

ORDINANCE NO. 18*

**AN ORDINANCE ZONING THE TOWN OF RANCHO VIEJO,
ADOPTING A ZONING MAP, PROVIDING FOR USE DISTRICTS,
AND OTHER REGULATIONS IN CONNECTION WITH THE USE OF
PROPERTY, PROVIDING FOR ENFORCEMENT AND PENALTIES
AND AUTHORIZING PUBLICATION.**

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
THE TOWN OF RANCHO VIEJO, TEXAS:

ARTICLE I.

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, peace, morals and the general welfare of the Town of Rancho Viejo. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Rancho Viejo.

ARTICLE II.

This order shall be known and may be cited and referred to as the "Town of Rancho Viejo Zoning Order".

ARTICLE III. - DISTRICTS AND BOUNDARIES THEREOF

Section 1. The Town of Rancho Viejo in Cameron County, Texas is hereby divided into seven (7) types of "Districts". These districts shall be known as:

- "A" Recreational District
- "B" Single Family Dwelling District
- "B-1" Two Family Dwelling District
- "C" Multiple Family Dwellings, Apartments, Townhouses
and Condominiums
- "D" Motel/Club District
- "E" Retail District
- "F" Utilities

Section 2. The boundaries of these districts are indicated upon the zoning map which is made a part of this order. Said zoning map being divided into various districts and shaded in various colors to delineate the various districts, and said zoning map has been initialed by the Mayor and dated the same date as the adoption of this Ordinance and by reference hereto is incorporated as a part of this Ordinance.

Section 3. 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.

ARTICLE IV. - REGULATIONS & RULES APPLICABLE TO ALL DISTRICTS

Setback Regulations

Section 1. No vertical structure or manufacture of any kind, temporary or permanent, including overhangs [no roof may overhang into any setback area] which has a vertical height of more than two feet from Grade (see Article XVIII Definitions for Grade) shall be placed within the setback herein set forth, to wit:

- (a) Within Twenty-Five (25') feet of the edge of the water of a resaca or other waterway;
- (b) Within 25' of a rear property line;
- (c) Within 25' of the edge of a roadway or right of way, and said 25' setback shall be determined by measuring from the center of the roadway and adding to the 25' a number equal to one-half of the width of the entire roadway upon which said lot is abutting.
- (d) Within Five (5') Feet of the side lot line.

Maximum Height

Section 2. No vertical structure or manufacture, permanent or temporary, including buildings, poles, or other manufacture, will exceed Thirty (30') Feet in height or vertical distance from Grade, excluding chimneys, except that single-family residences may be built up to a maximum height of Thirty-Eight (38') Feet, excluding chimneys, if they meet the additional setback requirements provided by Section 7 of this Article.

Height Limits Over Resaca

Section 3. 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 (2') 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 Thirty-Six (36") inches in height, benches that do not exceed Twenty-Four (24") inches in height and lighting devices that do not exceed Six (6') Feet in height, but the same shall be constructed in a manner as to cause the least obstruction of sight.

Seawall Regulations

Section 4. No seawall will be built adjacent to any water that exceeds a height of Two (2') 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 (2') 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.

Limitations Over Water

Section 5. No docks, piers, or other structure over water, will exceed more than Twelve (12') Feet or more than Ten (10%) Percent of the linear distance of another shore line, into the water area, whichever is lesser.

Maximum Lot Coverage

Section 6. 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 covered areas for the purpose of this Section (all other structures shall be considered in the covered area), but in no event may the total improvements covering the property, including open decks, patios and driveways, exceed Sixty (60%) Percent of the lot area of the property. 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.

Additional Setback for Structures Over 20 Feet

Section 7. Any structure that exceeds Twenty (20') Feet in height shall increase its side yard setbacks by Six (6) inches for each foot above 20 feet and up to Thirty (30') Feet in height, and a single-family residential structure may increase its height up to Thirty-Eight (38') Feet, excluding chimneys, except for each foot above Thirty (30') Feet there shall be an additional side yard setback of Two (2') Feet for each foot above Thirty (30') Feet. The setback requirements for heights in excess of Thirty (30') Feet are in addition to the additional Five (5') Feet setback required for heights of Twenty (20') Feet to Thirty (30') Feet.

Rear Yard Requirements

Section 8. Every structure erected within the Town upon any property shall have a rear yard having a depth of not less than Twenty (20%) Percent of the depth of the lot, but the rear yard need not exceed Twenty-Five (25') Feet in depth. "Rear yard" shall be that portion of the property that is at the opposite end of where the property fronts on a street or other roadways providing access to said property, and in the event said property fronts on two streets, the rear yard shall have the same rear yard area as the adjoining interior lot of said corner lot.

Front Yard Requirements

Section 9. Every lot or piece of property that shall have improvements erected thereon shall have a front yard of at least Twenty-Five (25') Feet from the edge of the street.

Finish Floor Grade

Section 10. No structure to be used as a dwelling unit, temporary or permanent, that is permissible within the Town of Rancho Viejo shall be constructed or placed therein that has a finish floor grade of less than Twelve (12") inches higher than the grade (see Article XVIII Definitions for Grade).

Swimming Pools & Spas

Section 11. No swimming pool, hot tub, or other similar device, as measured from the edge of the water, or any portion thereof, may be located any closer than Ten (10') Feet from any waterway (resaca), Ten (10') Feet from any side or rear property line, and Thirty (30') Feet from any front property line, but in no event may a pool be located within Twenty-Five (25') Feet from the edge of a paved street. Said swimming pool shall in all other aspects comply with all other codes thereto applicable, if any.

Gazebo Rules

Section 12. Notwithstanding any provision to the contrary contained within the ordinances of the Town, any property owner may place a gazebo or other architecturally decorative devices that does not cover more than One Hundred Forty-Four (144) Square Feet within the rear yard of any property, but in no event shall said gazebo or other architecturally decorative devices be located within the setbacks as required by this Ordinance.

Play Equipment

Section 13. Notwithstanding any provision to the contrary contained within the ordinances of the Town, any property owner may locate within the rear yard a jungle gym or other play equipment specifically designed for use of children.

Fountains

Section 14. Notwithstanding any provision to the contrary contained within the ordinances of the Town, any property owner may place within the front or rear yard of their property a fountain; which fountain structure shall be of such size and dimension as may be approved by the Building Committee or Building Official of the Town and in no event may said fountain be located within Five (5') Feet of the side yard property line nor Ten (10') Feet from the edge of a roadway.

Flagpoles

Section 15. Notwithstanding any provision to the contrary contained within the ordinances of the Town, flagpoles may be placed and/or installed anywhere on the property except that no flagpole may be located within Ten (10') Feet from the paved edge of a roadway or Five (5') Feet of a roadway easement, whichever is greater, and the height of the flagpole may not exceed Thirty (30') Feet from Grade (see Article XVIII Definitions for Grade).

Section 16. REPEALED

Accessory Buildings

Section 17. Every outbuilding, such as a pool house or guest house, must be on a concrete foundation and shall be compatible with the building to which it is appurtenant in terms of its design and material composition. Servants' quarters or guest quarters must be attached to the main building.

Driveways

Section 18. All driveways shall be surfaced with concrete, hot mix asphalt, brick, stone, or other similar hard surfaced material, and the same material shall be used on repairs.

Junked Vehicles

Section 19. No stripped down, wrecked, junked or wholly inoperable vehicle shall be kept, parked, stored, or maintained on any portion of the lot readily visible to the street or another lot, and shall be kept, parked, stored or maintained on other portions of a lot only within an enclosed structure or a screened area which prevents the view thereof from adjacent lots or streets. No dismantling or assembling of motor vehicles, or other machinery or equipment shall be permitted in any driveway or yard adjacent to a street.

Roof Regulations

Section 20. A surface of all roofs for principal and secondary structures which are exposed to public view shall be of clay tile or other tiles of a ceramic nature, concrete tile, slate, stone, or copper. Substantial standing seam metal roofs painted with a neutral color will also be permitted. Flat built up roofs will be allowed provided that they have a minimum of a one (1) foot parapet wall with adequate drainage (scuppers or drain pipes). On existing buildings a flat roof addition may match an existing flat roofed elevation. Composition roofs, with a weight of less than 240 pounds per one hundred (100) square feet (25 year warranty) and without stick downtabs shall not be permitted. Barn type wood shakes or better will only be permitted if they meet minimum fire retardant criteria established by the Current Building Code adopted by the Town.

ARTICLE IVA - Recreational Vehicles

Definitions

Section 1. Recreational Vehicles and mobile equipment shall include mobile homes, motor homes, house trailers, livestock trailers, tractor trailers, trucks licensed for over 3/4 ton, boats and boats on trailers, and trailers of any nature with or without property located thereon, tents or any other mobile devices. Duly licensed passenger vehicles including pickup trucks are not included in this definition but are a part of Section 6 of this article.

Prohibited Parking and/or Storage.

Section 2. No recreational vehicle or other mobile equipment as defined in Section 1 of this Article shall be parked, stored, or left to stand on any lot, property or driveway of any lot located within an A (Recreational District), B (Single-Family Dwelling), or C (Multi-Family Dwelling, Apartments, Townhouses and Condominiums) District as defined by the Town of Rancho Viejo Zoning Order Ordinance for more than Forty-Eight (48) hours.

Permit Authorization

Section 3. Owners or operators of Recreational Vehicles or other mobile equipment as defined in Section 1 hereof, who are not residents of the Town of Rancho Viejo, but who are visiting the Town of Rancho Viejo, are required to obtain a parking permit from the Mayor's Office if the vehicle is to be parked for more than Forty-Eight (48) hours. The maximum parking time allowed by a permit issued from the Mayor's Office is Seven (7) days including the first Forty-Eight (48) hours.

No Violation

Section 4. Recreational Vehicles or other mobile equipment as defined in Section 1 hereof parked in a garage or carport are not deemed to be in violation of this Article.

Construction Equipment

Section 5. Construction Equipment and/or portable buildings being used in connection with construction located within the Town for which a building permit has been issued and a Certificate of Occupancy not yet issued is deemed not to be in violation of this Article.

Prohibited Occupancy of Recreational Vehicles

Section 6. No person may reside in/or occupy a Recreational Vehicle or other Mobile Equipment as defined in Section 1 hereof within the Town unless the same is located on a duly designated lot zoned for that purpose.

ARTICLE IVB - REGULATIONS REGARDING STREETSIDE MAIL BOXES

Section 1. Any structure occupying property within the Town of Rancho Viejo that receives mail service may locate one mail box per residence at the edge of a street or roadway for the purpose of receiving regularly delivered mail. Said mail box or mail box structure must comply with the following requirements, to-wit:

- a) The height of the mail box and/or structure supporting the same may not exceed Fifty-Six (56") Inches from Grade (see Article XVIII definitions for Grade) And the bottom of the mail box shall be 42" from the ground.

- b) The base or supporting structure housing the mail box must be at least Twelve (12") Inches from the edge of any paved street or roadway.
- c) The mail box and/or mail box structure may not be any wider than Three (3') Feet nor deeper than Three (3') Feet in dimension and a single planter box not to exceed 3' by 3' may be located adjacent to the mail box structure.
- d) The street number address must be displayed on the upper twelve (12") inches of each side of the mail box or mail box structure with three (3") inch reflective numbers which must be maintained on each side facing towards the traveling roadway. When two (2) or more mail boxes are grouped together, the three (3") inch reflective numbers must be on the outer sides of both end boxes, as well as, all boxes must have three (3") inch reflective numbers on the door of each individual mail box. Houses with electrically illuminated house numbers are deemed sufficient for the purpose of this ordinance when clearly visible from the street.
- e) Any mail box that is knocked down must be removed or repaired within 45 days from the date it is knocked down.

Section 2. Any person undertaking to repair, construct or erect a mail box or mail box structure pursuant to this Ordinance must obtain a permit from the Town for which there shall be no charge.

Section 3. Any existing mail box or mail box structure at the time of the passage of this Ordinance (June 13, 1989) that is not in compliance herewith is hereby Grandfathered and may continue to exist and not be deemed in violation of this Ordinance and shall be considered a nonconforming structure. Any existing non-conforming structure that is destroyed, knocked down or which otherwise requires repair, then the same shall be repaired or be re-built in compliance with this Ordinance and shall no longer be considered a non-conforming use.

Section 4. Any mail box installed pursuant hereto or in compliance herewith shall not be considered in violation of any other Ordinances of the Town. No other structure or manufacture of any kind may be installed within the road Right-of-Way.

Section 5. When there is no mail box at an improved property nor electrically illuminated house numbers clearly visible from the street, there must be a permanent sign adjacent to the street not larger than one (1) foot by one (1) foot and placed at right angle to the street with house number address in three (3") inch reflective numbers on each side of the sign.

ARTICLE IVC - REGULATIONS OF ALL ANTENNA DEVICES

Section 1. Any satellite antenna dish or antenna device whose diameter is one (1) meter (39") or less that are designed to receive (1) direct broadcast satellite service, (2) video programming service via multipoint distribution service, or (3) television broadcast signals need not obtain a permit. However, a permit is required for mast and antennas exceeding 12 feet, and any antenna devices whose diameter are greater than One (1) meter.

Section 2. The Building Official or Building Committee of the Town may only issue a permit wherein the applicant demonstrates the following, to wit:

- a) All installations shall meet good engineering and safety practices; and
- b) Comply with all codes and Ordinances of the Town; and
 - 1) If an antenna device whose diameter is greater than One (1) meter is installed in a Single Family Dwelling District or Multi-Family District, it shall be installed in such manner that it will not be visible from a street adjacent to the property on which it is installed or the adjacent neighbor's property or the antenna device shall be screened and/or enclosed so that it is not visible from any street adjacent to the property or the adjacent neighbor's property.

- 2) Antennas whose diameter is greater than one (1) meter but less than two (2) meters may be installed in the Retail District or any other commercial or industrial district that may be established within the Town and it shall be installed in such manner that it will not be visible from a street adjacent to the property on which it is installed or the antenna device shall be screened and/or enclosed so that it is not visible from any street adjacent to the property.
 - 3) If an antenna device whose diameter is greater than two (2) meters is installed in a Retail District or any other commercial or industrial district that may be established within the Town it shall be installed in such a manner that it will not be visible from a street adjacent to the property on which it is installed or the adjacent neighbor's property or the antenna device shall be screened and/or enclosed so that it is not visible from any street adjacent to the property or the adjacent neighbor's property.
- c) Any application for installation of an antenna device pursuant to this Ordinance shall be submitted with an architectural plan showing the placement and construction of the installation and the method of screening, if required.

ARTICLE IVD - FENCE AND WALL REGULATIONS

Section 1. No fence or wall may be constructed or erected within the Town except those that are in compliance with the provisions of this Ordinance.

Section 2. Any fence that is constructed or erected within the Town shall meet the following requirements:

- a) The total fence height including posts or any other attachments may not exceed Six (6') Feet measured to the ground on both sides along the length of said fence, nor shall it exceed Six (6') Feet from the Grade (see Article XVIII Definitions for Grade), which ever is more restrictive.

- b) The fence may contain a base wall which must be constructed of face brick or of masonry material covered with a stucco, that is attached and is compatible with the dwelling or building to which it is appurtenant in terms of its design and material composition, and may not exceed Two (2') Feet in height.
- c) Any portion of a fence that is above Two (2') feet must be constructed of wrought iron, ornamental iron, other decorative metal, or rigid Poly vinyl Chloride (PVC) designed and manufactured for sale as a fence. The PVC must also be formulated to resist impact and be treated for ultra violet (UV) stabilization meeting ASTM D1784. Metal pickets shall be no smaller than One-Half (1/2") inch square or Three-fourths (3/4") inch diameter, except for occasional stabilizing piers which may be built of solid masonry construction to match dwelling. Spacing between pickets shall be no closer than 1 3/4" and not to exceed the Southern Building Code requirements for swimming pools or to not allow a 4" ball to pass thru. The minimum profile dimensions for PVC are as follows:

	CROSS SECTION	WALL THICKNESS	CORNER RADIUS
Posts	4" x 4"	0.140"	11/32"
Rails	1 1/2" x 1 1/2"	0.120"	7/32"
Pickets	7/8" x 1 1/2"	0.160"	3/16"

- d) No fence shall obstruct or interfere with drainage.
- e) No chain link or wood fence will be permitted.

Section 3. Notwithstanding any provision to the contrary contained within the ordinances of the Town, fences erected in compliance with this Article may be built on the side or common property line with the following setback requirements:

- a) No fence may extend to less than Twenty Five (25') Feet from the edge of a street.
- b) Fences parallel to streets must be at least Twenty-Five (25') Feet from the edge of the street or the property line, whichever is more restrictive.

- c) No fence may extend past the front wall of the house or into the front yard setback, whichever is more restrictive.
- d) For property located on waterways and/or resacas, the fence may extend along the side or common property line to the water's edge.
- e) Fences may run parallel to a resaca as long as the same does not exceed Six (6') Feet in height and are constructed in the manner herein provided.

Section 4. Any fence or wall that is constructed or erected to comply with the requirements of the standard Swimming Pool Code shall comply with both the requirements of said Code and this Ordinance.

Section 5. Any wall that is constructed or erected within the Town shall meet the following requirements:

- a) The total wall height including trim or pilasters may not exceed Six (6') Feet when measured to the ground from both sides along the lengths of said wall, nor shall it exceed six (6') feet from the Grade (see Article XVIII Definitions for Grade), which ever is more restrictive.
- b) The wall must be constructed of face brick or of a masonry material covered with stucco that is attached and compatible with the dwelling to which it is appurtenant in terms of its design and material composition.
- c) No wall shall obstruct or interfere with drainage.
- d) Solid wooden gates may be located and permitted in solid masonry walls.

Section 6. Notwithstanding any provision to the contrary contained within the Ordinances of the Town, walls erected in compliance with this Article may be built on the side or common property line with the following setback requirements:

- a) No wall may be permitted to extend more than Ten (10) Feet past a point on the common property line that intersects a line that would be drawn from the rear walls of the two dwellings on the adjoining lots.

- b) If a wall is built on a property line where there is a dwelling on just one of the lots, the wall may extend only Ten (10) Feet past the point where the rear corner of the dwelling closest to the property line would make a line perpendicular to the property line. This would give the future owner a choice in positioning the new dwelling.
- c) Any addition to an existing wall would have to match in material, color and height of existing wall.
- d) Any fence may be connected to and extend past the wall in accordance with the fence regulations.
- e) No wall may extend into the front yard or waterway setback.
- f) A wall must be constructed entirely within the property line of the person building the wall.
- g) Both sides of the wall must be completely finished in a proper and attractive manner.
- h) The owner of the wall must maintain the structural integrity of the wall.
- i) All new vegetation arranged as a sight barrier wall must conform with the fencing and wall requirements except if a solid masonry wall is permitted in an area where vegetation is arranged as a sight barrier wall, it may exceed Six (6') Feet in height.

ARTICLE IVE - SPECIAL REGULATIONS REGARDING STRUCTURES

Masonry Exterior Requirements

Section 1. The exterior walls of the main building constructed on any lot shall be at least Seventy-Five (75%) Percent by area, composed of masonry or masonry veneer said percentage to apply to the aggregate area of all said walls, inclusive of door, window and similar openings. Masonry or masonry veneer includes stucco, ceramic tile, clay, brick, rock and all other materials commonly referred to in the Rio Grande Valley, Texas building community as masonry.

New Construction

Section 2. All buildings within the Town shall be newly erected on the property and no used buildings shall be moved into any property within the Town.

Minimum Size

Section 3. Every single family residence must have a minimum of 1400 square feet of living space under air conditioning and/or heating. Covered porches, car ports, breeze ways or garages are not included in said minimum.

Foundation Requirements

Section 4. All foundations of buildings shall be concrete slabs.

Clothes Lines Prohibited

Section 5. No clothes lines shall be maintained or used on any property within the Town.

Additions of Same Materials

Section 6. Any additions made to existing structures shall be of the same exterior materials as the structure to which the addition is being made.

ARTICLE IV F

Section 1. Prohibited Parking and/or Storage

No vehicle or other mobile equipment of any nature shall be parked, stored, or left to stand on any lot or property except a driveway of any lot located within a B (Single-Family Dwelling), or C (Multi-Family Dwelling, Apartments, Townhouses and Condominiums) District as defined by the Town of Rancho Viejo Zoning Order for more than twenty-four (24) hours. Duly licensed passenger vehicles including pickup trucks are included in this restriction.

Section 2. No Violation

Vehicles or other mobile equipment parked in a driveway, garage, or carport are not deemed to be in violation of this Article.

Section 3. Construction Equipment

Construction Equipment and/or portable buildings being used in connection with construction located within the Town for which a building permit has been issued and a Certificate of Occupancy not yet issued is deemed not to be in violation of this article.

ARTICLE IVG - PERMANENT DETACHED SHADE CANOPY

Section 1. 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. Canopy is to be woven from a fire resistant fiber that has received a class A fire rating. Canopy is to have minimum burst strength of 280 pounds per square inch.

Section 2. Canopy must have a wind resistance up to 90 mph. Canopy must be no higher than 11 feet measured from the ground to its highest point. Canopy must not exceed 450 square feet.

Section 3. 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.

Section 4. This does not include temporary shade covers with temporary being defined as not up for more than seven (7) consecutive days.

Section 5. The permanent detached shade canopy will be permitted in the rear yard only.

ARTICLE V - "A" RECREATIONAL DISTRICT

Section 1. Use Regulations.

(1) The Recreational District may be used for the purpose of operating and maintaining golf courses, swimming facilities, tennis courts, open green areas to serve for open recreational activities, and any other type and form of outdoor recreational activity which does not require structures as an integral part of the activity. Structures may be placed within the recreational district that are direct and integral use of the primary activity, i.e. restrooms, rest areas, and shops that may be a direct support facility to the recreational activity.

(2) Temporary buildings are prohibited within the recreational district except those that are used temporarily for the purpose of constructing and/or improving the recreational areas and shall be removed upon completion or abandonment of construction work within the recreational area.

(3) Parking facilities may be provided within the recreational areas when said parking facilities are for the use and designed primarily for the people patronizing the recreational area.

(4) There shall be no sewerage disposal without water carriage, except Port-A-Cans are permitted on a Golf course.

(5) No structures shall be built in this zone that are located within Two Hundred Feet (200') of a single family lot.

**ARTICLE VI - "B" SINGLE FAMILY DWELLING DISTRICT
REGULATIONS**

Section 1. Use Regulations.

1. A single family residence.
2. Accessory buildings, such as a private garage, bona fide servants' quarters, are to be attached to the main building. Accessory buildings may not be rented.
3. Temporary buildings to be used for construction purposes only and which shall be removed upon completion or abandonment of construction work.
4. Incidental uses: 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 or her 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.

Section 2. Sanitation.

There shall be no sewage disposal without water carriage.

Section 3. Enclosed Garages

A Single family residence is required to have an enclosed garage able to accommodate at least two automobiles. The interior walls of all garages must be finished (i.e. tacked, bedded and painted as a minimum). No garages may be converted to or be used for living purposes. Garages must be maintained for providing off-street parking for at least two automobiles or other vehicles and there must be maintained at all times a minimum interior clearance in the garage of at least Twenty (20') feet in depth and Twenty-Two(22') feet in width.

**ARTICLE VIA - "B-1" TWO FAMILY DWELLING DISTRICT
REGULATIONS**

Section 1. Use Regulations.

1. A two family dwelling structure.
2. Accessory buildings, including a private garage, bona fide servants quarters, not for rent, when the accessory building is directly attached to the main building.
3. Temporary buildings to be used for construction purposes only and which shall be removed upon completion or abandonment of construction work.
4. Incidental uses: 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 or her 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.

Section 2. Sanitation.

There shall be no sewage disposal without water carriage.

Section 3. Enclosed Garages

A two family dwelling structure is required to have an enclosed garage able to accommodate at least three automobiles. The interior walls of all garages must be finished (i.e. tacked, bedded and painted as a minimum). No garage may be converted to or be used for living purposes. Garages must be maintained for providing off-street parking for at least three automobiles or other vehicles.

Section 4. Lot Size

Regardless of any other provision in the Zoning Ordinance or any other ordinance of the Town, the minimum lot size for this district is twelve thousand (12,000) square feet.

Section 5. Minimum Living Area

Regardless of any other provision in the Zoning Ordinance or any other ordinance of the Town, each of the dwelling units must contain at least 1,000 square feet of living area.

ARTICLE VII - "C" MULTIPLE FAMILY DWELLINGS, APARTMENTS, TOWNHOUSES AND CONDOMINIUMS.

Section 1. 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 rental business.
4. Boarding and lodging houses.
5. Hospitals, clinics, convalescent homes, 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 as a business.
8. A church or school, public or denominational, having a curriculum equivalent to a public elementary or high school.
9. Incidental uses: 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 or her 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.

Section 2. Parking Regulations.

(1) Whenever a structure is erected or converted for single family or multiple family dwelling units, two (2) off-street parking spaces shall be provided on the lot for each dwelling unit in the structure.

(2) Private clubs and lodges shall provide off-street parking space in a ratio of one (1) space for each One Hundred (100) square feet of floor area in the lodge or club, exclusive of storage area.

(3) Places of assembly shall provide off-street parking space on the lot sufficient to accommodate One (1) automobile for each four (4) seats.

(4) Churches shall provide one (1) off-street parking space for each four (4) seats.

(5) Schools shall provide one off-street parking space for each Fifteen (15) students plus one (1) each for each teacher.

(6) Hospitals shall provide off-street parking space on the lot sufficient to accommodate one (1) automobile for each Five (5) beds.

(7) Clinics shall provide off street parking at a ratio of one (1) space for each Two Hundred and Fifty (250) square feet of floor space within the structures but in no case shall less than Five (5) off-street parking spaces be provided.

(8) Rooming and lodging houses shall provide off-street parking space at the ratio of One (1) space for each guest for which accommodations are provided.

(9) Condominiums, townhouses, and apartments shall provide two (2) off-street parking spaces for each unit in the building.

Section 3. Sanitation. There shall be no sewage disposal without water carriage. Chemical toilets may be erected on a temporary basis during construction only.

Section 4. Temporary Buildings are not allowed except:

(1) Temporary buildings to be used 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 Twelve (12) months.

ARTICLE VII - "D" MOTEL/CLUB DISTRICT

Section 1. 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 and motels, and which motels and hotels may have such businesses as cafes, barber shop, 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.

(3) Country clubs and private clubs of all nature, and said country club use may include the right to house other businesses that are an integral part of the country club operation.

Section 2. Sanitation. There shall be no sewage disposal without water carriage. Chemical toilets may be erected on a temporary basis during construction only.

Section 3. Parking Regulations. Hotels and motels shall provide one off-street parking space for each guest bedroom in the building.

ARTICLE IX - "E" RETAIL DISTRICT

Section 1. Use Regulation. In an "E" District no land shall be used and no building shall be used or erected for any other use than:

(1) Any use permitted in a "D" District.

(2) Bank, office, studio.

(3) Restaurant, cafe.

(4) Retail store, barber and beauty shops, curio shops.

(5) Dry cleaners, laundromats.

(6) Bakery

- (7) Theaters and drive-in theaters.
- (8) Drug stores.
- (9) Gasoline service stations.
- (10) Post Offices and other governmental buildings.
- (11) Amusement centers.
- (12) Convenience storage facilities - a masonry structure which is partitioned into small sections for the purpose of renting individual storage rooms to individuals or corporations for the purpose of storing belongings but from which there will be no general storage business or warehousing business operated or any other type of business operation.

Section 2. Parking Regulations. All business structures shall provide parking space at a ratio of one space for every One Hundred (100) square feet of floor area.

Section 3. Sanitation. There shall be no sewage disposal without water carriage. Chemical toilets may be erected on a temporary basis during construction only.

ARTICLE X - "F" UTILITY DISTRICT

Section 1. In an "F" District no land shall be used and no building shall be used or converted for any other use than that permitted in an "E" District and it may be used by any utility company for the purposes of maintaining utility facilities such as electrical, water, sewerage, telephone, TV or other types of utilities.

Section 2. If any structures are erected within said utility district, then said structure shall conform to all code requirements.

ARTICLE XI - EXEMPTIONS

There is hereby exempt from this Order all municipal buildings, government buildings, post offices and it is hereby decreed that any such facilities may be located within any district.

ARTICLE XII - NON-CONFORMING USES.

Section 1. Any use of property existing at the time of the passage of this Ordinance that does not conform to the regulations prescribed in the preceding sections of this Ordinance shall be deemed a non-conforming use.

Section 2. The lawful use of land existing at the time of the passage of this Ordinance, although such does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this Order. If a building occupied by a non-conforming use is destroyed by fire or the elements it may not be reconstructed or rebuilt except to conform with the provisions of this Ordinance.

Section 3. The lawful use of the building at the time of the passage of this Order 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 ordinance are made therein. If no structural alterations are made, a non-conforming use of the building may be changed to another non-conforming use of the same or more restricted classification; provided, however, that in the event a non-conforming use of a building is once changed to a non-conforming use of a higher or more restricted classification, it shall not later revert to the former or less restricted classification.

Section 4. The right of non-conforming 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.

Section 5. Nothing in this Order shall be taken to prevent restoration of a building destroyed to the extent of not more than Fifty-One (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.

ARTICLE XIII - ZONING MAP DESIGNATIONS

Section 1. 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.

Section 2. 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.

ARTICLE XIV - COMPLETION OF EXISTING BUILDING

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this Ordinance, and which entire building shall be complete within Six (6) months from date of the passage of this Ordinance. Nothing herein contained shall require any change in plan, construction or designated use of a building for which a building permit has been heretofore issued and which entire building shall be complete within Six (6) months from the date of the passage of this Order. If any amendment to this Order is hereafter adopted changing the boundaries of districts, the provisions of this Order with regard to buildings, or premises existing or buildings under construction or building permits issued at the time of the passage of this Order, shall apply to building or premises existing or buildings under construction or building permits issued in the area affected by such amendment at the time of the passage of such amendment.

ARTICLE XV - CERTIFICATE OF OCCUPANCY AND COMPLIANCE

Section 1. 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 these regulations.

Section 2. Certificates of occupancy and compliance shall be applied for coincident with the application for building permit and shall be used within Ten (10) days after the erection and structural alterations of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Town of Rancho Viejo and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

Section 3. No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy and compliance.

Section 4. Before issuing a permit for a building of 5,000 square feet in area, except one family dwellings, the designer shall be an architect or engineer legally registered under the laws of this State and he shall affix his official seal to said drawings and specifications.

ARTICLE XVI - BOARD OF ADJUSTMENT

Section 1. There is hereby created a Board of Adjustment consisting of Five (5) members each to be appointed by the Board of Aldermen for a term of Two (2) years and removable for cause by the appointing authority. Vacancies shall be filled by appointment by the original appointing authority of a suitable person to serve out the unexpired term of any member whose place on the Board has become vacant for any cause. Four alternates may be appointed and shall serve when requested to do so by the Mayor.

Section 2. The Board is hereby vested with power and authority in appropriate cases and subject to appropriate conditions and safeguards to make such exemptions to the terms of this Ordinance in harmony with its general purpose and intent and in accordance with general and special rules therein contained for the purpose of rendering full justice and equity to the general public.

Section 3. The Board may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this Order. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oath and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent, or failing to vote, indicate such fact and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Board and shall be a public record.

Section 4. Appeals of the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the administrative officer. Such appeal shall be taken within Fifteen (15) days time after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a Notice of Appeal specifying

the grounds thereof. The officer from whom the Appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Section 5. An Appeal shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise, than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

Section 6. The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as, due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by attorney or by agent.

Section 7. The Board of Adjustment shall have the powers provided by Law.

ARTICLE XVII - PENALTY

Section 1. Any person who shall violate any of the provisions of this Zoning Ordinance or any Amendments thereto, 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 up to TWO THOUSAND DOLLARS (\$2,000.00) for each offense, and each day that such violation exists shall be considered a separate offense.

Section 2. The owner or owners of any building or premises or part thereof, where anything in violation of this order shall be placed, or shall exists, any architect, builder, contractor, agent, person and corporation, employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as provided above.

ARTICLE XVIII - DEFINITIONS

The following shall apply in the interpretation and enforcement of this Order, to-wit:

1. Words used in the present tense include the future, words in the singular number include the plural number, the words in the plural number include the singular number; the word "Building" includes the word "Structure"; the word "Lot" includes the word "Plot"; the word "shall" is mandatory and not discretionary.

2. Accessory Building: A subordinate use or building customarily incident to and located on the lot occupied by the main use or building and must be attached to main building.

3. Apartment: A room or suite of rooms in an apartment house or tenement arranged, designed or occupied as the residence of a single family, individual or group of individuals.

4. Apartment House: A building or portion thereof arranged, designed or occupied by three (3) or more families living independently of each other.

5. Boarding House: A building other than a hotel where lodging and meals for Five (5) or more persons are served for compensation.

6. Condominium: A condominium is a dwelling unit.

7. Customary Home Occupations: Occupations ordinarily carried on in a home that are not detrimental or injurious to adjoining property when engaged in by the occupants of the dwelling and used as his or her 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 home occupation, 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.

8. District: A section of the Town for which the regulations governing the area, height and use of buildings are uniform.

9. Dwelling - Multiple: A building used or designed as a residence for Three (3) or more families or households living independently of each other.

10. Dwelling - One-Family: A detached building having accommodations for and occupied by only one family.

11. Dwelling - Two-Family: A detached building for separate accommodations for and occupied as, or to be occupied as, a dwelling for only two families.

12. Family: A family is any number of individuals living together as a single housekeeping unit; as distinguished from a group occupying a boarding house, a lodging house, or both, or hotel as herein defined.

13. Front Yard: An open, unoccupied space on the same lot with a building, between the building and the street extending across the front of the lot.

14. Grade: Whenever "Grade" is referenced as a standard it is measured at the crown of the roadway upon which that property abuts, and taken at midway of the Front Line of a Lot. [Exceptions to this rule are Article IV, Sections 3 and Section 4.]

15. Gross Floor Area: The gross floor area of an apartment house shall be measured by taking outside dimensions of the apartment building at each floor excluding, however, the floor area of basements or attics when not occupied as living quarters.

16. Hotel: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied for hire, in which provisions are not made for cooking in any individual apartment, and in which there are more than Twelve (12) sleeping rooms, a public dining room for the accommodations of more than Twelve (12) guests, and a general kitchen.

17. Institution: A building occupied by a non-profit corporation or non-profit establishment for public use.

18. Lodging House: A building other than a hotel where lodging for Five (5) or more persons is provided for compensation.

19. Lot: Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this order, and having its principal frontage upon a public street or officially approved place.

- (a) Interior - is a lot other than a corner lot.
- (b) Through - a lot having frontage on two (2) parallel or approximately parallel streets.
- (c) Fractional - A portion of a lot that has been cut off of a corner lot, having the side line of an adjacent lot as its rear line and the rear line of the remainder of the corner lot as a side line.
- (d) Front Line - The line of an interior lot which is adjacent to the street. On corner lots it is the prolongation of the front lot line of adjacent interior lots as originally platted.

20. Lot Lines: The lines bounding a lot as defined herein.

21. Lot - Corner: A lot situated at the junction of two or more streets.

22. Non-conforming uses: A building or premises occupied by a use that does not conform to the regulations of the use in the district in which it is situated.

23. Open Space: Area included in any side, rear or front yard of a lot other than the building space which is measured as the outside dimensions of the floor area of the building.

24. Persons: The word "Person" when used in this order shall for the purpose of this ordinance, mean every person, firm, co-partnership, association, partnership, corporation or society; and the term "Person" shall include both singular and plural and masculine shall embrace the feminine gender.

25. Side Yard: An open unoccupied space on the same lot with a building situated between the building and the side line of the lot, and extending through from any street or from the front yard or to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

26. Street: Any public thoroughfare dedicated to the public or use of property owner within the Town.

27. Structural Alterations: Any change in the supporting member of a building such as bearing walls, columns, beams or girders.

28. Townhouse: A Townhouse is a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

ARTICLE XIX - CHANGES AND AMENDMENTS

Section 1. The Board of Aldermen may from time to time amend, supplement, or change by order the boundaries of the Districts or the regulations herein established in the manner provided by law.

Section 2. If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 3. This Ordinance shall be published as required by law.

PASSED, APPROVED and ADOPTED, this the 13th day of March, 1990.*

ATTEST:

/s/ TOWN SECRETARY

/s/ MAYOR

* This Ordinance 18 (Zoning) reflects the Original Ordinance and Amendments by Ordinances 18A, 18C and 18D (passed on March 13, 1990); revised to reflect Ordinance 18E, 18F(8/14/90) and 18G(11/13/90). Also Ordinances 18H(8/13/91); 18I(10/13/92); 18J(7/12/94); 18K(6/20/95); 18M(5/13/97); 18N(8/12/97); 18O(10/14/97); 18P(5/12/98); 18Q(1/12/99); 18R, 18S, 18T (2/9/99), 18U(2/9/99), 18V(10/12/99), 18W(3/14/00), 18X(12/11/01), 18Y (12/10/02) and 18Z(1/14/03)

Additions of Same Materials.....	Page 14
Antenna Devices.....	Page 9
Board of Adjustment.....	Page 24
Boats.....	Page 6
Certificate of Occupancy.....	Page 23
Clothes Line.....	Page 14
Completion of Existing Building.....	Page 23
Definitions.....	Page 26
Docks.....	Page 3
Driveways.....	Page 5
Exemptions.....	Page 21
Fence Regulations.....	Page 10
Finished Floor Grade.....	Page 4
Flagpoles.....	Page 5
Foundation Requirements.....	Page 14
Fountains.....	Page 5
Front Yard Requirements.....	Page 4
Garages.....	Page 17
Gazebo Rules.....	Page 5
Grade	Page 27
Height Limits over Resaca.....	Page 3
Height (Maximum).....	Page 2
Junked Vehicles.....	Page 6
Limitations over Water.....	Page 3
Living Area	Page 14
Lot Coverage.....	Page 3
Mailboxes.....	Page 7
Masonry Exterior Requirements.....	Page 13
Minimum Size.....	Page 14
Motel/Club District.....	Page 20
Multiple Family District.....	Page 18
New Construction.....	Page 13
Non-Conforming Uses.....	Page 21
Parking and Storage.....	Page 14
Penalty.....	Page 25
Play Equipment.....	Page 5
Prohibited Parking and/or Storage.....	Page 14
Rear Yard.....	Page 4
Recreational District.....	Page 15
Recreational Vehicles.....	Page 6
Retail District.....	Page 20
Roof Regulations.....	Page 6
Satellite Dishes.....	Page 9
Seawalls.....	Page 3
Setbacks.....	Page 2
Setbacks over 20 Feet.....	Page 4
Shade Canopy.....	Page 15

Single Family District.....	Page 16
Sixty-Forty Rule.....	Page 3
Swimming Pool and Spas.....	Page 4
Two Family District.....	Page 17
Utility District.....	Page 21
Vegetation	Page 13
Wall Regulations.....	Page 10
Zoning Districts.....	Page 1
Zoning Map.....	Page 22

TABLE OF CONTENTS

Article I Purpose.....Page 1

Article II Zoning Order.....Page 1

Article III Districts and Boundaries.....Page 1

Article IV Regulations and Rules
Applicable to all Districts.... Page 2

Article IVA Recreational Vehicles.....Page 6

Article IVB Streetside Mail Boxes.....Page 7

Article IVC Antenna Devices.....Page 9

Article IVD Fence and Wall Regulations.....Page 10

Article IVE Special Regulations Regarding
Structures.....Page 13

Article IVF Prohibited Parking.....Page 14

Article IVG Permanent Detached Shade Canopy Page 15

Article V "A" Recreational District.....Page 15

Article VI "B" Single Family Dwelling
District.....Page 16

Article VIA "B-1" Two Family Dwelling
District.....Page 17

Article VII "C" Multiple Family Dwellings
Apartments, Townhouses, and
Condominiums.....Page 18

Article VIII "D" Motel/Club District.....Page 20

Article IX "E" Retail District.....Page 20

Article X	"F" Utility District.....	Page 21
Article XI	Exemptions.....	Page 21
Article XII	Non-Conforming Uses.....	Page 21
Article XIII	Zoning Map Designations.....	Page 22
Article XIV	Completion of Existing Building.....	Page 23
Article XV	Certificate of Occupancy.....	Page 23
Article XVI	Board of Adjustment.....	Page 24
Article XVII	Penalty.....	Page 25
Article XVIII	Definitions.....	Page 26
Article XIX	Changes and Amendments.....	Page 29

TOWN OF RANCHO VIEJO

ORDINANCE NO. 18

ZONING ORDINANCE

This is the compilation of the Zoning Ordinance and
all amendments through January 14, 2003

