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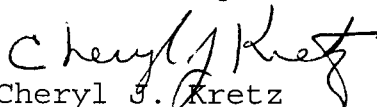
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NOTICE OF A PUBLIC MEETING  
TOWN OF RANCHO VIEJO  
PLANNING AND ZONING COMMISSION

MARCH 31, 2010

NOTICE is hereby given of a REGULAR MEETING of the PLANNING AND ZONING COMMISSION of the TOWN OF RANCHO VIEJO, TEXAS, to be held on March 31, 2010 at 9:00 A.M. in the TOWN MUNICIPAL OFFICE, 3301 CARMEN AVENUE, RANCHO VIEJO, TEXAS to consider the following items:

1. Call to Order
2. Roll Call
3. Approval of Minutes - January 9, 2009
4. Public Hearing to Consider Possible Amendments to the Code of Ordinances of the Town of Rancho Viejo
  - a) Chapter 70, Zoning, Article II Zoning Districts, pertaining to Sexually Oriented Businesses
  - b) Chapter 70, Zoning, Article II Zoning Districts, pertaining to "Eight-Liners."
5. Consideration, Discussion and Action On Recommendation To the Board of Aldermen on Possible Amendments to the Code of Ordinances of the Town of Rancho Viejo
  - a) Chapter 70, Zoning, Article II Zoning Districts, pertaining to Sexually Oriented Businesses
  - b) Chapter 70, Zoning, Article II Zoning Districts, pertaining to "Eight-Liners."
6. Adjourn

  
Cheryl J. Kretz  
Town Administrator

TOWN OF RANCHO VIEJO  
PLANNING AND ZONING COMMISSION  
JANUARY 9, 2009

A Regular Meeting of the Planning and Zoning Commission of the Town of Rancho Viejo was held on January 9, 2009 at the Town Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas, the same being open to the public. Mrs. Laura Partridge, Chairperson, called the meeting to order at 9:00 A.M. Roll call by made by Isabel Velasquez, Assistant Town Secretary.

Members present at the meeting were:

Mrs. Laura Partridge  
Mr. John Champion  
Mr. Oscar Gonzalez  
Mrs. Lupita Carr  
Mrs. Dianne Johnson

A quorum was present.

Those present in the audience were:

Anthony De Ponce                      Cynthia Gonzalez  
Craig B. Flood

APPROVAL OF MINUTES:

Motion was made by Mr. Gonzalez, seconded by Mr. Champion, and unanimously carried, that the Minutes of the Regular Meeting held on August 26, 2008 be approved as written.

PUBLIC HEARING ON REQUEST BY MR. ANTHONY DE PONCE, DE PONCE FAMILY ENTERPRISES, TO REPLAT LOT 6 AND LOT 7, BLOCK 1, LAS HACIENDAS SUBDIVISION INTO ONE LOT:

Mrs. Partridge opened the public meeting. Mr. Anthony De Ponce explained the reasons for the replat of the lots. Mayor Flood also commented about the lots and stated that the Strategic Planning Committee unanimously recommended approval of the replat. Mr. De Ponce answered questions from the committee. After everyone was given an opportunity to speak on the matter, the public hearing was closed.

CONSIDERATION AND ACTION ON REQUEST BY MR. ANTHONY DEPONCE, DE PONCE FAMILY ENTERPRISES, TO REPLAT LOT 6 AND LOT 7, BLOCK 1, LAS HACIENDAS SUBDIVISION INTO ONE LOT:

Motion was made by Mr. Gonzalez, seconded by Mr. Champion, and unanimously carried, to recommend to the Board of Aldermen

approval of the request by Mr. Anthony De Ponce, De Ponce Family Enterprises, to replat Lot 6 and Lot 7, Block 1, Las Haciendas Subdivision into one lot as per the plat submitted.

PUBLIC HEARING ON REQUEST BY MR. ANTHONY DEPONCE, DE PONCE FAMILY ENTERPRISES, TO REPLAT LOT 13 AND LOT 14, SANDRA SUE ESTATES, INTO ONE BUISNESS DISTRICT LOT:

Mrs. Partridge opened the public meeting. Mr. Anthony De Ponce made several comments about the commercial lots and answered several questions from the Board. After everyone was given an opportunity to speak on the matter, the public hearing was closed.

CONSIDERATION AND ACTION ON REQUEST BY MR. ANTHONY DEPONCE, DE PONCE FAMILY ENTERPRISES, TO REPLAT LOT 13 AND LOT 14, SANDRA SUE ESTATES, INTO ONE BUISNESS DISTRICT LOT:

Motion was made by Mrs. Carr, seconded by Mr. Gonzalez and unanimously carried to recommend to the Board of Aldermen approval of the request by Mr. De Ponce, De Ponce Family Enterprises, to replat Lot 13 and Lot 14, Sandra Sue Estates, into one business district lot as per the plat submitted.

PUBLIC HEARING TO CONSIDER POSSIBLE AMENDMENTS TO THE CODE OF ORDINANCES OF THE TOWN OF RANCHO VIEJO  
CHAPTER 70, ZONING, ARTICLE, III ZONING REGULATIONS AND RULES, DIVISION 1. GENERALLY, SEC. 70-250. REGULATIONS APPLICABLE TO ALL DISTRICTS - (F) MAXIMUM LOT COVERAGE  
AND  
CHAPTER 70, ZONING, ARTICLE III ZONING REGULATIONS AND RULES, DIVISION 1. GENERALLY, SEC. 70-252. FENCE AND WALL REGULATIONS (B) (6) FENCE ON NON ADDRESS SIDES:

Mr. Partridge opened the public hearing. Mayor Flood explained the reasons for the ordinance changes and answered questions the members had. After everyone was given an opportunity to speak on the matter, the public hearing was closed.

CONSIDERATION, DISCUSSION AND ACTION ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON POSSIBLE AMENDMENTS TO THE CODE OF ORDINANCES OF THE TOWN OF RANCHO VIEJO  
CHAPTER 70, ZONING, ARTICLE III ZONING REGULATIONS AND RULES, DIVISION 1. GENERALLY, SEC. 70-250. REGULATIONS APPLICABLE TO ALL DISTRICTS (F) MAXIMUM LOT COVERAGE  
AND

CHAPTER 70, ZONING, ARTICLE III ZONING REGULATIONS AND RULES, DIVISION 1. GENERALLY, SEC. 70-252. FENCE AND WALL REGULATIONS (B) (6) FENCE ON NON ADDRESS SIDES:

Motion was made by Mr. Champion, seconded by Mr. Gonzalez and unanimously carried, to recommend to the Board of Aldermen approval of the following ordinance amendments:

Chapter 70, Zoning, Article III Zoning Regulations and Rules, Divison 1. Generally, Sec. 70-250. Regulations applicable to all Districts (f) Maximum Lot Coverage. No structure or dwelling unit shall be erected on any lot or piece of property where more than Forty (40%) Percent of the property shall be covered by the structure or structures. Open decks, patios and driveways shall not be considered areas for the purpose of this Section (all other structures shall be considered in the covered area). Eight thousand square feet (8,000 square feet) or Forty (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 a roadway, 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.

And

Chapter 70, Zoning, Article III Zoning Regulations and Rules, Divison 1. Generally, Sec. 70-252. Fence and wall Regulations - (b) (6) Fence on Non Address Sides. No fence may extend to less than 25 feet from the edge of a street or the property line, whichever is more restrictive, except the fence on the non address sides need only be five feet from the edge of the street or the property line, whichever is more restrictive.

ADJOURNMENT:

Motion was made by Mr. Gonzalez, seconded by Mrs. Carr, and unanimously carried, that the meeting be adjourned at 9:22 A.M.

BY: \_\_\_\_\_  
Cheryl J. Kretz, Town Secretary

APPROVED: \_\_\_\_\_  
Laura Partridge, Chairperson

DATE: \_\_\_\_\_

**ORDINANCE NO.**

AN ORDINANCE OF THE TOWN OF RANCHO VIEJO TEXAS, PROHIBITING SEXUALLY-ORIENTED BUSINESSES IN THE TOWN; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, there is the potential for the location of sexually-oriented businesses in the Town of Rancho Viejo and such businesses require special supervision from the public safety agencies of the Town to protect and preserve the health, safety, morals, and general welfare of patrons of such businesses as well as the citizens of the Town; and

WHEREAS, the Board of Aldermen of the Town of Rancho Viejo finds that sexually-oriented businesses are frequently used for unlawful and unsafe activities, including unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the Board of Aldermen of the Town of Rancho Viejo desires to prohibit these adverse effects and thereby protect the health, safety, morals, and general welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of our neighborhoods, and deter the spread of urban blight.

NOW, THEREFORE, pursuant to the authority granted by the Constitution, laws of the State of Texas, and Chapter 243 of the Texas Local Government Code, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS, THAT:

**SECTION 1. FINDINGS APPROVED AND INCORPORATED**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Rancho Viejo and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2. AMENDMENT OF CHAPTER 70**

Chapter 70 of the Code of Ordinances of the Town of Rancho Viejo, Texas, is hereby amended by the addition of a new Article II, Division 9 entitled "Sexually Oriented Businesses."

**SECTION 3. PURPOSE AND INTENT**

The purpose of this Ordinance is to regulate sexually-oriented businesses and to promote the health, safety, morals, peace, and general welfare of the citizens of the Town.

#### **SECTION 4. SEXUALLY-ORIENTED BUSINESSES EXPRESSLY PROHIBITED**

The operation of a sexually-oriented business in the Town is hereby prohibited. Any person operating a sexually-oriented business violates the provisions of this Ordinance and commits an offense.

#### **SECTION 5. LOCATION OF SEXUALLY ORIENTED BUSINESS**

In the event that Section 4 of this Ordinance is declared to be unconstitutional or otherwise in violation of applicable state or federal law, a person commits an offense if he operates or causes to be operated a sexually oriented business within 1,500 feet of:

- (a) a regular place of religious worship;
- (b) a public or private elementary or secondary school;
- (c) a boundary of a residential district or historic district;
- (d) a public park;
- (e) the property line of a lot devoted to residential use
- (f) a hospital;
- (g) a nursery or kindergarten school;
- (h) a place of business licensed to sell alcoholic beverages; or
- (i) another sexually-oriented business.

#### **SECTION 6. CONFLICTING LAW IS REPEALED AND RESCINDED**

Any and all ordinances, orders, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of any conflict herewith.

#### **SECTION 7. ENFORCEMENT**

Any person violating any provision of this ordinance for the first time shall be deemed guilty of a Class C misdemeanor and upon conviction shall be fined an amount not to exceed \$500.00. A second violation of any provision of this ordinance shall be enforced through an injunction on the prohibited operation.

#### **SECTION 8. EFFECT OF COURT ACTION ON THIS ORDINANCE**

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases or provisions of this Ordinance, or the application thereof to any person or

circumstances, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

It is not the intent of Section 5 of this Ordinance to authorize the operation of a sexually oriented business in the Town. Rather, it is the intent of Section 5 to regulate sexually oriented businesses operating in the Town to the full extent of the law, should Section 4 be held by a court of competent jurisdiction to be invalid, void or unconstitutional.

### **SECTION 9. EFFECTIVE DATE OF ORDINANCE**

The fact that the present ordinances, orders, resolutions, rules, regulations, policies and provisions of the Town of Rancho Viejo, Texas, are inadequate to properly safeguard the health, safety, morals, peace, and general welfare of the inhabitants of the Town of Rancho Viejo, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this Ordinance become effective from and after the date of its passage and publication, and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF JANUARY 2010.

\_\_\_\_\_  
Roberto Medrano, Mayor

ATTEST:

\_\_\_\_\_  
Cheryl Kretz, City Secretary

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF RANCHO VIEJO TEXAS, PROHIBITING EIGHT-LINERS IN THE TOWN; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, there is the potential for the location of eight-liners in the Town of Rancho Viejo and such businesses require special supervision from the public safety agencies of the Town to protect and preserve the health, safety, morals, and general welfare of patrons of such businesses as well as the citizens of the Town; and

WHEREAS, the Board of Aldermen of the Town of Rancho Viejo finds that eight-liners are used for unlawful and unsafe activities, specifically, illegal gambling; and

WHEREAS, the Board of Aldermen of the Town of Rancho Viejo desires to prohibit these adverse effects and thereby protect the health, safety, morals, and general welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of our neighborhoods, and deter the spread of urban blight.

NOW, THEREFORE, pursuant to the authority granted by the Constitution, laws of the State of Texas, and Chapter 243 of the Texas Local Government Code, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS, THAT:

**SECTION 1. FINDINGS OF THE TOWN**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Rancho Viejo and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2. AMENDMENT OF CHAPTER 70**

(a) Chapter 70 of the Code of Ordinances of the Town of Rancho Viejo, Texas, is hereby amended by the addition of a new Article II, Division 10 entitled "Eight-Liners."

**SECTION 3. PURPOSE AND INTENT**

The purpose of this Article is to prohibit eight-liners and to promote the health, safety, morals, and general welfare of the citizens of the Town.

**SECTION 4. EIGHT-LINERS EXPRESSLY PROHIBITED**

This Article 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.



## **SECTION 5. DEFINITIONS**

(1) "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 10 times the amount charged to play the game or device once or \$5, whichever is less.

(2) The term "noncash merchandise prizes, toys, or novelties" does not include gift certificates or the exchange of credit tickets for cash.

## **SECTION 6. CONFLICTING LAW IS REPEALED AND RESCINDED**

Any and all ordinances, orders, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of any conflict herewith.

## **SECTION 7. EFFECT OF COURT ACTION ON DIVISION 10**

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases or provisions of this Ordinance, or the application thereof to any person or circumstances, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

## **SECTION 8. EFFECTIVE DATE OF DIVISION 10**

The fact that the present ordinances, orders, resolutions, rules, regulations, policies and provisions of the Town of Rancho Viejo, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the Town of Rancho Viejo, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this Ordinance become effective from and after the date of its passage and publication, and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF OCTOBER, 2009.

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Roberto Medrano, Mayor

ATTEST:

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Cheryl Kretz, City Secretary