

ORDINANCE NO. 248

AN ORDINANCE OF THE TOWN OF RANCHO VIEJO, TEXAS AMENDING  
CHAPTER 70, "ZONING" BY AMENDING SECTIONS 70-1, 70-343, AND 70-344  
TO CLARIFY CERTAIN REFERENCES TO A COMPREHENSIVE PLAN,  
PROVIDING FOR AN EFFECTIVE DATE, AND PUBLICATION IN CAPTION  
FORM

WHEREAS, for the for the purpose of promoting the public health, safety, morals, or general welfare, pursuant to the authority granted by Chapter 211 of the Texas Local Government Code, the Town of Rancho Viejo, Texas has enacted a set of zoning regulations known as the Town of Rancho Viejo Zoning Order, codified as Chapter 70 of the Town of Rancho Viejo Code of Ordinances; and

WHEREAS, the Town of Rancho Viejo Code of Ordinances form a comprehensive scheme designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements, all as provided for in Section 211.004 of the Texas Local Government Code; and

WHEREAS, Chapter 213 of the Texas Local Government Code, allows but does not require municipalities to exercise additional authority over long-range development through the adoption of a "Comprehensive Plan" which addresses such matters as land use, transportation, and public facilities; and

WHEREAS the Town of Rancho Viejo has not currently adopted a "Comprehensive Plan" within the meaning of Chapter 213, although the Zoning Order has been enacted to fully meet the requirements of comprehensive planning under Chapter 211; and

WHEREAS as a result certain references in the Town of Rancho Viejo Zoning Order create confusion about whether they refer to the type of plan described in Chapter 213.

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

Section 1: Section 70-1, "Purpose," of the Town of Rancho Viejo Zoning Order is amended to read as follows:

*The zoning regulations and districts as herein established have been made to enact a comprehensive, coherent, and logical zoning scheme in accordance with the powers granted by Chapter 211 of the Texas Local Government Code, for the purpose of promoting health, safety, peace, morals and the general welfare of the town. 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; and 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.*

Section 2: Section 70-343 of the Town of Rancho Viejo Zoning Order is amended to read as follows:

*Any application for a specific use permit must be made pursuant to the specific use permit application form attached to Ord. No. 205 as Exhibit 1 and incorporated herein by reference. The board of aldermen and the planning and zoning commission shall only approve a request for a specific use permit after they have each determined, after a public hearing, that the use or uses allowed will not be detrimental to the neighborhood around the area of request or to the town, as a whole, or the general and comprehensive scheme for the health, safety, peace, morals, and the general welfare of the town as set forth in this zoning order. Furthermore, in the course of considering any application for a specific use permit, the board of aldermen shall not grant any such application until the planning and zoning commission has made a final recommendation on the advisability of said permit, and has had an opportunity to propose necessary regulations to accompany said permit.*



*The board of aldermen and the planning and zoning commission may require from the applicant any plans, including but not limited to site plans, information, operational data, and expert evaluation concerning the location, function, and characteristics of the proposed use or building.*

Section 3: Section 70-344 of the Town of Rancho Viejo Zoning Order is amended to read as follows:

*The board of aldermen when awarding a specific use permit, and the planning and zoning commission when making a final recommendation concerning an application for a specific use permit, shall establish conditions and regulations, in addition to those of the base zoning district, necessary to comply with the general and comprehensive purposes and goals of this Chapter, for the health, safety, peace, morals, and the general welfare of the Town of Rancho Viejo, Texas.*

Section 4: The Code of the Town of Rancho Viejo, as amended, shall remain in full force and effect, save and except as amended by this ordinance. Nothing in this ordinance is intended to limit the comprehensive applicability of the Town of Rancho Viejo Zoning Order or otherwise impair its effectiveness under state law.

Section 3: Any fines or penalties imposed by the Code of the Town of Rancho Viejo for violation of Chapter 70, shall continue to apply to the sections amended herein.

Section 4: If any section, paragraph, sentence, clause, phrase, or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

Section 5: It is hereby found and determined that the meeting at which this ordinance was passed was open to the public, as required by Chapter 551 of the Texas Government Code, and that advance public notice of the time, place, and purpose of said meeting was given.

Section 6: This ordinance shall be published and become effective in accordance with state law.

Section 7: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

PASSED, ADOPTED, AND APPROVED on this 9th day of November 2021.

  
Maribel Guerrero, Mayor

ATTEST:

  
Fred Blanco, Town Administrator

