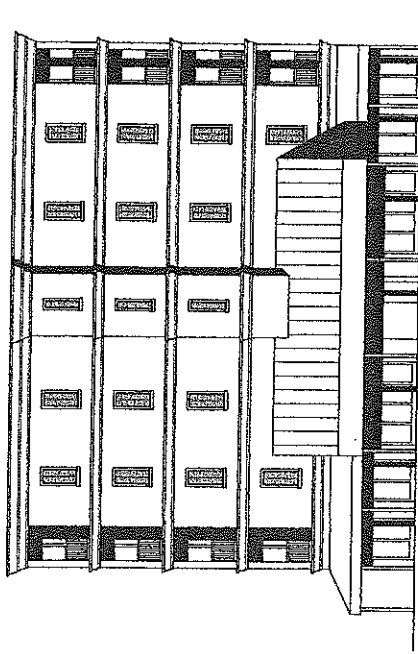
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Exterior Elevations

SCALE:
 Not To Scale



West Elevation




South Elevation

Rancho Viejo Hotel

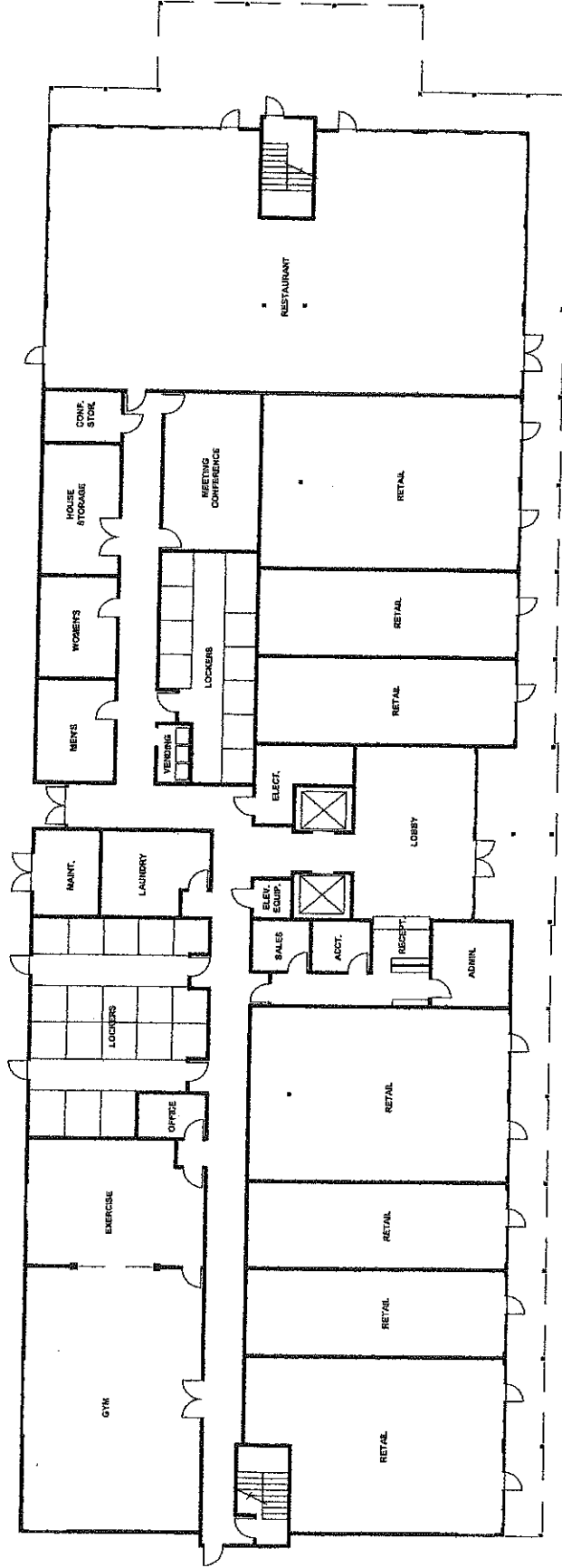
Updated: November 20, 2010

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Exterior Elevations

SCALE:
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Rancho Viejo Hotel

Updated: November 20, 2010

Typical Floor Plan

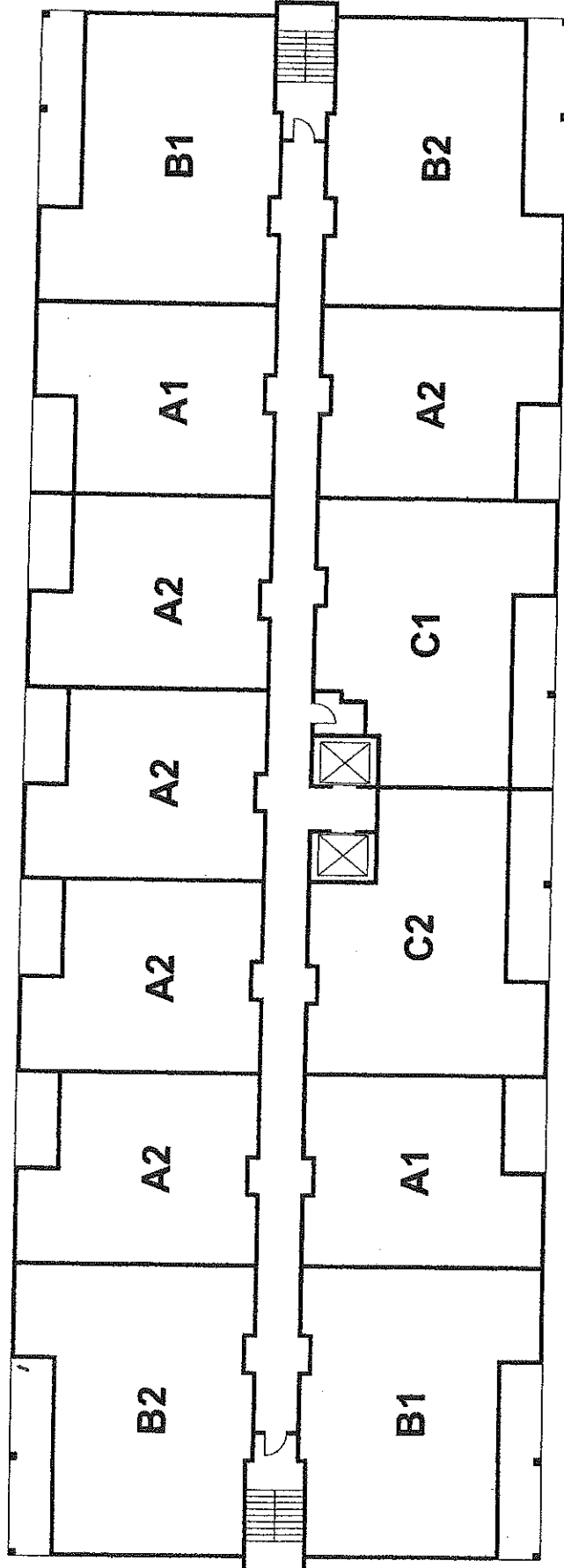
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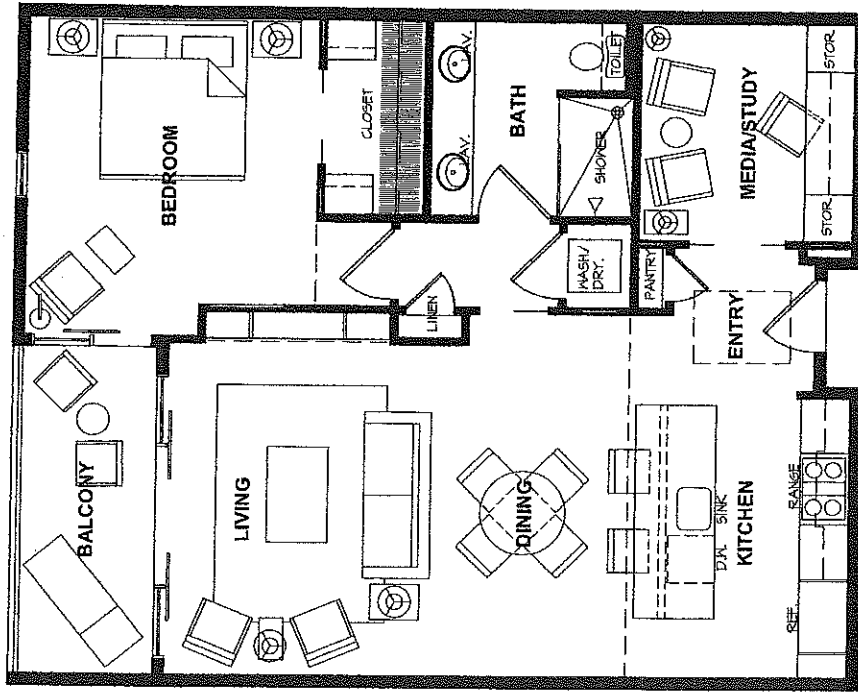
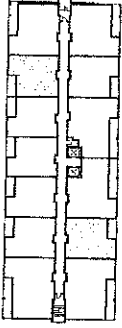


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Typical Floor Plan

SCALE:
 Not To Scale

Floor Plan Locator Key:



Rancho Viejo Hotel

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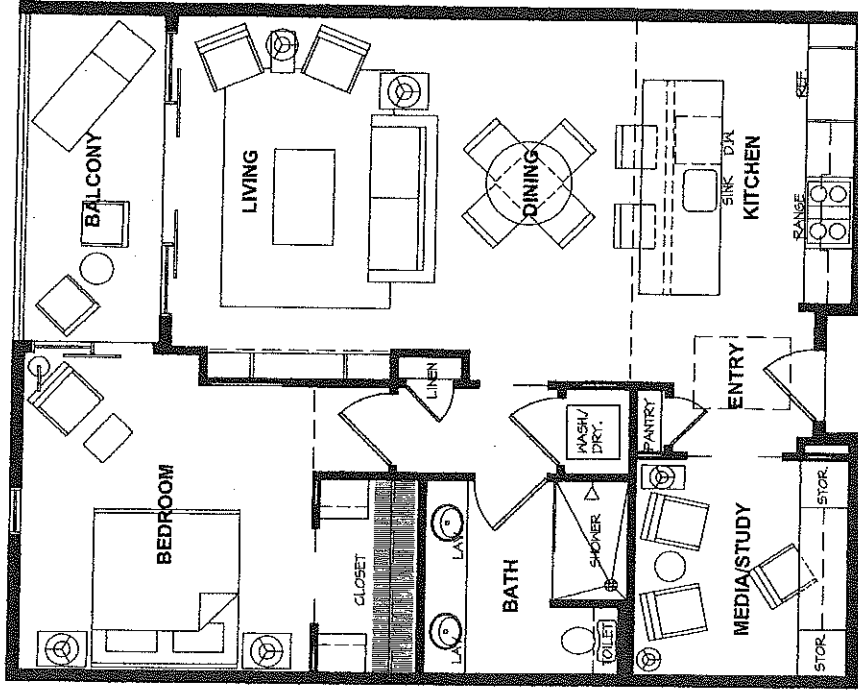
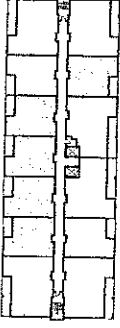
PLAN A1

SCALE: 0 3 5 14

Living Area: 881 s.f.
Balcony Area: 83 s.f.

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Floor Plan Locator Key:



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PLAN A2

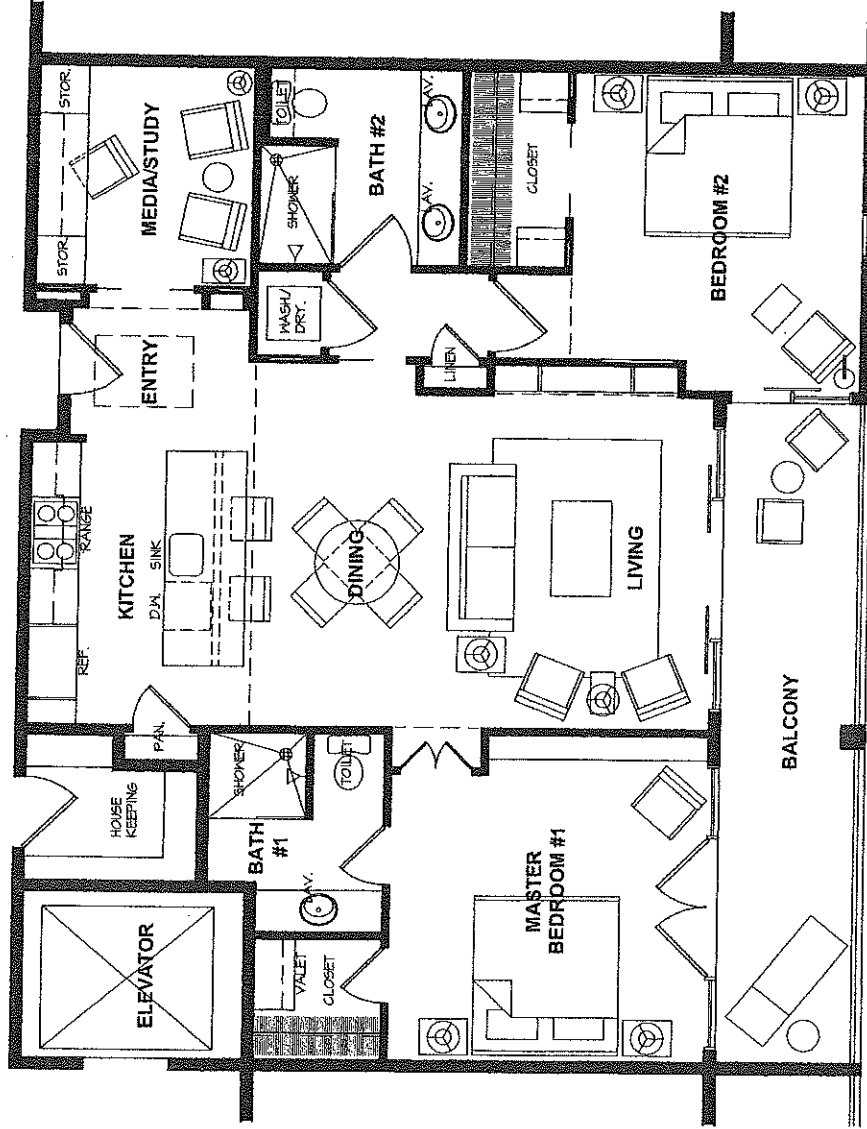
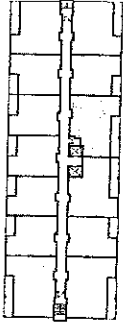
SCALE:



Living Area: 881 s.f.
Balcony Area: 83 s.f.

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Floor Plan Locator Key:



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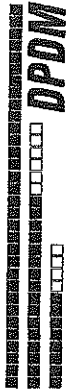
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PLAN C1



Living Area: 1170 s.f.
Balcony Area: 167 s.f.



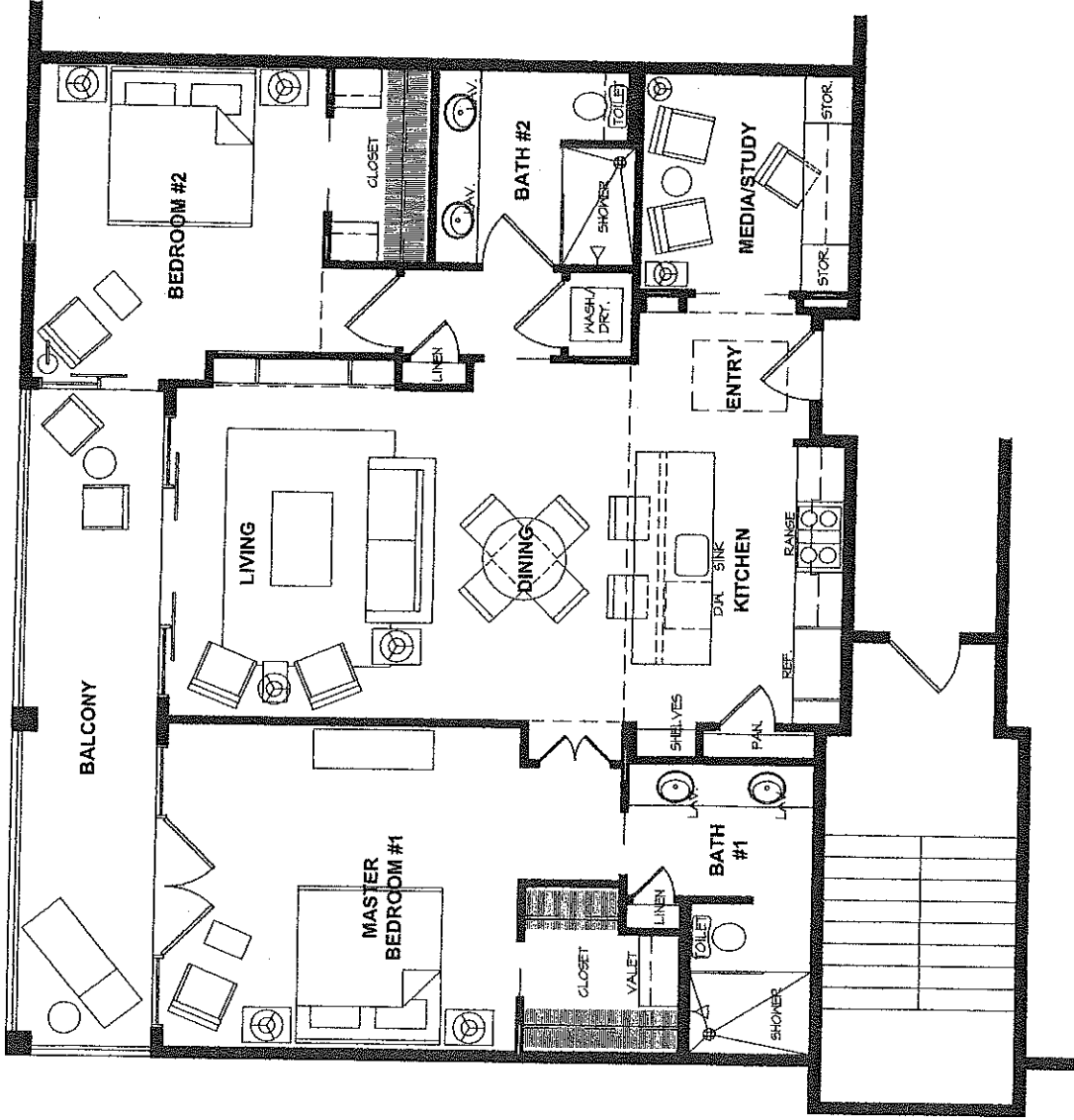
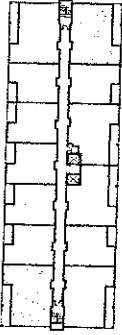
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Floor Plan Locator Key:



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PLAN B2



Living Area: 1276 s.f.
Balcony Area: 169 s.f.

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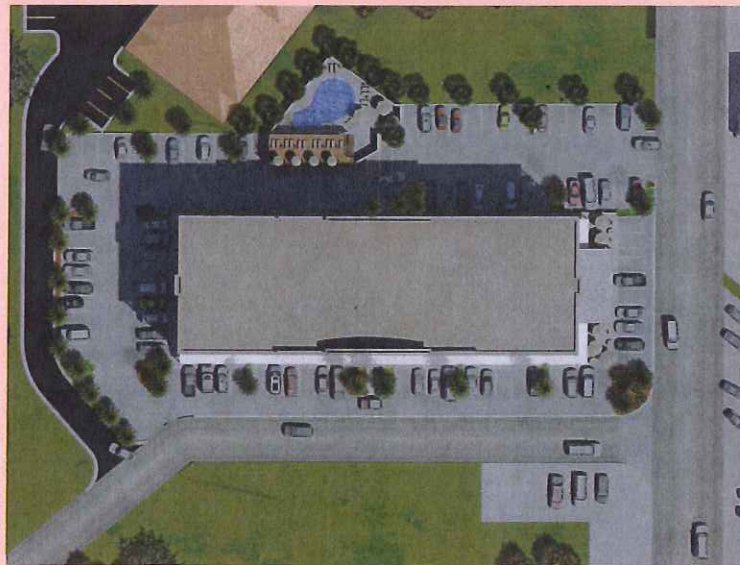


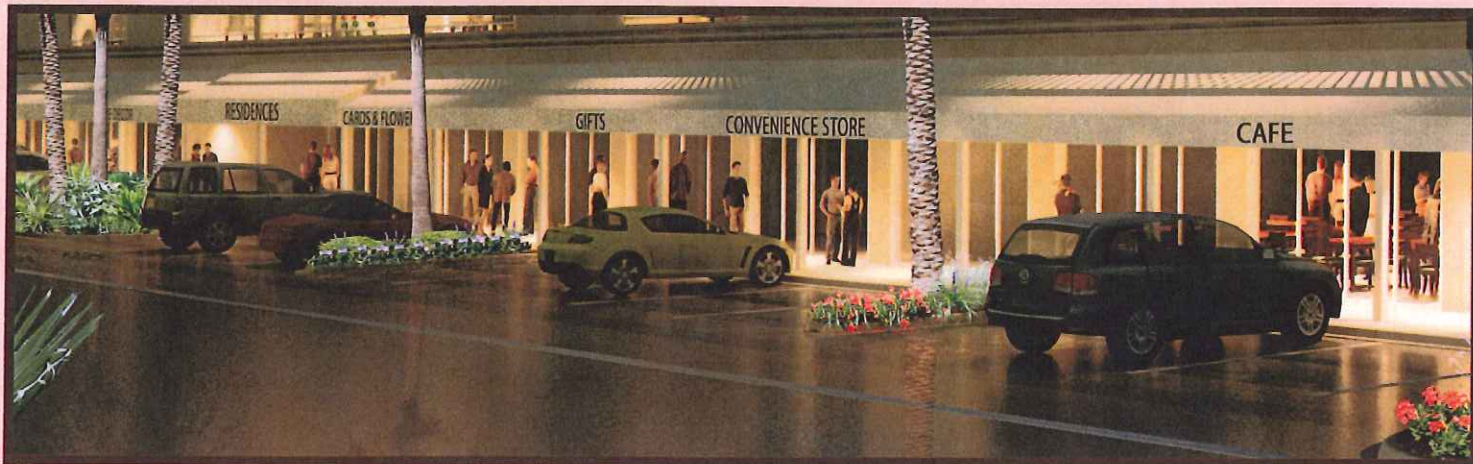
The
Residencia
at Rancho Viejo

The Residencia at Rancho Viejo



A Beautiful blend of Residential Condominiums and light commercial in the perfect location at Rancho Viejo Country Club, Rancho Viejo, Texas.





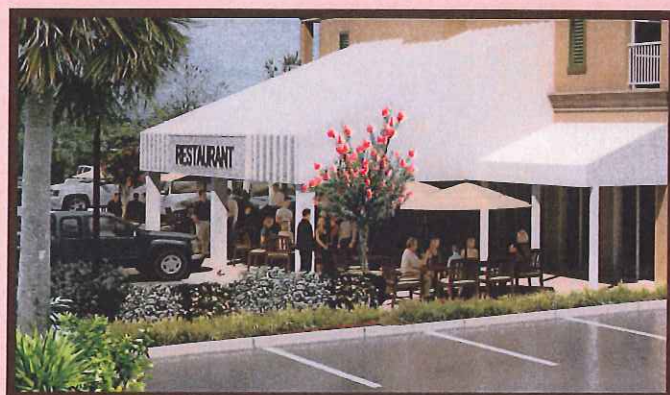
- *R*estaurant, convenient store, gift store, cleaners, and other service businesses located on the first floor provide convenience to the residences, while the upper four floors remain exclusively residential.

- *F*our residential floors with fifty-two beautiful condominium units appropriately sized for permanent or second home use with one bedroom and two bedroom floor plans. All units will have a full kitchen, spacious living area with exterior balcony, bath with double sinks, walk-in closet, washer & dryer, and a private office / study or media room. All appliances are included so all that is required is furniture and you are ready to move in.

- *A* private entrance and lobby is provided exclusively for the condominiums with elevator access to your floor.

- *T*he Residencia Physical Fitness Center is located on the first floor with gym, exercise room, and private lockers.

- *A* garden swimming pool and sun deck will enhance your fitness with water aerobic and a golden sun tan.



Rancho Viejo Golf Course
Angel Hole #3



The
Residencia
at Rancho Viejo

CONTACT:

BRIDGET NEWBAUER

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bridgetnbr@aol.com

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