

**NOTICE OF MEETING  
CITY OF SOUTH PADRE ISLAND  
PLANNING AND ZONING COMMISSION**

**NOTE: One or more members of the City of South Padre Island City Council may attend this meeting; if so, this statement satisfies the requirements of the OPEN MEETINGS ACT.**

NOTICE IS HEREBY GIVEN THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, WILL HOLD A REGULAR MEETING ON:

**THURSDAY, SEPTEMBER 17, 2015**

3:00 P.M. AT THE MUNICIPAL BUILDING,

CITY COUNCIL CHAMBERS, 2<sup>ND</sup> FLOOR

4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS

1. Call to Order.
2. Pledge of Allegiance.
3. Public Comments and Announcements:
4. Approval of the August 20, 2015 Regular Meeting Minutes.
5. Public Hearing regarding revision of the Section 20-8.1 Appendix "Z" Padre Boulevard and Entertainment District Code to add "**Northern Resort District Character Zone**".
6. Discussion and action regarding revision of the Section 20-8.1 Appendix "Z" Padre Boulevard and Entertainment District Code to add "**Northern Resort District Character Zone**".
7. Public Hearing regarding amendments to the **Shores PDD**.
8. Discussion and action regarding amendments to the **Shores PDD**.
9. Public hearing regarding **parking regulations** in Chapter 20 Zoning.
10. Discussion and action **regarding parking** regulations in Chapter 20 Zoning.
11. Public Hearing regarding rezoning of Veranda Condominium from **District "E"** (Low Density Residential – Single Family and Townhouse Dwelling District) to **District "B"** (Multiple family dwellings, apartments, motel, hotel, condominium, townhouse district).
12. Discussion and action regarding rezoning of Veranda Condominium from **District "E"** (Low Density Residential – Single Family and Townhouse Dwelling District) to **District "B"** (Multiple family dwellings, apartments, motel, hotel, condominium, townhouse district).
13. Adjournment.

DATED THIS THE 11<sup>TH</sup> DAY OF SEPTEMBER 2015

  
Susan Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFIED THAT THE ABOVE NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRECT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD AT CITY HALL/MUNICIPAL BUILDING ON **SEPTEMBER 11, 2015** AT/OR BEFORE 1:15 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.



  
Susan Hill, City Secretary

THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL, JAY MITCHIM; ADA DESIGNATED RESPONSIBLE PARTY AT (956)761-8103

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES  
AUGUST 20, 2015**

**1. Call to Order.**

Patrick McNulty called the meeting to order at 3:00 p.m. in the City Council Chambers on the Second Floor of the Municipal Complex Building: 4601 Padre Boulevard and declared a quorum of members present. Commission members in attendance were: Russell Judah, Gary Olle, Patrick McNulty, Robert Bujanos, Beth Vance, and Chris Huffman. Member with an unexcused absence was Kori Marra. Staff members present were Public Works Director Armando Gutierrez and Marta Martinez.

**2. Pledge of Allegiance.**

Mr. McNulty led those present in the Pledge of Allegiance.

**3. Public Comments and Announcements.**

None

**4. Approval of the July 16, 2015 Regular Meeting Minutes.**

Mr. McNulty announced the item from the agenda and asked the Commission members if they had any corrections to the July 16, 2015 regular meeting minutes. Mr. Bujanos made a motion to approve the minutes as submitted. Mr. Judah seconded the motion. The motion carried unanimously.

**5. Discussion and action regarding the proposed "Replat of "Lots 25 Block 20, the Shores Subdivision, Marina Village Phase, Section 2, South Padre Island, TX to subdivide the land into "Lots 1 through 15".**

Mr. McNulty announced the item from the agenda and asked for a staff report. Mr. Gutierrez gave a brief summary regarding the proposed Replat of Lot 25 Block 20, the Shores Subdivision, Marina Village Phase, Section 2, to subdivide the land into "Lots 1 through 15".

Mr. McNulty then opened it up for discussion by the Commission. The Commissioners expressed their comments/concerns regarding this matter. After some discussion Mr. Olle made a motion to approve the Replat. Mr. Huffman seconded the motion. The motion carried unanimously.

Mr. Judah mentioned that Kimley-Horn Transportation consultant gave a report at the August 19, 2015 City Council Workshop. Mr. Judah then stated that the report didn't involve any roads north of the Shores; the workshop involved proposed medina locations and proposed cross section.

**6. Adjournment**

Since the Commission had no further business to discuss, Mr. McNulty adjourned the meeting at 3:09 p.m.

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Marta Martinez, Secretary

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Patrick McNulty, Chairman

<p>PLANNING &amp; ZONING COMMISSION AGENDA REQUEST FORM</p>
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MEETING DATE: September 17, 2015

ITEM: 5 & 6

TO: Planning and Zoning Commission

FROM: Sungman Kim, Director of Development Services

**ITEM DESCRIPTION:**

Discussion and action regarding revision of the Section 20-8.1 Appendix "Z" Padre Boulevard and Entertainment District Code to add "**Northern Resort District Character Zone**".

**DISCUSSION:**

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**The Issue**

1. In the past, there were lengthy discussion with CAB Partners LP to annex Pinnell properties located in the north of the City boundaries. The discussion was fruitful until the description of "Northern Resort District Character Zone" was drafted;
2. On April 3, 2013, the City Council added "Northern Resort District Character Zone" to the form-based code by **Ordinance No. 13-07**;
3. The annexation efforts went nowhere and the form-based code had not been updated;
4. On July 1, 2015, the form-based code was revised by **Ordinance No. 15-8** and the "Northern Resort District Character Zone" was not included in the revision;
5. The City is currently working on to annex 350-acre Pinnell property in the north and the annexation is anticipated to be completed by November 18, 2015; and
6. This is an effort to correct the scrivener's error by re-adopting "Northern Resort District Character Zone" back to the form-based code.

**Development Standards Review Task Force**

DSRTF recommended unanimously the Planning and Zoning Commission approve the proposed amendment (re-adoption of Ordinance No. 13-07).

**Staff Recommendation**

Staff recommends Development Standards Review Task Force review the proposed amendment and approve its recommendation to the Planning & Zoning Commission.  
*(Please see pages 11, 13-15, and 25-26 of the attached form-based code)*

**COMMISSION ACTION:**

MOTION:

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BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_

ORDINANCE NO. 13-07

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND PERTAINING TO ZONING AND ADDING SEC. 20-8.10, "NORTHERN RESORT DISTRICT 'NRD' CHARACTER ZONE" AND AMENDING APPENDIX Z OF THE PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF TWO THOUSAND DOLLARS (\$2000.00) FOR ANY VIOLATION; AND PROVIDING FOR PUBLICATION IN CAPTION FORM.

WHEREAS, the City Council has indicated a need to annex north of our current existing city limits; and

WHEREAS, a new character zone needs to be created to ensure property development occurs in a proper and consistent manner,

WHEREAS, the Northern Resort District "NRD" Character Zone guidelines and regulations have been developed and approved by the Planning and Zoning Commission and the Development Standards Review Task Force; and

WHEREAS, City Council, as required by Sec. 20-18(c), held a public hearing on the proposed amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:

**Section 1.** Chapter 20 of the Code of Ordinances of the City of South Padre Island is amended to add the following:

**"Sec. 20-8.10. Northern Resort District "NRD" Character Zone**

Intent: The Northern Resort District "NRD" Character Zone building form and development standards are intended to provide for more flexible, market-based development vision that balances pedestrian orientation with auto oriented development. Development standards in this district are intended to focus on establishing specific criteria under which developers could propose alternative and unique standards to implement a more market-responsive project, which contributes to and enhances the general seaside resort character of the district.

Generally, this district may accommodate a wide range of commercial (retail, entertainment, restaurant and office), lodging, and residential uses. Given the availability of undeveloped land along this section, there is more flexibility within this Character Zone for applicants to propose alternative development options.

The code governing the development of projects within this zone is incorporated herein as Appendix "Z" Padre Boulevard and Entertainment District Code, heretofore adopted and hereby amended to add section 6.8 to Article VI." (A true and correct copy is hereby attached as Exhibit "A," entitled Northern Resort District.)

**Section 2.** This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

**Section 3.** Any violation of the above amended section of Chapter 20 of the Code of Ordinances of the City of South Padre Island may be punished by a fine not to exceed two thousand Dollars (\$2000.00) for each offense or for each day such offense shall continue and the penalty provisions of Section 21-2 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

**Section 4.** If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**Section 5.** This Ordinance shall become effective when published in caption form.


PASSED, APPROVED AND ADOPTED on First Reading, the 20<sup>th</sup> day of March, 2013.

PASSED, APPROVED AND ADOPTED on Second Reading, the 3rd day of April, 2013.

ATTEST:

CITY OF SOUTH PADRE ISLAND, TEXAS

  
SUSAN HILL, CITY SECRETARY

  
JO ANN EVANS, MAYOR PRO-TEM



# PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE NORTHERN RESORT DISTRICT CHARACTER ZONE

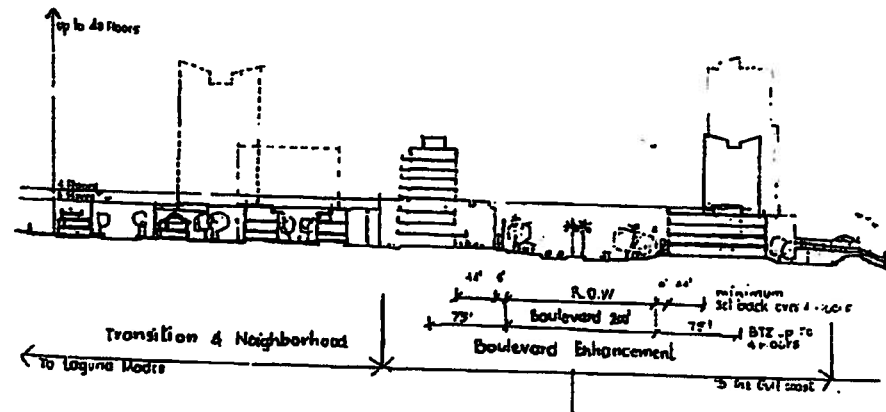
## 6.X Northern Resort District

### 6.X.1 Illustrations and Intent

*Note: The descriptions and illustration on this page are provided as an illustration of intent. The statements on this page are advisory only, and do not have the power of law. Refer to the standards on the following pages for the specific Building Form and Development Standards.*

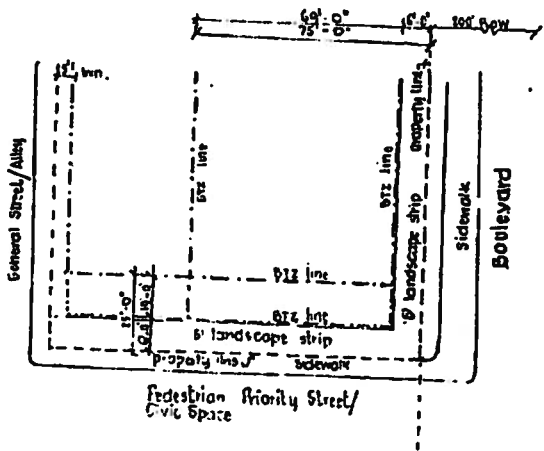
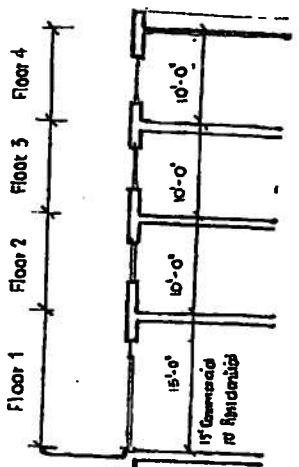
The "Northern Resort District Character Zone" building form and development standards are intended to provide for the implementation of a flexible, multi-use, market-based concept which establishes the relationship and character of both Gulf beachfront properties on the east of SPH 100 (Padre Boulevard extension) and the properties on the west of SPH 100 (Padre Boulevard extension) fronting on to the Laguna Madre. The standards are intended to allow individual developers to establish unique and site specific criteria for their individual properties in a way which contributes to and enhances the general seaside resort character of the district.

The "Northern Resort District Character Zone" as a whole may accommodate a wide range of the land uses in response to appropriate market demand. The uses would include but not be limited to commercial, residential, entertainment, recreation, hospitality and other tourism related activities.



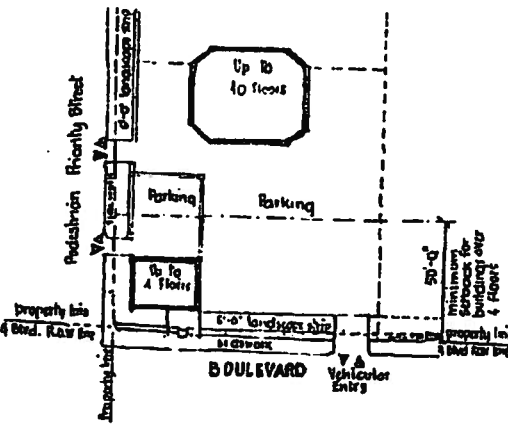
# **PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE NORTHERN RESORT DISTRICT CHARACTER ZONE**

Exhibit A

<p><b>6.X.2 Building Placement (see #8)</b></p> 	<p><b>(i) Build-To-Zone (see #8)</b></p> <table><tr><td>Front- Pedestrian Priority Street / Civic Space</td><td>5 - 25' (see #1, #8 and #9)</td></tr><tr><td>Front- Boulevard</td><td>10-75' (see #1 and #8))</td></tr><tr><td>Front- General Street</td><td>None</td></tr></table> <p><b>(ii) Setback (from the property line/ROW)</b></p> <table><tr><td>Front- Pedestrian Priority Street / Civic Space</td><td>5' (min) (see #9)</td></tr><tr><td>Front- Boulevard</td><td>10' (min) (See#8)</td></tr><tr><td>Front- General Street</td><td>5' (min)</td></tr><tr><td>Side or Rear (distance from Property line)</td><td>0' (see #2)</td></tr></table>	Front- Pedestrian Priority Street / Civic Space	5 - 25' (see #1, #8 and #9)	Front- Boulevard	10-75' (see #1 and #8))	Front- General Street	None	Front- Pedestrian Priority Street / Civic Space	5' (min) (see #9)	Front- Boulevard	10' (min) (See#8)	Front- General Street	5' (min)	Side or Rear (distance from Property line)	0' (see #2)	<p><b>Notes</b></p> <p>#1- For buildings fronting on to the Boulevard and Pedestrian Priority Streets the area between the property line and the building shall include a 6ft wide (min) landscaping strip with street trees or shrubs planted at 40ft centers (average), except at street intersections, where paving is optional up to 25ft along the building façade along each street frontage. Species of appropriate street trees or shrubs shall be selected from the planting List in Appendix 8 of the PBED Code.</p> <p>#2- side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.</p> <p>#3- Attics and mezzanines less than 7ft (average) in height shall not be counted as stories.</p> <p>#4- Floor to floor heights shall not apply to parking structures.</p> <p>#5- corner buildings up to 4 stories located on the boulevard frontage may exceed the maximum building height by 25% for 20% of the building frontage along each corresponding street façade .See Section 8.1.1(v) of PBED Code.</p> <p>#6- Alternative development proposals may be considered within the Northern Resort District Character Zone as Special Development Plans (SDPs) per Section 3.2.5 of the PBED Code.</p> <p>#7- Along all streets except alleys, parking and service areas shall be defined by a Street Screen that is at least 4ft or as high as the service equipment being screened. Required Street Screens shall be of either the same building material as the principal structure on the lot or masonry or a living screen composed of shrubs planted to be opaque at maturity. The required street screen shall be located in the landscape area along the corresponding frontage. Parking shall incorporate landscape areas with one shade tree for each 8 parking spaces. Plant species shall be selected for the Planting List in Appendix 8 of the PBED Code</p> <p>#8- Buildings on lots with at least 50% of their width fronting on either side of the Boulevard ROW may exceed the four story height limit up to a maximum of 40 stories providing that that portion of the façade facing the Boulevard which is above 4 stories is located a minimum of 50 ft from the property line that is the limit of the ROW of the Boulevard. The BTZ will not apply to buildings in excess of 4 stories.</p> <p>#9- Pedestrian Priority Streets and General Streets do not yet exist in the Zone, and are to be designated by the developer if and as they are developed. Due to the limited space between the Boulevard and the Beach on the East side of the Boulevard, it is anticipated that any and all streets other than the Boulevard will be General Streets.</p>
Front- Pedestrian Priority Street / Civic Space	5 - 25' (see #1, #8 and #9)															
Front- Boulevard	10-75' (see #1 and #8))															
Front- General Street	None															
Front- Pedestrian Priority Street / Civic Space	5' (min) (see #9)															
Front- Boulevard	10' (min) (See#8)															
Front- General Street	5' (min)															
Side or Rear (distance from Property line)	0' (see #2)															
<p><b>6.X.4 Height Standards</b></p> 	<p><b>Principal Building Standards</b></p> <table><tr><td>Building Max</td><td>4 stories (max) (see #3, #5 and #8)</td></tr><tr><td>First Floor to Floor height</td><td>Commercial 15' (min) Residential 10' (min)</td></tr><tr><td>Upper Floor to Floor height</td><td>10' (min)</td></tr><tr><td>Ground Floor finish level</td><td>Boulevard frontage buildings shall Meet the standards in Section 4.3.2 All other commercial ready frontages up to four stories, 12 inches max above the base flood zone height</td></tr></table> <p><b>6.X.5 Frontage Requirements</b></p> <p>(i) Commercial Frontage Standards – ground floors of all buildings fronting on the Boulevard and Pedestrian Priority streets shall be built to Commercial Ready standards including first floor –to-floor height , ingress and egress and handicap access. This standard will not apply to civic buildings.</p> <p>(ii) Main Street Frontage Standards – standards in section 4.3.1 shall apply.</p> <p>(iii) No less than 40% of building frontage is to be located in applicable BTZ.</p>	Building Max	4 stories (max) (see #3, #5 and #8)	First Floor to Floor height	Commercial 15' (min) Residential 10' (min)	Upper Floor to Floor height	10' (min)	Ground Floor finish level	Boulevard frontage buildings shall Meet the standards in Section 4.3.2 All other commercial ready frontages up to four stories, 12 inches max above the base flood zone height							
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M Padre Island Association, City

# PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE NORTHERN RESORT DISTRICT CHARACTER ZONE

6.X.6 Parking and Service Access	(i) Parking Location	Notes
	Surface / At Grade Parking	
	Pedestrian Priority Street / Civic Space / Boulevard setback	#10- For buildings four stories or less, on the West side of the Boulevard, surface / at grade parking shall be located behind the building or Min. 3 feet behind the building façade along Pedestrian Priority Streets or the Boulevard
	General Street Setback	Min. of 10 feet behind the property line along that street (See #7 and #10)
	Side and Rear setback (distance from Property line)	Min. of 3 feet behind the property line along
		0' min (see #2 and 6.X.7(ii))
6.X.8 Façade Elements	(ii) Required Off Street Parking Spaces	6.X.7 Other Standards
<p>(i) Doors and Windows</p> <ol style="list-style-type: none"> <li>For all buildings of up to 4 floors with facades facing on to the Boulevard or Pedestrian Priority Streets there shall be no blank walls greater than 40ft in width on the ground floor facade of any building</li> <li>Doors and windows on the ground floor of any building shall comprise a minimum of 20% of the façade.</li> <li>Primary entrance doors of all buildings shall be facing civic spaces, the Boulevard or Pedestrian Priority Streets</li> <li>Windows and doors on facades directly facing towards a lot line shared with any single family residential lot and less than 10ft from the lot line shall have sills higher than 6ft on the ground floor unless a privacy fence (masonry or vegetative) or wall of at least 6 ft in height is constructed to obscure any direct views into adjacent properties.</li> <li>for all buildings over 4 floors located more than 50ft from the property line facing the Boulevard or Pedestrian Priority Streets window and doors shall be designed in accordance with mandatory PBED Code architectural styles.</li> </ol>	Non- residential uses	Min. 1 space / 300 SF (gross)
	Residential Uses	1.5 spaces / unit
	Lodging Uses	0.75 spaces / lodging room
	(ii) Driveways and Service Areas	(iii) Neighborhood Transitions:
	Parking Driveway width	1. A Neighborhood Transition Zone shall be established on all Highway Frontage Sites at 25' parallel to any lot line that is common with a single family residential lot.
	<ol style="list-style-type: none"> <li>Driveways on lots having more than 250' Boulevard frontage may be located on the Boulevard in accordance with TXDOT standards. Off street loading and unloading shall not be located on the Boulevard or Pedestrian Priority Streets.</li> <li>Porte cocheres may be permitted on the Boulevard and Pedestrian Priority Streets to provide drop off and valet service.</li> <li>Shared Driveways and cross access agreements shall be required between lots to minimize curb cuts on properties on the Boulevard with less than 250' frontage.</li> </ol>	2. Building height within this Neighborhood Transition Zone shall not exceed 3 floors. This standard shall apply to any parking structures located within the Neighborhood Transition Zone.
		3. A privacy fence (masonry or opaque vegetative) of a 6' height shall be required when abutting a single family residential lot and shall be optional for all other adjacencies.



# AFFIDAVIT OF PUBLICATION

STATE OF TEXAS )  
COUNTY OF CAMERON )

Before me, the undersigned, a Notary Public in and for  
Cameron County, Texas, personally appeared

**AURELIO QUIROGA**

known to me to be Representative of The Port Isabel-South  
Padre Press, who solemnly swears that the attached is a true copy  
of the publication appearing in said newspaper, a semi-weekly,  
published in the City of Port Isabel, Cameron County, Texas,  
continuously for more than one year, and that said publication  
appeared on the following dates:

April 11 20 13  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

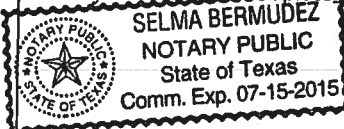
Port Isabel-South Padre Press

By: [Signature]  
Newspaper Representative

Signed [Signature]  
Notary Public in and for  
Cameron County, Texas

Dated at Port Isabel, Texas April 22 20 13

My Commission Expires **JULY 15, 2015**



(Seal)

**NOTE:**

costs of this publication excluding Notary fee totals the sum of  
\$ \_\_\_\_\_, which is now payable to

**THE PORT ISABEL-SOUTH PADRE PRESS**  
Port Isabel, Texas 78578

**ORDINANCE NO. 13-07**

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS,  
AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES OF THE  
CITY OF SOUTH PADRE ISLAND PERTAINING TO ZONING AND  
ADDING SEC. 20-8.10, "NORTHERN RESORT DISTRICT 'NRD' CHARACTER  
ZONE" AND AMENDING APPENDIX Z OF THE PADRE BOULEVARD  
AND ENTERTAINMENT DISTRICT CODE; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING  
ORDINANCES; PROVIDING FOR A PENALTY OF TWO THOUSAND  
DOLLARS (\$2000.00) FOR ANY VIOLATION; AND PROVIDING FOR  
PUBLICATION IN CAPTION FORM.

PASSED, APPROVED AND ADOPTED on First Reading, this 20th day of March, 2013.  
PASSED, APPROVED AND ADOPTED on Second Reading, this 3rd day of April, 2013.

ATTEST: **CITY OF SOUTH PADRE ISLAND, TEXAS**  
Susan Hill, City Secretary Robert N. Pinkerton, Jr., Mayor

**ORDINANCE NO. 15-**

**AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 20 ZONING ORDINANCE, SECTION 20-8.1 APPENDIX "Z" PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE, BY ADDING THE INTENT OF ESTABLISHING 4.2.9 NORTHERN RESORT DISTRICT TO SUBSECTION IV; REVISING TABLE 5.1 – SCHEDULE OF USES IN SUBSECTION V; ADDING 6.8 NORTHERN RESORT DISTRICT CHARACTER ZONE TO SUBSECTION VI; ADDING A NEW ZONING CLASSIFICATION "NRD" NORTHERN RESORT DISTRICT CHARACTER ZONE TO SUBSECTION 20-4 OF CHAPTER 20; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH VIOLATION; PROVIDING FOR THE EFFECTIVE DATE; AND AUTHORIZING PUBLICATION IN CAPTION FORM.**

**WHEREAS**, the City of South Padre Island has heretofore adopted the Padre Boulevard and Entertainment District Code ("Form-Based Code"), which was incorporated into Chapter 20 (Zoning) of the Code of Ordinances; and

**WHEREAS**, the City Council adopted Northern Resort District Character Zone and amended the Form-Based Code by Ordinance No. 13-07; and

**WHEREAS**, the staff missed the Ordinance No. 13-07 when the City Council revised the Form-Based Code on July 1<sup>st</sup>, 2015 by Ordinance No. 15-08; and

**WHEREAS**, the City Council finds that the Form-Based Code should be amended to correct the scrivener's error; and

**WHEREAS**, The City has complied with the requirements of Sec. 20-18 of the Code of Ordinances (Zoning) to amend Chapter 20;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:**

**Section 1.** The Section 20-8.1 Appendix "Z" Padre Boulevard and Entertainment District Code of Chapter 20 Zoning is hereby amended as depicted in Exhibit "A" attached hereto.

**Section 2.** The zoning classification "NRD" Northern Resort District Character Zone is hereby added to Section 20-4 of the Chapter 20 Zoning and restated in its entirety to read as follows:

#### **Sec.20-4 Districts.**

For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, alteration, moving or use of buildings, structures or land, all lands within the corporate limits of the City are hereby divided into districts with their respective classification as follows:

"A"	Single family dwelling district	"TCC"	Town Center Crossing
"E"	Low Density Residential—Single Family and Townhouse Dwelling District	Character Zone	
"B"	Multiple family dwellings, apartments, motel, hotel, condominium, townhouse district.	"PBN"	Padre Boulevard North
"B-2"	Residential and Multi-Family Dwelling District	Character Zone	
"C"	Business District Fire Zone	"PBS"	Padre Boulevard South
Appendix "Z"	Padre Boulevard and Entertainment District Code	Character Zone	
"BF"	Bayfront Character Zone	"PBC"	Padre Boulevard Central
"EDC"	Entertainment District Core Character Zone	Character Zone	
"NC"	Neighborhood Crossing Character Zone	"NT"	Neighborhood Transition
		Character Zone	
		<u>"NRD" Northern Resort District</u>	
		<u>Character Zone</u>	
		"PDD"	Planned Development District
		"D"	Resort area district
		"D-1"	Resort Area District
		"D-2"	Park District

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. 11-15]

**Section 3.** This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

**Section 4.** Any violation of the above mentioned section of Chapter 20 of the Code of Ordinances of the City of South Padre Island may be punished by a fine not to exceed two thousand Dollars (\$2000.00) for each offense of for each day such offense shall continue and the penalty provisions of Sections of Section 21-2 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

**Section 5.** If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**Section 5.** This Ordinance shall become effective when published in caption form.

PASSED, APPROVED AND ADOPTED on First Reading, the \_\_\_\_ day of \_\_\_\_ 2015.

PASSED, APPROVED AND ADOPTED on Second Reading, the \_\_\_\_ day of \_\_\_\_ 2015.

ATTEST:

CITY OF SOUTH PADRE ISLAND,  
TEXAS

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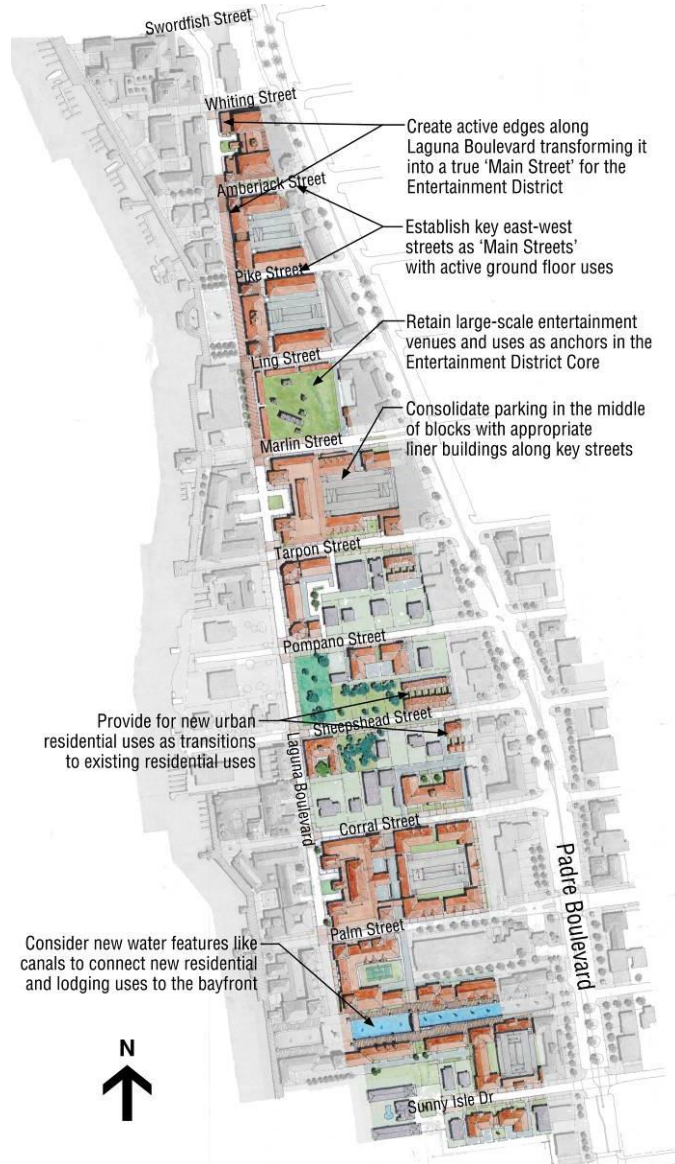
SUSAN HILL, CITY SECRETARY

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BHARAT R. PATEL, MAYOR

## EXHIBIT "A"

### SECTION 20-8.1 APPENDIX "Z" PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE



# Padre Boulevard and Entertainment District Form-Based Code

September, 2015

Originally Prepared by  
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## I. Introduction

### 1.1 Authority

This Padre Boulevard and Entertainment District Code (hereinafter, “the PBED Code”) is enacted as one of the instruments for implementing the public purposes and objectives of the adopted City of South Padre Island Comprehensive Plan and the Padre Boulevard and Entertainment District Plan. The Code is declared to be consistent with the Comprehensive Plan, and except as noted herein, supplants the application of all provisions of the City of South Padre Island City Ordinance as it pertains to land within the boundaries of the Padre Boulevard Corridor and Entertainment District (hereinafter, “the Corridor”) prior to the effective date of this PBED Code.

### 1.2 Purpose & Intent

The purpose of the PBED Code is to support economic development and reinvestment along this commercial corridor and within the dedicated entertainment district. Along Padre Boulevard, the PBED Code implements specific development nodes with a pedestrian-oriented mix of uses with convenient access between area neighborhoods and beach front, housing and neighborhood retail services. The intent is to revitalize Padre Boulevard to be an attractive, vibrant commercial corridor in the community, and to develop the Entertainment District into a walkable, mixed-use regional destination. Therefore, the goals of the PBED Code are to promote and provide a more functional and attractive community through the use of recognized principles of urban design and allow property owners flexibility in land use, while prescribing a higher level of detail in building design and form.

The followings are the basic concepts for new urbanism and smart growth leading into the purpose and intent of this code:

- 1.2.1 Create walkable neighborhoods (building frontage and parking backyard);
- 1.2.2 Encourage compact building design and mixed use;
- 1.2.3 Establish a strong sense of place;
- 1.2.4 Cluster developments and conserve open space;
- 1.2.5 Provide multi-modal transportation; and
- 1.2.6 Facilitate uses within walkable distance.

### 1.3 Economic Development

The Corridor and corresponding standards are created to support economic development, sustainable tax base, and job creation by establishing adjacency predictability of private development that supports and leverages public and private investment in and around Padre Boulevard and the Entertainment District.

### 1.4 Establishment of Specific Development Standards

The PBED Code implements the vision for the Corridor as established in the Regulating Plan (a part of the Zoning District Map; See Sec.20-5). The Regulating Plan shall provide general guidance to property owners, developers, and the City on the form, character, and intensity of future development within key locations along the corridor. Creation of different Character Zones within the Corridor enables specific site and locational standards to be enumerated and applied. Clear graphic standards are provided for location, height, and building elements. Such standards promote adjacency predictability, flexibility in land use, walkable mixed-use development, transitions to existing neighborhoods, and transportation choice.

## II. Components of the PBED Code

### 2.1 The Regulating Plan (Zoning District Map)

The Regulating Plan for the Corridor shall be the official zoning map. It shall establish the development standards for all lots within the Corridor including:

2.1.1 Character Zones – The Corridor is distinguished into different “Character Zones”. Each Character Zone is intended to create a distinct urban form different from other Character Zone. Each Character Zone shall establish use and building standards including height, bulk, building and parking location, and functional design. The Regulating Plan classifies all lots with the Corridor into one of eight Character Zones.

2.1.2 Special Frontage Standards – Special Frontage Standards establish exceptions and/or special conditions for all buildings along designated streets. Special Frontage Standards shall apply in addition to the underlying Character Zone standards.

2.1.3 Street Designations – The Street Designations on the Regulating Plan include Pedestrian Priority Street, the Boulevard, and General Streets within the Corridor.

2.1.4 Required and Recommended Civic Space - The Required and Recommended Civic Space indicates where Paseos and Plazas are to be established to implement the vision for the Corridor.

## 2.2 Development Standards

The PBED Code (the text portion of this Code) enumerates the development standards with text and graphics for Character Zones, Schedule of Uses, Special Frontage Standards, building form, landscape, building design, architectural style, sustainability, signage, streetscape and lighting standards within the Corridor.

## 2.3 Using This Code

The following basic steps should be followed to determine the uses and development standards applicable on property within the Padre Boulevard Corridor zoning district:

2.3.1 Review the Table 3.1 to evaluate the applicability of the PBED Code based on scope of the proposed development.

2.3.2 Locate the subject property on Padre Boulevard and Entertainment District Corridor Regulating Plan (a part of the Zoning District Map).

2.3.3 Identify on the Regulating Plan:

- (i) the Character Zone in which the property is located;
- (ii) the Street Designation along all its street frontages;
- (iii) any Special Frontage Standards that may be applicable to the subject property and,
- (iv) any civic space designations that may be applicable to the subject property.

2.3.4 Review the Schedule of Uses by Character Zone as listed in Table 5.1 to determine allowed uses.

2.3.5 Examine the corresponding zone standards in the Building Form and Development Standards in Section VI to determine the applicable development standards and Section IV for any Special Frontage standards that apply.

2.3.6 Refer to Section VIII for Signage Standards and also Padre Boulevard and Entertainment District Design Guidelines for Building Design Standards, Architectural Style Standards, Sustainability Standards that may apply to the development, and Open Space Standards.

The information organized within the above listed steps explains where the building will sit on the lot, the limits on its three dimensional form, the range of uses, and the palette of materials that will cover it. For more specific



dimensions and standards applicable to a particular property, consult with city staff.

### III. Administration

#### 3.1 Applicability

3.1.1 All uses and buildings on all land within the Padre Boulevard Corridor zoning classification shall conform exclusively to this PBED Code. Table 3.1 shall determine which sections of the code apply to any proposed development based on the type and scope of the proposed development.

Table 3.1 Padre Boulevard and Entertainment District Code Applicability Matrix

Code Section	Land Use Matrix	Building Form - Placement	Building Form - Height	Building Form - Parking & Service	Building Form - Street Screen	Building Form - Encroachments	Building Form - Façade Elements	Building Form - Residential Transition	Building Design Standards	Architectural Style Standards	Sustainability Standards	Streetscape/Landscape Standards	Signage	Civic/Open Space
Type of Development														
Commercial (retail, office, restaurant, lodging), mixed use building, apartment/multi-family building (3 or more units per lot), and live-work buildings														
New Construction	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Change of Use/Expansion of use*	X			X	X									
Expansion of Building Area														
0% - 49% increase in building area • Standards in applicable sections shall apply only to the expansions	X	X	X	X	X	X	X	X	X	X	X	X	X	X
50% or greater increase in building area AND less than \$50,000 or 50% increase in building /improvement value • Standards in applicable sections shall apply only to the expansions	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Any increase of building area AND \$50,000 or greater than 50% increase in building /improvement value • Standards in applicable sections shall apply the entire building including retrofitting of the existing building if non-conforming	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Expansion of parking area only (not in conjunction with a building or use expansion)														
Up to 10 spaces				X	X									
11 or more additional spaces				X	X						X	X		
Façade changes to existing buildings (regardless of value of improvement)														
Pedestrian Priority Street and Boulevard Street façades						X	X		X	X			X	
All other street façades						X							X	

Code Section	Land Use Matrix	Building Form - Placement	Building Form - Height	Building Form - Parking & Service	Building Form - Street Screen	Building Form - Encroachments	Building Form - Façade Elements	Building Form - Residential Transition	Building Design Standards	Architectural Style Standards	Sustainability Standards	Streetscape/Landscape Standards	Signage	Civic/Open Space
Signage														
Refacing or changing a panel on an existing sign														
Modification of an existing sign where cost of the modification is valued at <u>less than</u> fifty (50) % of the replacement value of the existing sign														
Modification of an existing sign where cost of the modification is valued at <u>more than</u> fifty (50) % of the replacement value of the existing sign													X	
New sign or complete replacement of an existing sign													X	
Residential Buildings (single family attached and detached buildings)														
New construction	X	X	X	X	X	X	X		X	X	X	X	X	X
Change of Use*	X			X	X									
Expansion of use/structure (any building addition, deck, porch, etc.)	X	X	X			X	X	X	X	X				
Expansion of use/structure (new accessory building/structure on the lot or pool)	X	X	X			X		X	X	X				
Façade changes														
Pedestrian Priority Street and Boulevard Street façades						X	X		X	X				
All other street façades						X								

\* with no expansion of building

3.1.2 Provisions of this PBED Code are activated by “shall” when required; “should” when recommended; and “may” when optional.

3.1.3 The provisions of this PBED Code, when in conflict, shall take precedence over those of other City of South Padre Island codes, ordinances, regulations and standards as amended except as noted herein.

3.1.4 The development standards under Chapter 20 of the City of South Padre Island Code of Ordinances, as amended, shall not apply to the Padre Boulevard Corridor except as specifically referenced herein. Development standards not addressed in this

ordinance shall be governed by Chapter 20 of the City of South Padre Island Code of Ordinances to the extent they are not in conflict with the intent or standards of the PBED Code.

3.1.5 Sign Standards under Chapter 15, as amended, of the City of South Padre Island Code of Ordinances, shall not apply to the PBED District except as specifically referenced herein.

3.1.6 Terms used throughout this Code are defined in *Section X. Definitions* of this Code. For those terms not defined in *Section X. Definitions*, Section 20-3 of the City of South Padre Island Code of Ordinances shall apply. For terms not defined in either section,

they shall be accorded commonly accepted meanings. In the event of conflict, the definitions of this Code shall take precedence.

- 3.1.7 Where in conflict, numerical metrics shall take precedence over graphic metrics.

### **3.2 Development Review Process**

- 3.2.1 Development within the Corridor that complies with the provisions of this Code shall be approved by the City Manager or designee. Section IX provides an overview of the development review process. In addition to complying with other applicable City regulations that are not in conflict with this Code, the applicant shall provide the information to adequately show compliance with this Code as required in Section 3.2.6. The City Manager or designee shall be responsible for the following:

- (i) Reviewing all development applications for compliance with the requirements of PBED Code.
- (ii) Approving development applications that are in compliance with the requirements of the PBED Code.
- (iii) Making determinations on the applications and interpretations of standards in this Code.
- (iv) Approving revisions to previously approved site plans that comply with this Code and all applicable city ordinances.
- (v) Approving any minor modifications to the approved Regulating Plan (Zoning District Map) and Code per Section 3.2.2.
- (vi) Forwarding any appeals to the decision of the City Manager and/or Design Exceptions to the Form-Based Code Review Committee.

- 3.2.2 Minor Modifications to the PBED Code: The City Manager or designee shall have the authority to

approve a request for minor modifications to PBED Code that:

- (i) Does not increase the building area and height permitted under this Code;
- (ii) Does not change the relationship between the buildings and the street unless needed to address base flood elevation requirements and/or to accommodate required access/parking;
- (iii) Does not allow the reduction of any parking requirement established in this Code; or

The City Manager or designee shall also have the authority to approve minor modifications outlined in Table 3.2. All minor modifications approved by the City Manager or designee shall be documented with the appropriate justification for the modification identified.

Table 3.2 Minor Modifications Allowed

<b>Standard</b>	<b>Minor Modification Allowed</b>	<b>Criteria</b>
Area/boundary of Character Zones (including any Required Civic/Open Spaces and any Special Frontage areas)	No more than a 15% change (increase or decrease) in the area.	<ul style="list-style-type: none"> <li>• Shall not eliminate any Character Zone, required Public Civic Space, or Special Frontage designation.</li> <li>• Shall not change the overall boundary of the Regulating Plan</li> <li>• 15% measurement shall be based on the total area of that specific Character Zone or Special Frontage designation within the entire Corridor</li> </ul>
Main Street Special Frontage	Allow the ground floor elevation of a building to be greater than 36" but less than 48" above the finished elevation of the sidewalk along that street frontage and also allow developments adjusting the ground floor elevation to address base flood elevation requirements.	<p>Proposed development shall meet one or more of the following conditions:</p> <ul style="list-style-type: none"> <li>• The sidewalk along the subject building frontage shall be constructed at the same elevation of any adjacent sidewalks along the same street front, or</li> <li>• There are two parallel sidewalks constructed along the subject building frontage, one at the street elevation level and the second at the ground floor elevation level of the building, or</li> <li>• An alternative plan is proposed for sidewalk and building frontage design along multiple properties along the same block that provides continuous sidewalks and active storefronts with appropriate transitions between buildings and/or lots.</li> </ul>
<b>Building Form and Development Standards</b>		
<ul style="list-style-type: none"> <li>• Build to zones/setbacks</li> </ul>	Reasonable change in the maximum or minimum BTZ and setback.	<ul style="list-style-type: none"> <li>• Changes to the build to zones and setbacks may only be due to any changes to the street cross sections, changes in the width of a sidewalk, changes due to the needs of access and parking, or to meet the base flood elevation requirements.</li> <li>• In no case shall the sidewalk be less than 6 feet in width</li> </ul>
<ul style="list-style-type: none"> <li>• Building Frontage</li> </ul>	Reasonable reduction in the required building frontage along each block of a Pedestrian Priority Street.	<ul style="list-style-type: none"> <li>• Changes to accommodate required access and parking. Traffic circulation pattern that would best serve the site shall be selected. Sidewalk shall be constructed immediately after the building façade.</li> </ul>
<ul style="list-style-type: none"> <li>• Street screen</li> </ul>	Waiver of street screen requirement along The Boulevard Street.	<ul style="list-style-type: none"> <li>• Requirement for a street screen may only be waived along a The Boulevard Street along the frontage of any interim surface parking lot (off-street) that is intended to be in-filled with a parking structure.</li> <li>•</li> </ul>
Streetscape standards	Street tree planting, street lighting, and other streetscape standards may be adjusted based on the development context.	<ul style="list-style-type: none"> <li>• Any changes to the streetscape standards shall be based on specific development context such as vegetation, natural features, drainage, and fire access and is subject to approval by the City.</li> </ul>
Color Palette	Usage of colors that are not in the City's Color Palette.	<ul style="list-style-type: none"> <li>• Approval should only be issued when the proposed building form/style/design provides positive impacts through combination with the proposed color(s). Usage of one color, which is not normally accepted by the City's color palette, throughout the entire building surface shall not be allowed.</li> </ul>

\* Appeals over the decision made by the City Manager or Designee and/or other changes beyond the thresholds established in Table 3.2 will be routinely heard by the Form-Based Code Review Committee.

3.2.3 Appeals: Any appeals to the decision of the City Manager on development applications or minor modifications will be heard by the Form-Based Code Review Committee (FBCRC) within 15 days of such a decision by the City Manager or designee. Appeals of decisions of the FBCRC shall be handled as a Special Development Plan application and ultimately reviewed by the City Council. If denied by the City Council, the appeal shall be taken in the District Court within thirty (30) days after the action or decisions of the City Council and all decisions which have not been appealed within thirty (30) days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure.

3.2.4 Special Development Plans: A request for a modification to any of the standards of this Code other than Minor Modifications or Design Exceptions shall be reviewed and processed as Special Development Plans. Applications for Special Development Plans shall follow the process for a zoning change in Chapter 20-18 of the City of South Padre Island Code of Ordinances.

Special Development Plans (SDPs) are intended to allow applicants development flexibility to address specific market opportunities and/or contexts. An application for a Special Development Plan may only be considered by the City Council (CC) after the DSRTF and the Planning and Zoning Commission (P&Z) have made a recommendation. The City Manager or designee shall review, make recommendations on any SDPs, and shall forward all SDP applications to the DSRTF and the P&Z. In evaluating an SDP, CC may consider the extent to which the application meets any of the following:

- (i) the goals, intent, and vision for Padre Boulevard and Entertainment District
- (ii) provides an alternative “Master Plan” approach by consolidating multiple properties to create a predictable, market responsive development for the area
- (iii) fits the adjoining context by providing appropriate transitions
- (iv) provides public benefits such as usable civic and open spaces, livable streets, structured and shared parking, and linkages to transit
- (v) does not hinder future opportunities for higher intensity development

3.2.5 Information Required for Development Review. The full list of required materials is included in the Padre Boulevard Corridor development application available from the Development Services Department. In general, the following information is required, as applicable:

- (i) Site Plan
- (ii) Building Plans and Elevations
- (iii) Landscape Plan
- (iv) Material Specifications
- (v) Plans and Specifications for Proposed Signs
- (vi) Description of Proposed Scope of Work
- (vii) Photographs of Site and Existing Conditions

3.2.6 Plat Approval: Plat approval in the PBED shall follow the City’s Subdivision Ordinance as established in Chapter 23 of the City of South Padre Island Code of Ordinances.

3.2.7 Variances: Variances to any standards in this code and Chapter 20 Zoning of the Code of Ordinances shall meet the standards in Chapter 20-19 of the City of South Padre Island Code of Ordinance.

3.2.8 Vacations of public rights-of-way. Street vacations shall follow the standards for a Record Plat in Chapter 23.12 of the City of South Padre Island Code of Ordinances.

### **3.3 Non-Conforming Uses, Buildings, and Signs:**

3.3.1 Regardless of transfer of ownership, existing Non-Conforming Buildings with a Non-Conforming Use that do not conform to the provisions of this Code may continue as long as the impacts of the non-conformity toward the zoning district is not increased.

3.3.2 Regardless of transfer of ownership, existing non-conforming buildings that do not conform to the provisions of this Code may change use within the same building, provided the new use is permitted in Table 5.1.

3.3.3 Regardless of transfer of ownership, existing Non-Conforming Signs that do not conform to the provisions of this Code may continue as they are until the sign is reconstructed or substantially modified such that the modifications are valued at more than fifty (50) % of the replacement value of the sign.

3.3.4 Any reconstruction or modification of or change to a Pedestrian Priority Street or Boulevard façade of a non-conforming building or non-conforming sign shall meet the provisions the Padre Boulevard Entertainment District Design Guidelines that affect the façade design of a building unless a Design Exception is granted by the City Manager/Designee, Form-Based Code Review Committee, and/or the City Council. In granting or denying Design Exception, the reviewer shall evaluate the extent to which the

proposed modifications result in greater or lesser conformance with the specifications of this Code and the extent to which the modifications meet the vision and intent of the PBED Code and the Design Guidelines.

### **3.4 Amendments to the Regulating Plan and/or Zoning Text:**

Amendments and changes to the Regulating Plan, text and property boundaries not otherwise permitted in this Code shall be considered by the Planning and Zoning Commission and approved by the City Council in accordance with the procedure set out in Chapter 20-18 of the City of South Padre Island Code of Ordinances.

## **IV. The Regulating Plan**

**4.1 Adoption of Regulating Plan.** The Padre Boulevard and Entertainment District Regulating Plan as may be amended from time to time (See Sec. 20-5) is hereby adopted as a part of the official zoning map (Zoning District Map) for the Padre Boulevard and Entertainment District. Within any area subject to the approved Regulating Plan, this PBED Code becomes the exclusive and mandatory regulation.

### **4.2 Establishment of Character Zones**

The following Character Zones are established. The designation of the specific Character Zone shall be established in the Regulating Plan.

4.2.1 Bayfront – The Bayfront Zone is intended to encourage the development of higher intensity mixed-use to support pedestrian activities by maximizing bayfront access and views. Development standards will emphasize the development of a safe public corridor and a sustainable activity center. Development within the Bayfront Zone shall meet the

- Building Form and Development Standards in Section 6.2 of this PBED Code.
- 4.2.2 Entertainment District Core – The Entertainment District Core Zone is intended to encourage the development of the area consistent with the vision for the Entertainment District that connects to the Bayfront to Padre Boulevard. The Entertainment District is intended to have the highest intensity of retail, restaurant, residential, and destination entertainment uses. Development standards will emphasize a pedestrian orientation along Laguna Blvd and key east-west streets such as Amberjacks, Ling and Marlin Streets. Development within the Entertainment District Core Zone shall meet the Building Form and Development Standards in Section 6.3 of this PBED Code.
- 4.2.3 Neighborhood Crossing – The Neighborhood Crossing Zone is intended to encourage the development of activity nodes with a range of commercial and residential uses at key locations along Padre Boulevard that provide bay to beach connectivity. The Neighborhood Crossing Zone shall meet the Building Form and Development Standards in Section 6.4 of this PBED Code.
- 4.2.4 Town Center Crossing – The Town Center Crossing Zone is intended to create a development node centered on major civic and public uses. Development standards will emphasize the creation and preservation of a strong public/civic identity at this crossing. Development within the Town Center Crossing Zone shall meet the Building Form and Development Standards in Section 6.4 of this PBED Code.
- 4.2.5 Padre Boulevard North – The Padre Boulevard North Zone is intended to provide for more flexible, market based development vision that balances pedestrian orientation with auto-oriented development. Development standards will focus on establishing specific criteria under which developers could propose alternative/unique standards to implement a more market responsive project. Development within the Padre Boulevard North Zone shall meet the Building Form and Development Standards in Section 6.5 of this PBED Code.
- 4.2.6 Padre Boulevard Central – The Padre Boulevard Central Zone is intended to establish consistent site development standards along Padre Boulevard that creates a more continuous pedestrian realm. Development within the Padre Boulevard Central Zone shall meet the Building Form and Development Standards in Section 6.6 of this PBED Code.
- 4.2.7 Padre Blvd South – The Padre Blvd South Zone is intended to encourage the redevelopment of the southern portion of Padre Boulevard as a true gateway to the Island. It is also intended to ensure that development along the Boulevard connects the Entertainment District to the beach. Development within the Padre Boulevard South Zone shall meet the Building Form and Development Standards in Section 6.6 of this PBED Code.
- 4.2.8 Neighborhood Transition – The Neighborhood Transition Zone is intended to provide for a range of smaller scale commercial (retail, office, and live-work) and residential transitions between Padre Boulevard and the neighborhoods to the east and west of the boulevard. Development standards will emphasize keeping a smaller building scale to be compatible with

adjoining neighborhoods. Development within the Neighborhood Transition Zone shall meet the Building Form and Development Standards in Section 6.7 of this PBED Code.

4.2.84.2.9 Northern Resort District – The Northern Resort District Character Zone building form and development standards are intended to provide for the implementation of a flexible, multi-use, market-based concept which establishes the relationship and character of both Gulf beachfront properties on the east of SPH 1000 (Padre Boulevard extension) and the properties on the west of SPH 100 (Padre Boulevard extension) fronting on to the Laguna Madre. The standards are intended to allow individual developers to establish unique and site specific criteria for their individual properties in a way which contributes to and enhances the general seaside resort character of the district. The Northern Resort District Character Zone as a whole may accommodate a wide range of the land uses in response to appropriate market demand. The uses would include but not be limited to commercial, residential, entertainment, recreation, hospitality and other tourism related activities.

**4.3 Special Frontage Standards** – Special Frontage Standards establish exceptions and special conditions for all buildings along designated street edges. Special Frontage Standards shall apply in addition to the underlying Character Zone standards. The following Special Frontage Standards as established in the Regulating Plan shall apply:

**4.3.1 Main Street Frontage:**

- (i) Ground floors of all buildings designated as Main Street Frontage on the Regulating Plan shall not be occupied by residential units and/or lodging

rooms in hotels to a minimum depth of 30 feet as measured from the front building facade line.

**4.4 Street Designations** – The following Street Designations shall be established for all streets within the Island:

**4.4.1 Pedestrian Priority Streets Established** – Pedestrian Priority Streets are intended to provide the most pedestrian friendly development context. Buildings along these streets shall be held to the highest standard of pedestrian-oriented design. The Pedestrian Priority Streets are mainly the street sections that are critical neighborhood connectors as identified in the Regulating Plan.

**4.4.2 Boulevard Established** – The Boulevard designation is intended to balance pedestrian orientation with automobile accommodation. Typically, the Boulevard shall be a hybrid street that has a more pedestrian friendly development context at street intersections and accommodates auto-related functions and surface parking in the middle of the block. Surface parking shall be screened from the roadway with a street or living fence. Padre Boulevard shall be the designated Boulevard within the Corridor.

**4.4.3 General Streets Established** – General Streets are intended to accommodate a more auto-oriented uses, surface parking, and service functions on a site with automobile orientation. The General Streets are as identified in the Regulating Plan.

**4.5 Open Space** – The Regulating Plan indicates Required and Recommended Open Spaces including Paseos and Plazas. The specific standards for Public and Private Open Space are established in the Form-Based Code Design Guidelines.



## **V. Schedule of Permitted Uses**

- 5.1 Permitted Uses.** Due to the emphasis on urban form over land uses in the District, general use categories have been identified by Character Zone. Uses not listed in the following schedule (Table 5.1), but are substantially similar, may be permitted upon approval of the City Manager or designee, subject to City Council appeal.

Table 5.1 – Schedule of Uses (Land Use)

Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition	Northern Resort District
<b>Commercial Uses (Office, Retail, Restaurant, Sales and Service Uses)</b>								
Retail Sales with no drive through facility (includes alcohol sales; bicycle, vehicle, and water sport sales & rental; general merchandise; pharmacy; cigarette & cigar sales; hardware stores, etc.) Excluded from this category are retail sales and service establishments geared towards the automobile.	P	P	P	P	P	P	NP	<u>P</u>
Head Shop (a retail outlet with the sale of paraphernalia related to the consumption of cannabis, other recreational drugs and/or new age herbs. Products typically include but are not limited to, water pipes, bong, roach clips, pipes, rolling papers, rolling machines, and whipped cream chargers containing nitrous oxide.)	NP	NP	NP	NP	NP	SE	NP	<u>NP</u>
Auto-related Sales or Service establishments (includes gasoline sales)	NP	NP	P/C	P/C	P/C	P/C	NP	<u>P/C</u>
Marine repairs	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>
Finance, Insurance, and Real Estate establishments (with no drive through facility)	P	P	P	P	P	P	NP	<u>P</u>
Offices for business, professional, administrative, and technical services	P	P	P	P	P	P	P	<u>P</u>
Research laboratory headquarters, laboratories and associated facilities	NP	NP	NP	NP	P	P	NP	<u>P</u>
Food Service Uses such (includes seating on a sidewalk areas with no pedestrian obstruction; includes alcohol sales; with no drive through facility)	P	P	P	P	P	P	NP	<u>P</u>
Bar or drinking place	P	P	P	P	P	P	NP	<u>P</u>
Personal Services such as laundry, dry cleaners, hair care, etc.	P	P	P	P	P	P	NP	<u>P</u>
Tattoo and body piercing (with a state license)	NP	NP	NP	NP	NP	P	NP	<u>NP</u>
Permanent Makeup Application (with a state license)	NP	NP	NP	NP	NP	P	NP	<u>NP</u>
Retail bait stands	P	P	NP	NP	P	NP	NP	<u>P</u>
Pet and animal sales or service	P	P	P	P	P	P	NP	<u>P</u>
Any permitted use with a drive through facility	NP	NP	P/C	NP	P/C	P/C	NP	<u>P/C</u>
<b>Arts, Entertainment, and Recreation Uses</b>								
Indoor amusement or theme park establishment including bowling alleys, bingo parlor, games arcades, skating, etc.	P	P	P	P	P	P	NP	<u>P</u>
Outdoor amusement or theme park establishment including miniature golf, go-cart tracks, etc.	P/SUP	P/SUP	NP	NP	P/SUP	P/SUP	NP	<u>P/SUP</u>
Art galleries	P	P	P	P	P	P	P	<u>P</u>
Art, antique, apparel, appliance, furniture or electronics studio (includes retail, repair or fabrication uses)	P	P	P	P	P	P	NP	<u>P</u>
Fitness, recreational sports, gym, or athletic club	P	P	P	P	P	P	NP	<u>P</u>
Private clubs, fraternities, sororities and lodges that operate solely for the benefit of their members only	P	P	P	P	P	P	NP	<u>P</u>
Art, dance & music schools	P	P	P	P	P	P	NP	<u>P</u>
Marina or yachting club facility	P/SUP	NP	NP	NP	P/SUP	P/SUP	NP	<u>P/SUP</u>
Boat docks	P	NP	P	NP	P	P	NP	<u>P</u>
Museums and other special purpose recreational institutions	P	P	NP	P	P	P	NP	<u>P</u>
Parks, greens, plazas, squares, and playgrounds	P	P	P	P	P	P	P	<u>P</u>
Performing arts, theater, cinema, dance or music establishment	P	P	P	P	P	P	NP	<u>P</u>
<b>Educational, Public Administration, Health Care and Other Institutional Uses</b>								
Business associations and professional membership organizations	P	P	P	P	P	P	NP	<u>P</u>
Child day care and preschools	P	P	P	P	P	P	P	<u>P</u>

Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition	<u>Northern Resort District</u>
Schools, libraries, and community halls	P	P	P	P	P	P	NP	<u>P</u>
Universities and Colleges	P	P	P	P	P	P	NP	<u>P</u>
Technical, trade, and specialty schools	P	P	P	P	P	P	NP	<u>P</u>
Hospitals (General and Special), primary care office, urgent care centers, and dental clinics	NP	NP	P	P	P	P	NP	<u>P</u>
Nursing, supervision, and other rehabilitation services (including Substance Abuse Clinics)	NP	NP	P/SUP	P/SUP	P/SUP	P/SUP	NP	<u>P/SUP</u>
Civic uses	P	P	P	P	P	P	NP	<u>P</u>
Social and fraternal organizations	P	P	P	P	P	P	NP	<u>P</u>
Social services and philanthropic organizations	P	P	P	P	P	P	NP	<u>P</u>
Public administration uses (including government uses, public safety, health and human services)	P	P	P	P	P	P	NP	<u>P</u>
Religious Institutions	P	P	P	P	P	P	P	<u>P</u>
Funeral homes	P	P	P	P	P	P	NP	<u>P</u>
<b>Residential Uses</b>								
Home Occupations such as a dressmaker, physician/surgeon/dentist offices, a musician/artist studio etc.	P/A	P/A	P/A	P/A	P/A	P/A	P/A	<u>P/A</u>
Single family	SE	SE	SE	SE	SE	SE	SE	<u>P</u>
Multi-family residential (including apartment and condominiums)								
Ground floor	P/C	P/C	P/C	P/C	P/C	P/C	P	<u>P</u>
Upper floors	P	P	P	P	P	P	P	<u>P</u>
Residential Lofts	P	P	P	P	P	P	P	<u>P</u>
Weekend cottages	NP	NP	NP	NP	NP	NP	NP	<u>P</u>
Single-family residential attached dwelling unit (Townhomes)	SE	SE	P	P	P	P	P	<u>P</u>
Accessory residential unit (accessory building not exceed 50% of the floor area of the principal structure)	SE	SE	P/A	P/A	P/A	P/A	P/A	<u>P/A</u>
Residential accessory uses in a vacant lot that is contiguous with a residential single family lot having a principal building under common ownership	NA	NA	NA	NA	NA	NA	NA	<u>NA</u>
Short-term (less than 30 days) rentals	P	P	P	P	P	P	P	<u>P</u>
Mixed use structure (with uses allowed in the district)	P	P	P	P	P	P	P	<u>P</u>
Trailer parks (travel trailers)	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>
Live-work unit	P	P	P	P	P	P	P	<u>P</u>
<b>Other Uses</b>								
Accessory uses (the sum of all accessory uses shall not constitute a total area larger than twenty (20) percent of the total building area of the principal use)	NP	NP	NP	NP	NP	NP	NP	<u>P</u>
Publishing (newspaper, books, periodicals, software)	P/C	P/C	P	P	P	P	NP	<u>P</u>
Motion picture and sound recording	P/C	P/C	P	P	P	P	NP	<u>P</u>
Telecommunications and broadcasting	P/C	P/C	P	P	P	P	NP	<u>P</u>
Information services and data processing	P/C	P/C	P	P	P	P	NP	<u>P</u>
Model homes or field offices for sales and promotion (until all the homes are sold; building permit is required and shall be valid for a one (1) year period; renewable if sales are still active)	P	P	P	P	P	P	P	<u>P</u>
Bed and Breakfast Establishments	NP	NP	NP	NP	P	P	P	<u>P</u>
Hotels and motels	P	P	P	P	P	P	NP	<u>P</u>
Hotels, motels and condominiums with more than twelve (12) units may include within the premises such businesses as bars, food establishments, barber shops, beauty parlors and other similar businesses	P	P	P	P	P	P	NP	<u>P</u>
Commercial parking	P/C	P/C	P/C	P/C	P/C	P/C	NP	<u>P/C</u>
Temporary commercial parking*	P	P	P	P	P	P	NP	<u>P</u>

Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition	<u>Northern Resort District</u>
Parking, surface (primary use of property)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	<u>P/C</u>
Parking, surface (accessory use of property)	P	P	P	P	P	P	P	<u>P</u>
Parking, structured	P	P	P	P	P	P	NP	<u>P</u>
Private attached garage	P/A	P/A	NP	NP	NP	NP	P/A	<u>P/A</u>
Private detached garage	P/A	P/A	NP	NP	NP	NP	P/A	<u>P/A</u>
Impound lot	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>
Outdoor storage	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>
Heliport landing/take-off pads	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>
Community garden	P/C	P/C	P/C	P/C	P/C	P/C	P/C	<u>P/C</u>
Antennas including cell, accessory, and mounted on top of buildings.	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	<u>P/A/C</u>
Utility equipment (includes electrical transformers, gas meters, etc)	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	<u>P/A/C</u>
Wind energy equipment	P/A	P/A	P/A	P/A	P/A	P/A	P/A	<u>P/A</u>
Rain harvesting equipment	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	<u>P/A/C</u>
Solar energy equipment	P/A	P/A	P/A	P/A	P/A	P/A	P/A	<u>P/A</u>
Special Event	P/SUP	P/SUP	P/SUP	P/SUP	P/SUP	P/SUP	NP	<u>P/SUP</u>
Temporary buildings for construction (shall be removed upon completion or abandonment of construction work)	P	P	P	P	P	P	P	<u>P</u>

P: Permitted by right

P/C: Permitted with design criteria per Table 5.2

P/A: Permitted accessory use

P/A/C: Permitted as an accessory use with design criteria per Table 5.2

P/SUP: Permitted with a Specific Use Permit

SUP shall meet standards in Chapter 20-24 of the City Code of Ordinances

A: Accessory use to not exceed 25% of the primary use building square footage

SE: Special Exception

NA: Not applicable

NP: Not permitted

\*All parking and maneuvering areas on a non-residential lot shall have dustproof paving or vegetative coverage. (Usage of Caliche or similar materials that may cause clogs in drainage system or create dust in the area are not allowed.)

**5.2 Use Criteria:** All uses listed as P/C in Table 5.1 shall also meet the following standards in Table 5.2

Table 5.2 – Use Criteria	
<i>Use</i>	<i>Location &amp; Design Criteria</i>
<b>Non-Residential Uses</b>	
Auto-related Sales and Service	<ul style="list-style-type: none"> <li>The building design shall conform to the requirements of the Padre Boulevard and Entertainment District Design Guidelines.</li> <li>Accessory structures, including canopies, kiosks, and car wash buildings, shall conform to or compliment the project architectural theme. This includes similar roof styles, column types, materials, textures, and colors.</li> <li>Service bays and car wash tunnel openings shall be oriented away from street view and screened from adjacent sites. If service bays and car wash openings toward street view are necessary, dense landscaping and/or architectural treatments shall be provided to screen and/or mitigate unattractive views and features from the street.</li> <li>Cross access connection shall be required for a mechanic shop to achieve a better screening.</li> <li>Building colors should emphasize earth tones. The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.</li> <li>Such uses shall be designed so as to mitigate any negative impact on residential uses, including orientation and buffers.</li> <li>Where adjacent to residential zoning or residential uses, self-service or automatic car washes shall have sound attenuation devices, such as doors or screen walls, located at the entrances and/or exits of the car wash.</li> <li>All equipment within car wash tunnels shall be contained within the building.</li> <li>All vehicles under repair and equipment within repair bays shall be contained within the building and shall not be visible from outside.</li> <li>Canopy lighting shall be recessed and flush with its underside (ceiling).</li> <li>Full-service car washes shall provide shaded plazas and/or indoor waiting areas for customers.</li> <li>Gas pumps, canopies, and/or service bays shall not be located along any Pedestrian Priority Street frontage.</li> <li>Any buildings associated with the use shall also have a pedestrian entrance at a Pedestrian Priority Street and/or the Boulevard.</li> <li>No outdoor storage of vehicles or other products sold shall be permitted. All auto-related sales display shall be inside storefronts.</li> </ul>
Any permitted use with a drive through facility	<ul style="list-style-type: none"> <li>All drive through access (driveways) shall be from a street with a higher hierarchy.</li> <li>Drive through lanes and/or canopies shall not have frontage along any Pedestrian Priority Streets.</li> </ul>
<b>Residential Uses</b>	
Multi-family residential Ground Floor	<ul style="list-style-type: none"> <li>All ground floors along all Pedestrian Priority and Boulevard Frontages shall be built to Commercial Ready standards. Ground floors may be occupied by residential uses.</li> </ul>
<b>Other Uses</b>	
Publishing (newspaper, books, periodicals, software)	<ul style="list-style-type: none"> <li>Shall only be permitted on the upper floors of buildings</li> </ul>
Motion Picture and sound recording	
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc)	
Information services and data processing	
Parking, surface (primary use of property)	<ul style="list-style-type: none"> <li>Shall be permitted as an interim use of property (3 year increments)</li> <li>New surface parking shall be set back a minimum of 30' from the edge of the right-of-way of Pedestrian Priority Streets.</li> <li>New surface parking shall not be located at a street intersection for minimum of 30' along each street.</li> </ul>
Sales from Kiosks	<ul style="list-style-type: none"> <li>Kiosks shall only be permitted on civic/open spaces.</li> <li>Kiosks shall be no larger than 150 sq.ft. in area and no taller than 18' in height.</li> <li>Kiosk locations shall not impede pedestrian pathways or entrances to buildings</li> <li>Kiosks from which merchandise or food is sold shall be attended when open for business.</li> <li>Kiosks shall be constructed of similar materials or given a similar finish as adjacent buildings.</li> </ul>

Table 5.2 – Use Criteria	
<i>Use</i>	<i>Location &amp; Design Criteria</i>
	<ul style="list-style-type: none"> <li>All sides of a kiosk shall have a finished look with no externally visible utility equipment.</li> </ul>
Community Garden	<ul style="list-style-type: none"> <li>Shall be no larger than 0.5 acres</li> <li>Gardens shall be enclosed by a fence on all open sides.</li> <li>Fences should be installed straight and plumb, with vertical supports at a minimum of 8' on center. Chicken wire, if used, should be continuously supported along all edges.</li> <li>Fencing Materials: <ul style="list-style-type: none"> <li><u>Permitted</u>: pressure treated wood (must be painted or stained medium to dark color), chicken wire, wrought iron, painted galvanized steel</li> <li><u>Not permitted</u>: chain link, bobbed wire, vinyl, un-painted/stained pressure treated wood, plywood</li> </ul> </li> </ul>
Antennas including cell, accessory and mounted (Excluded from this category are freestanding and commercial antennas and equipment buildings)	<ul style="list-style-type: none"> <li>Antennas shall be permitted on rooftops.</li> <li>Antennas shall be screened entirely with a screen of same color as the principal building.</li> <li>Antennas shall not be visible from adjacent Pedestrian Priority Street.</li> </ul>
Rain water harvesting equipment	<ul style="list-style-type: none"> <li>Rain water harvesting equipment may not be installed along Pedestrian Priority Streets.</li> <li>On all other frontages, they shall be screened with a Street Screen at least as high as the equipment being screened.</li> </ul>
Utility equipment (includes electrical transformers, gas meters, etc)	<ul style="list-style-type: none"> <li>Utility equipment shall not be installed with frontage on Pedestrian Priority Streets.</li> <li>On all other frontages, they shall be screened with a Street Screen at least as high as the equipment being screened.</li> </ul>
Commercial Parking	<ul style="list-style-type: none"> <li>New surface parking shall be set back a minimum of 30' from the edge of the right-of-way of Pedestrian Priority Streets.</li> <li>New surface parking shall not be located at a street intersection for minimum of 30' along each street.</li> <li>Commercial parking shall not be allowed along any pedestrian priority street frontage.</li> </ul>

## VI. BUILDING FORM AND DEVELOPMENT STANDARDS

### 6.1 AREA REGULATIONS

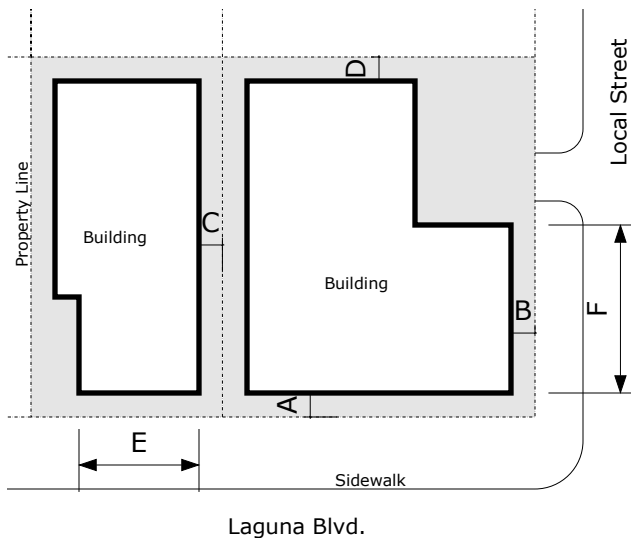
#### 6.1.1 Minimum Lot Size

- (i) Area of Lot: 2,500 square feet
- (ii) Width of Lot: 25 feet
- (iii) Depth of Lot: 100 feet

#### 6.1.2 Single Retail Store Maximum Floor Area

No single retail store whether located in a single building, a combination of buildings, single tenant space, and/or combination of tenant spaces shall exceed twenty thousand (20,000) gross square feet of floor area in the aggregate. This size restriction shall apply to both new retail stores and expansion of existing retail stores.



**6.2 BAYFRONT CHARACTER ZONE****6.2.1 Building Placement**

(i) Build-to-Zone (From property line)		
Laguna Blvd.	None	A
Local Street	None	B
Pedestrian Paseo	0'	B
* Arcades and colonnades are allowed within the BTZ with a minimum of 6' in depth and 12' interior clearance height.		
(ii) Setback		
Side	0' min.	C
Rear	0' min.	D
(iii) Building Frontage		
Laguna Blvd.	None	E
Local Street	None	F
Pedestrian Paseo	50% min.	F

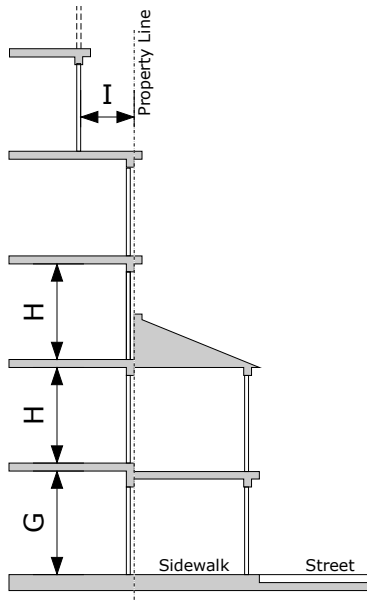
**6.2.3 Parking**

- (i) Location Priority
1. Front parking;
  2. Shared parking lot or parking building
    - Within 1,200 feet from the lot with the principal building.
    - The approval by the City Manager or designee required;
    - Shared parking agreement is required;
  3. Next to a building; and
  4. Ground (1st) floor parking;

- (ii) Design Criteria
1. Min. 3 feet behind the property line.
  2. No side/rear setback for parking;
  3. Non-residential uses
    - Min. 1 space/300 SF (gross)
  4. Residential uses
    - Min. 1.5 space/unit
  5. Lodging uses
    - 0.75 spaces/lodging room
  6. Floor to floor heights shall not apply to parking floors.
  7. All parking/service areas shall be defined from the street by a 4' high screen (either the same building material with the principal structure or masonry or a vegetation) within the property line.

- (iii) Alternative Parking Measures
- All development shall either meet the requirement for the number of parking or shall pay an equivalent fee-in-lieu as established by the City Council.

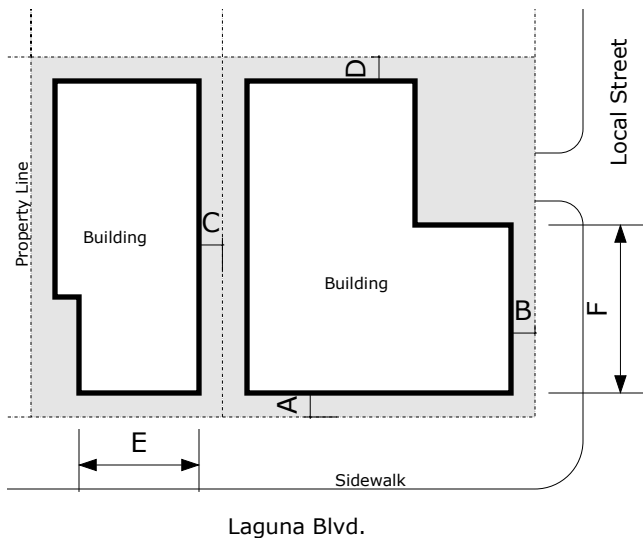
- (iv) Service Access
1. Service access should not be located on a Pedestrian Paseo.
  2. Porte cocheres may be permitted.
  3. Shared driveway and cross access easements may be required between lots to minimize curb cuts.

**6.2.2 Building Height**

(i) Max. Building Height	None	
(ii) 1st Floor Ceiling Height	12' min.	G
(iii) Upper Floor(s) Ceiling Height	8' min.	H
(iv) Step Back Distance (between 4th and 6th stories)	10' min.	I
(v) Sidewalk canopy and the second-floor balcony may be allowed if the vertical clearance meets a min. of 8 feet.		
(vi) Recessed entrances may be permitted if the upper floors meet the built-to-zone standards.		
(vii) Attics and mezzanines less than 7 feet (avg.) height shall not be counted as a story.		
(viii) Ground floors of all building fronting on Pedestrian Paseo and Laguna Blvd. shall be built to Commercial Ready standards.		



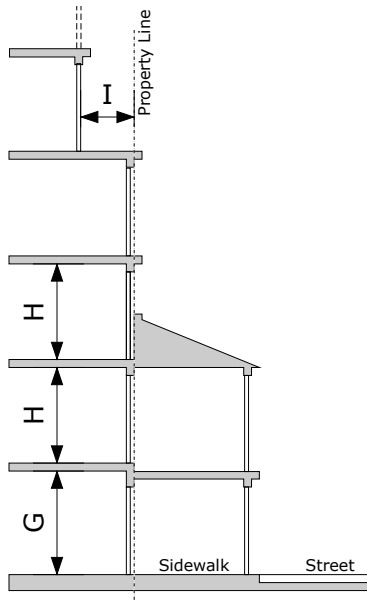
**PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE**  
**6.3 ENTERTAINMENT DISTRICT CORE CHARACTER ZONE**

**6.3.1 Building Placement**

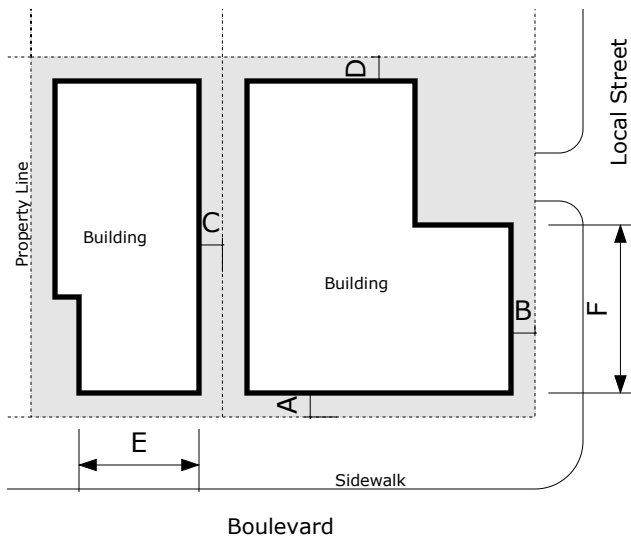
(i) Build-to-Zone (From property line)		
Laguna Blvd.	0'	A
Local Street	None	B
Pedestrian Priority St.	0'	
	(recommended)	B
* Arcades and colonnades are allowed within the BTZ with a minimum of 6' in depth and 12' interior clearance height.		
(ii) Setback		
Side	0' min.	C
Rear	0' min.	D
(iii) Building Frontage		
Laguna Blvd.	70% min.	E
Local Street	None	F
Pedestrian Priority St.	50% min.	
	(recommended)	F

**6.3.3 Parking**

- (i) Location Priority
1. Shared parking lot or parking building
    - Within 1,200 feet from the lot with the principal building.
    - The approval by the City Manager or designee required;
    - Shared parking agreement is required;
  2. Behind a building;
  3. Next to a building;
  4. Ground (1st) floor parking; and
  5. Front parking - approval by the City Manager or designee required.
- (ii) Design Criteria
1. Min. 3 feet behind the property line.
  2. No side/rear setback for parking;
  3. Non-residential uses
    - Min. 1 space/300 SF (gross)
  4. Residential uses
    - Min. 1.5 space/unit
  5. Lodging uses
    - 0.75 spaces/lodging room
  6. Floor to floor heights shall not apply to parking floors.
  7. All parking/service areas shall be defined from the street by a 4' high screen (either the same building material with the principal structure or masonry or a vegetation) within the property line.
- (iii) Alternative Parking Measures
- All development shall either meet the requirement for the number of parking or shall pay an equivalent fee-in-lieu as established by the City Council.
- (iv) Service Access
1. Service access should not be located on a Pedestrian Priority Street or on Laguna Blvd.
  2. Porte cocheres may be permitted.
  3. Shared driveway and cross access easements may be required between lots to minimize curb cuts.

**6.3.2 Building Height**

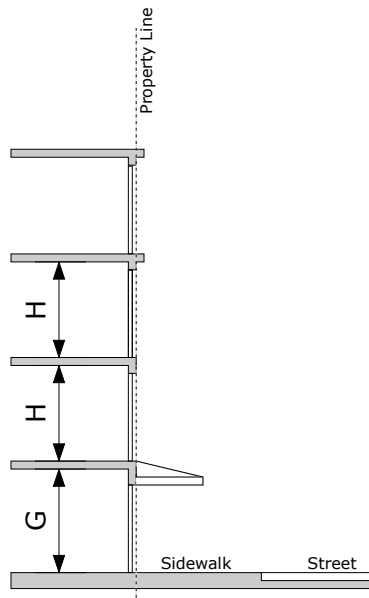
- |  |          |   |
|--|----------|---|
| (i) Max. Building Height   | None     |   |
| (ii) 1st Floor Ceiling Height  | 12' min. | G |
| (iii) Upper Floor(s) Ceiling Height  | 8' min.  | H |
| (iv) Step Back Distance<br>(between 4th and 6th stories)   | 10' min. | I |
| (v) Sidewalk canopy and the second-floor balcony may be allowed if the vertical clearance meets a min. of 8 feet.                          |          |   |
| (vi) Recessed entrances may be permitted if the upper floors meet the built-to-zone standards.   |          |   |
| (vii) Attics and mezzanines less than 7 feet (avg.) height shall not be counted as a story.  |          |   |
| (viii) Ground floors of all building fronting on Pedestrian Priority Street and Laguna Blvd. shall be built to Commercial Ready standards. |          |   |

**6.4 TOWN CENTER & NEIGHBORHOOD CROSSING CHARACTER ZONE****6.4.1 Building Placement**

- (i) Build-to-Zone (From property line)
- |                         |         |   |
|-------------------------|---------|---|
| Boulevard               | 10'-25' | A |
| Local Street            | 5' min. | B |
| Pedestrian Priority St. | 5'-25'  | B |
- \* Arcades and colonnades are allowed within the BTZ with a minimum of 6' in depth and 12' interior clearance height.
- (ii) Setback
- |   |          |   |
|---|----------|---|
| Side  | 0' min.  | C |
| Rear  | 0' min.  | D |
| Rear toward a Single Family residential lot | 10' min. | D |
- \* A private fence (masonry or opaque vegetative) of a 6' height shall be required when abutting a single family residential lot.
- (iii) Building Frontage
- |                         |          |   |
|-------------------------|----------|---|
| Boulevard               | 50% min. | E |
| Local Street            | None     | F |
| Pedestrian Priority St. | 50% min. | F |

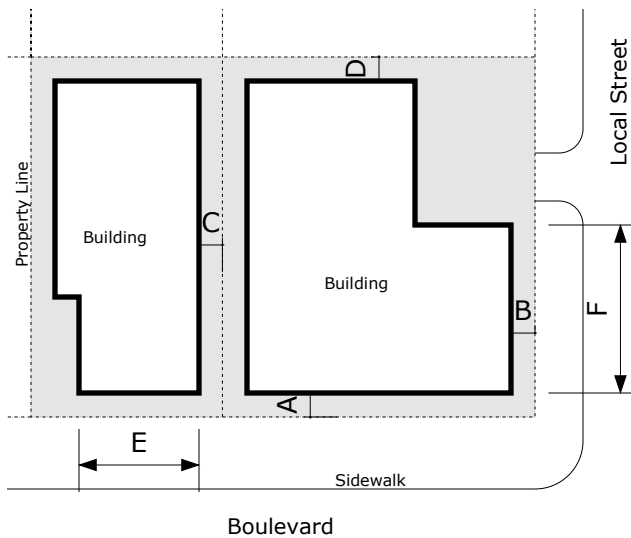
**6.4.3 Parking**

- (i) Location Priority
1. Behind a building;
  2. Shared parking lot or parking building
    - Within 1,200 feet from the lot with the principal building.
    - The approval by the City Manager or designee required;
    - Shared parking agreement is required; and
  3. Next to a building.
- (ii) Design Criteria
1. Min. 3 feet behind the property line.
  2. No side/rear setback for parking;
  3. Non-residential uses
    - Min. 1 space/500 SF (gross)
  4. Residential uses
    - Min. 1.5 space/unit
  5. Lodging uses
    - 0.75 spaces/lodging room
  6. Floor to floor heights shall not apply to parking floors.
  7. All parking/service areas shall be defined from the street by a 4' high screen (either the same building material with the principal structure or masonry or a vegetation) within the property line.
- (iii) Alternative Parking Measures
- All development shall either meet the requirement for the number of parking or shall pay an equivalent fee-in-lieu as established by the City Council.
- (iv) Service Access
1. Service access should not be located on a Pedestrian Priority Street or on Padre Blvd.
  2. Porte cocheres may be permitted.
  3. Shared driveway and cross access easements shall be required between lots to minimize curb cuts.

**6.4.2 Building Height**

- (i) Max. Building Height
- |                       |           |
|-----------------------|-----------|
| Town Center           | 6 stories |
| Neighborhood Crossing | 4 stories |
- (ii) 1st Floor Ceiling Height 12' min. G
- (iii) Upper Floor(s) Ceiling Height 10' min. H
- (iv) Canopies, signs, awnings, balconies and similar overhang may be allowed over any required setbacks or the sidewalk if the vertical clearance meets a min. of 8 feet.
- (v) Recessed entrances may be permitted if the upper floors meet the built-to-zone standards.
- (vi) Attics and mezzanines less than 7 feet (avg.) height shall not be counted as a story.
- (vii) Ground floors of all building fronting on Pedestrian Priority Street and Boulevard shall be built to Commercial Ready standards.

**PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE**  
**6.5 PADRE BOULEVARD NORTH CHARACTER ZONE**

**6.5.1 Building Placement**

- (i) Build-to-Zone (From property line)
- |                         |          |   |
|-------------------------|----------|---|
| Boulevard               | 10' min. | A |
| Local Street            | None     | B |
| Pedestrian Priority St. | 5'-25'   | B |
- \* Arcades and colonnades are allowed within the BTZ with a minimum of 6' in depth and 12' interior clearance height.
- (ii) Setback
- |   |          |   |
|---|----------|---|
| Side  | 0' min.  | C |
| Rear  | 0' min.  | D |
| Rear toward a Single Family residential lot | 10' min. | D |
- \* A private fence (masonry or opaque vegetative) of a 6' height shall be required when abutting a single family residential lot.
- (iii) Building Frontage
- |                         |          |   |
|-------------------------|----------|---|
| Boulevard               | None     | E |
| Local Street            | None     | F |
| Pedestrian Priority St. | 40% min. | F |

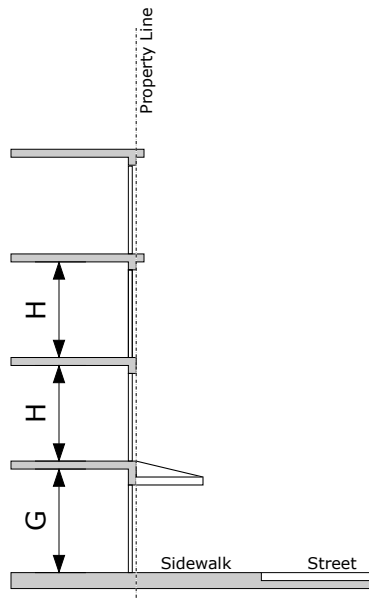
**6.5.3 Parking**

- (i) Location Priority
1. Front parking;
  2. Shared parking lot or parking building
    - Within 1,200 feet from the lot with the principal building.
    - The approval by the City Manager or designee required;
    - Shared parking agreement is required;
  3. Next to a building; and
  4. Behind a building.

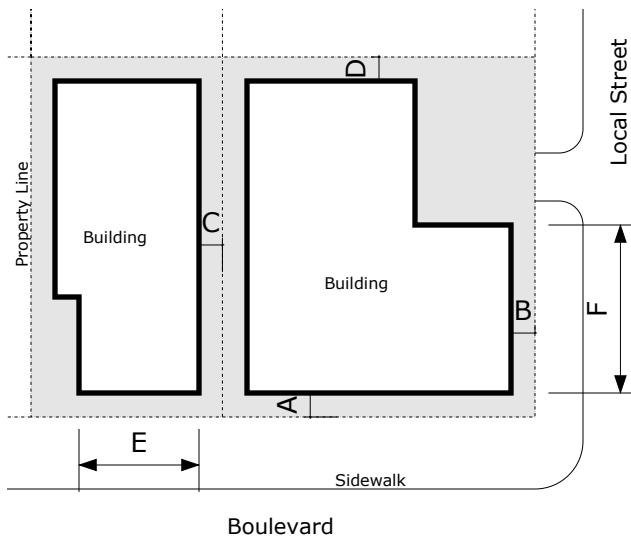
- (ii) Design Criteria
1. Min. 3 feet behind the property line.
  2. No side/rear setback for parking;
  3. Non-residential uses
    - Min. 1 space/300 SF (gross)
  4. Residential uses
    - Min. 1.5 space/unit
  5. Lodging uses
    - 0.75 spaces/lodging room
  6. Floor to floor heights shall not apply to parking floors.
  7. All parking/service areas shall be defined from the street by a 4' high screen (either the same building material with the principal structure or masonry or a vegetation) within the property line.

- (iii) Alternative Parking Measures
- All development shall either meet the requirement for the number of parking or shall pay an equivalent fee-in-lieu as established by the City Council.

- (iv) Service Access
1. Service access should not be located on a Pedestrian Priority Street or on Padre Blvd.
  2. Porte cocheres may be permitted.
  3. Shared driveway and cross access easements shall be required between lots to minimize curb cuts.

**6.5.2 Building Height**

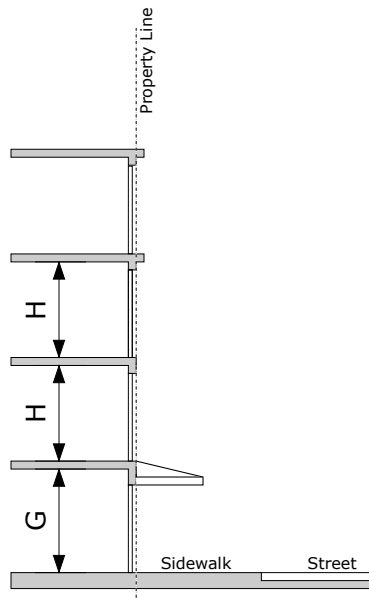
- (i) Max. Building Height                      None  
(Max. 4 stories within 300' of Padre Blvd.)
- (ii) 1st Floor Ceiling Height                  12' min.                      G
- (iii) Upper Floor(s) Ceiling Height                  10' min.                      H
- (iv) Canopies, signs, awnings, balconies and similar overhang may be allowed over any required setbacks or the sidewalk if the vertical clearance meets a min. of 8 feet.
- (v) Recessed entrances may be permitted if the upper floors meet the built-to-zone standards.
- (vi) Attics and mezzanines less than 7 feet (avg.) height shall not be counted as a story.
- (vii) Ground floors of all building fronting on Pedestrian Priority Street and Boulevard shall be built to Commercial Ready standards.

**6.6 PADRE BOULEVARD SOUTH & CENTRAL CHARACTER ZONE****6.6.1 Building Placement**

- (i) Build-to-Zone (From property line)
- |                         |         |   |
|-------------------------|---------|---|
| Boulevard               | 10'-75' | A |
| Local Street            | 5' min. | B |
| Pedestrian Priority St. | 5'-25'  | B |
- \* Arcades and colonnades are allowed within the BTZ with a minimum of 6' in depth and 12' interior clearance height.
- (ii) Setback
- |   |          |   |
|---|----------|---|
| Side  | 0' min.  | C |
| Rear  | 0' min.  | D |
| Rear toward a Single Family residential lot | 10' min. | D |
- \* A private fence (masonry or opaque vegetative) of a 6' height shall be required when abutting a single family residential lot.
- (iii) Building Frontage
- |                         |          |   |
|-------------------------|----------|---|
| Boulevard               | 25% min. | E |
| Local Street            | None     | F |
| Pedestrian Priority St. | 50% min. | F |

**6.6.3 Parking**

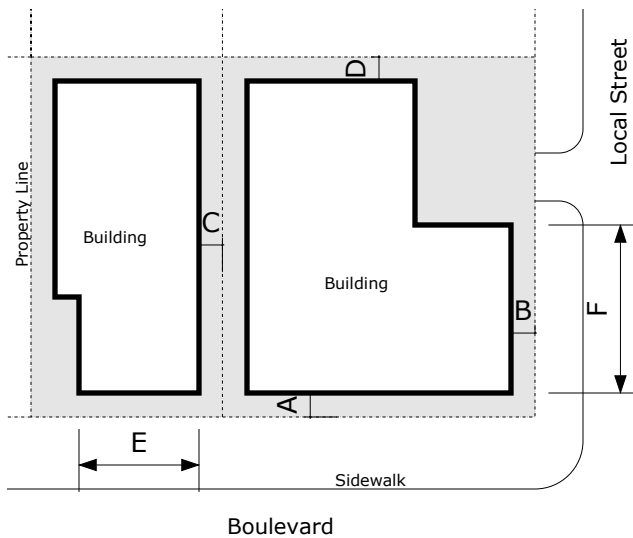
- (i) Location Priority
1. Behind a building;
  2. Shared parking lot or parking building
    - Within 1,200 feet from the lot with the principal building.
    - The approval by the City Manager or designee required;
    - Shared parking agreement is required; and
  3. Next to a building.
- (ii) Design Criteria
1. Min. 3 feet behind the property line.
  2. No side/rear setback for parking;
  3. Non-residential uses
    - Min. 1 space/300 SF (gross)
  4. Residential uses
    - Min. 1.5 space/unit
  5. Lodging uses
    - 0.75 spaces/lodging room
  6. Floor to floor heights shall not apply to parking floors.
  7. All parking/service areas shall be defined from the street by a 4' high screen (either the same building material with the principal structure or masonry or a vegetation) within the property line.
- (iii) Alternative Parking Measures
- All development shall either meet the requirement for the number of parking or shall pay an equivalent fee-in-lieu as established by the City Council.
- (iv) Service Access
1. Service access should not be located on a Pedestrian Priority Street or on Padre Blvd.
  2. Porte cocheres may be permitted.
  3. Shared driveway and cross access easements shall be required between lots to minimize curb cuts.

**6.6.2 Building Height**

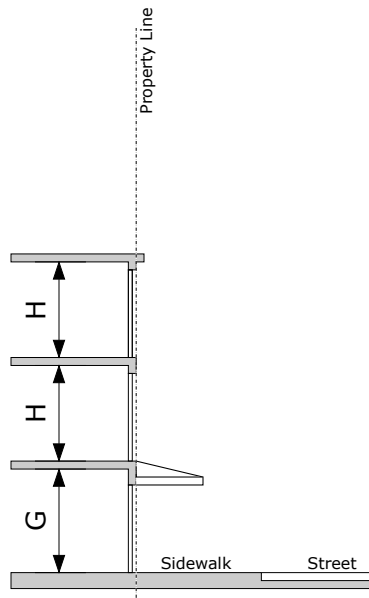
- (i) Max. Building Height                      None  
(Max. 4 stories within 300' of Padre Blvd.)
- (ii) 1st Floor Ceiling Height                  12' min.                  G
- (iii) Upper Floor(s) Ceiling Height                  10' min.                  H
- (iv) Canopies, signs, awnings, balconies and similar overhang may be allowed over any required setbacks or the sidewalk if the vertical clearance meets a min. of 8 feet.
- (v) Recessed entrances may be permitted if the upper floors meet the built-to-zone standards.
- (vi) Attics and mezzanines less than 7 feet (avg.) height shall not be counted as a story.
- (vii) Ground floors of all building fronting on Pedestrian Priority Street and Boulevard shall be built to Commercial Ready standards.

## PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE

### 6.7 NEIGHBORHOOD TRANSITION CHARACTER ZONE

**6.7.1 Building Placement**

- (i) Build-to-Zone (From property line)
- |                         |         |   |
|-------------------------|---------|---|
| Boulevard               | 10'-75' | A |
| Local Street            | None    | B |
| Pedestrian Priority St. | 5'-20'  | B |
- \* Arcades and colonnades are allowed within the BTZ with a minimum of 6' in depth and 12' interior clearance height.
- (ii) Setback
- |   |          |   |
|---|----------|---|
| Side  | 0' min.  | C |
| Rear  | 0' min.  | D |
| Rear toward a Single Family residential lot | 10' min. | D |
- \* A private fence (masonry or opaque vegetative) of a 6' height shall be required when abutting a single family residential lot.
- (iii) Building Frontage
- |                         |          |   |
|-------------------------|----------|---|
| Boulevard               | 50% min. | E |
| Local Street            | None     | F |
| Pedestrian Priority St. | 50% min. | F |

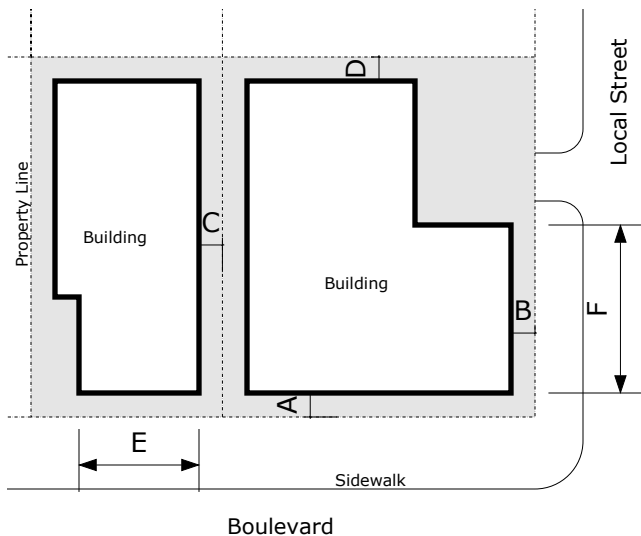
**6.7.2 Building Height**

- (i) Max. Building Height 3 stories
- (ii) 1st Floor Ceiling Height 12' min. G
- (iii) Upper Floor(s) Ceiling Height 8' min. H
- (iv) Canopies, signs, awnings, balconies and similar overhang may be allowed over any required setbacks or the sidewalk if the vertical clearance meets a min. of 8 feet.
- (v) Recessed entrances may be permitted if the upper floors meet the built-to-zone standards.
- (vi) Attics and mezzanines less than 7 feet (avg.) height shall not be counted as a story.
- (vii) Ground floors of all building fronting on Pedestrian Priority Street and Boulevard shall be built to Commercial Ready standards.

**6.7.3 Parking**

- (i) Location Priority
1. Behind a building;
  2. Next to a building;
  3. Front parking; and
  4. Shared parking lot or parking building
    - Within 1,200 feet from the lot with the principal building.
    - The approval by the City Manager or designee required;
    - Shared parking agreement is required;
- (ii) Design Criteria
1. Min. 3 feet behind the property line.
  2. No side/rear setback for parking;
  3. Non-residential uses
    - Min. 1 space/500 SF (gross)
  4. Residential uses
    - Min. 1.5 space/unit
  5. Lodging uses
    - 0.75 spaces/lodging room
  6. Floor to floor heights shall not apply to parking floors.
  7. All parking/service areas shall be defined from the street by a 4' high screen (either the same building material with the principal structure or masonry or a vegetation) within the property line.
- (iii) Alternative Parking Measures
- All development shall either meet the requirement for the number of parking or shall pay an equivalent fee-in-lieu as established by the City Council.
- (iv) Service Access
1. Service access should not be located on a Pedestrian Priority Street or on Padre Blvd.
  2. Porte cocheres may be permitted.
  3. Shared driveway and cross access easements shall be required between lots to minimize curb cuts.

**PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE**  
**6.8 NORTHERN RESORT DISTRICT CHARACTER ZONE**

**6.8.1 Building Placement****(i) Build-to-Zone (From property line)**

<u>Boulevard</u>	<u>10'-75'</u>	<u>A</u>
<u>Local Street</u>	<u>5' min.</u>	<u>B</u>
<u>Pedestrian Priority St.</u>	<u>5'-25'</u>	<u>B</u>

\* Arcades and colonnades are allowed within the BTZ with a minimum of 6' in depth and 12' interior clearance height.

**(ii) Setback**

<u>Side</u>	<u>0' min.</u>	<u>C</u>
<u>Rear</u>	<u>0' min.</u>	<u>D</u>
<u>Rear toward a Single Family residential lot</u>	<u>10' min.</u>	<u>D</u>

\* A private fence (masonry or opaque vegetative) of a 6' height shall be required when abutting a single family residential lot.

**(iii) Building Frontage**

No less than 40% building frontage to be located in applicable BTZ E and F

(iv) Block Standards: 250' min - 1200' max for the west of the Blvd; none for the east

**6.8.3 Parking****(i) Location Priority**

1. Behind a building;
2. Next to a building (3' behind building facade);
3. Front parking; and
4. Shared parking lot or parking building
  - Within 250 feet from the lot with the principal building.
  - The approval by the City Manager or designee required;
  - Shared parking agreement is required;

**(ii) Design Criteria**

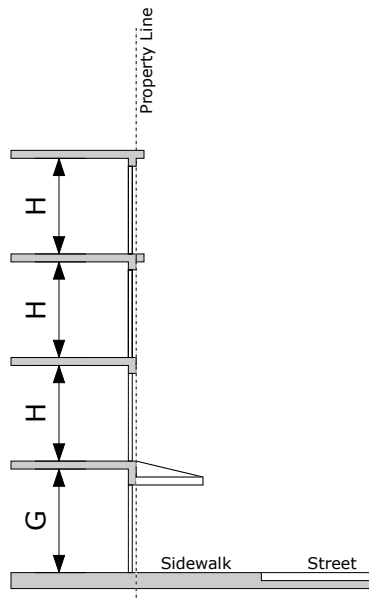
1. Min. 10 feet behind the property line along Boulevard/Pedestrian Priority/Civic Space;
- Min. 3 feet behind the property line along general street.
2. No side/rear setback for parking;
3. Non-residential uses
  - Min. 1 space/300 SF (gross)
4. Residential uses
  - Min. 1.5 space/unit
5. Lodging uses
  - 0.75 spaces/lodging room
6. Floor to floor heights shall not apply to parking floors.
7. All parking/service areas shall be defined from the street by a 4' high screen (either the same building material with the principal structure or masonry or a vegetation) within the property line.

**(iii) Alternative Parking Measures**

All development shall either meet the requirement for the number of parking or shall pay an equivalent fee-in-lieu as established by the City Council.

**(iv) Service Access**

1. Service access should not be located on a Pedestrian Priority Street or on Padre Blvd.
2. Porte cocheres may be permitted.
3. Shared driveway and cross access easements shall be required between lots to minimize curb cuts.

**6.8.2 Building Height****(i) Max. Building Height**

4 stories within 50' from Boulevard; 40 stories otherwise.

**(ii) 1st Floor Ceiling Height**

<u>15' min. for Commercial</u>	
<u>10' min. for Residential</u>	<u>G</u>

**(iii) Upper Floor(s) Ceiling Height: 10' min.**H

(iv) Canopies, signs, awnings, balconies and similiar overhang may be allowed over any required setbacks or the sidewalk if the vertical clearance meets a min. of 8 feet.

(v) Corner buildings up to 4 stories located on the boulevard frontage may exceed the max. building height by 25% for 20% of the building frontage along each corresponding street facade.

(vi) Attics and mezzanines less than 7 feet (avg.) height shall not be counted as a story.

(vii) Ground floors of all building fronting on Pedestrian Priority Street and Boulevard shall be built to Comercial Ready standards.

**6.8 NORTHERN RESORT DISTRICT CHARACTER ZONE (Continued)**

<b><u>6.8.4 Facade Elements (Site Specific)</u></b>	<p><u>(i) This subsection replaces 7.1.1;</u></p> <p><u>(ii) Doors and Windows;</u></p> <ol style="list-style-type: none"> <li><u>1. For all buildings of up to 4 floors with facades facing on to the Boulevard or Pedestrian Priority Streets there shall be no blank walls greater than 40ft in width on the ground floor facade of any building.</u></li> <li><u>2. Doors and windows on the ground floor of any building shall comprise a minimum of 20% of the facade.</u></li> <li><u>3. Primary entrance doors of all buildings shall be facing civic spaces, the Boulevard or Pedestrian Priority Streets.</u></li> <li><u>4. Windows and doors on facades directly facing towards a lot line shared with any single family residential lot and less than 10ft from the lot line shall have sills higher than 6ft on the ground floor unless a privacy fence (masonry or vegetative) or wall of at least 6ft in height is constructed to obscure any direct views into adjacent properties.</u></li> <li><u>5. For all buildings over 4 floors located more than 50ft from the property line facing the Boulevard or Pedestrian Priority Streets, window and doors shall be designed in accordance with mandatory PBED Design Guidelines.</u></li> </ol>
<b><u>6.8.5 Additional Landscaping</u></b>	<p><u>(i) This is in addition to the requirements of 7.2 Landscape Standards</u></p> <p><u>(ii) For buildings fronting on to the Boulevard and Pedestrian Priority Streets the area between the property line and the building shall include a 6ft wide (min) landscaping strip with street trees or shrubs planted at 40ft centers (average) except at street intersections, where paving is optional up to 25ft along the building facade along each street frontage. Species of appropriate street trees or shrubs shall be selected from the Planting List in the PBED Design Guidelines.</u></p>
<b><u>6.8.6 Driveways and Streets</u></b>	<p><u>(i) Driveways on lots having more than 250' Boulevard frontage may be located on the Boulevard in accordance with TXDOT standards.</u></p> <p><u>(ii) Pedestrian Priority Streets and General Streets do not yet exist in the Zone, and are to be designated by the developer as they are developed.</u></p>

**VII. GENERAL DESIGN STANDARDS****7.1 Facade Elements****7.1.1 Facade along Pedestrian Priority Street, Paseo and Boulevard**

- (i) There shall be no blank walls greater than 25 feet in widths.
- (ii) Primary entrance door shall be provided on the facade. In the case of a corner lot, there shall be a primary entrance door on the side where the building is addressed.
- (iii) Doors and windows on ground floor of all buildings shall be between 40% and 90% of the ground floor facade area.
- (iv) Windows on the upper floors shall be a minimum of 20% of each upper floor facade area, which should be located between 3 ft. and 9 ft. above each finished floor.

**7.1.2 Commercial Ready**

Commercial ready means space constructed at a minimum ground floor height as established in each character zone which may be used for noncommercial uses and can be converted into retail/commercial use. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

**7.2 Landscape Standards****7.2.1 Minimum Requirements**

- (i) Single-Family Use: No less than 30% of the minimum front yard setback area.
- (ii) Townhouse: No less than 15% of the minimum front yard setback area.
- (iii) Commercial / Multifamily (Hotel, Motel, Condominium, Duplex, etc.): No less than 20% of the front-of-building area.
- (iv) Corner Lots: An additional 10% of the side-of-building area.
- (v) Developed Properties with No Building: No less than 10% of the entire lot.
- (vi) Other materials such as planters, bark mulch, brick, stone, natural forms, water forms, and aggregate (but not concrete or asphalt) may be used with the 80% coverage of live plant materials.

**7.2.2 Tree Requirements**

- (i) Min. one tree / 300 square feet
- (ii) No less than one tree shall be planted on each lot.

**7.2.3 Line of Sight**

All landscape installations must provide unobstructed views in accordance with sight triangle requirements as denoted within Article 2.22 of the *Standards and Specifications for the Acceptance of Public Improvements*.

**7.2.4 Landscape Plan**

- (i) Landscape plan shall be submitted with any application materials for a building permit.
- (ii) Approved landscape plan shall be valid as long as the building permit for the project is valid.
- (iii) The Building Inspector may at his/her discretion issue a temporary Certification of Occupancy, not to exceed 60 days, in the event of inclement weather, natural disasters, or for other good cause shown.

**7.2.5 Maintenance**

All landscaping required shall be maintained in a neat and healthy condition. Such Maintenance shall be an ongoing obligation of the owner of the property and prompt replacement shall be made of any damaged materials.

**7.2.6 Enforcement**

Should any person fail to comply with the requirements of this chapter, such failure shall constitute a violation as set forth in Section 20-17 and 21-2 of the City Ordinance.



**VIII. SIGNAGE STANDARDS**

8.1 Applicability. For new and substantially modified signs, the standards in Table 8.1 shall apply and sign permits shall be approved administratively by the City of South Padre Island Building Official unless specifically noted in this section. Except as specifically listed below, all other signage and sign standards shall comply with Chapter 15 of the City of South Padre Island City Ordinances, as amended.

8.2 Master Sign Plans. An applicant has the option to establish unique sign standards including size, color, type, design, and location. Such applications shall be reviewed as "Master Sign Plans" by the City of South Padre Island Building Official and are subject to approval of the City Council. In evaluating a Master Sign Plan, the City Council shall consider the extent to which the application meets the proposed Sign Plan:

- 8.2.1 Promotes consistency among signs within a development thus creating visual harmony between signs, buildings, and other components of the property;
- 8.2.2 Enhances the compatibility of signs with the architectural and site design features within a development;
- 8.2.3 Encourages signage that is in character with planned and existing uses thus creating a unique sense of place; and
- 8.2.4 Encourages multi-tenant commercial uses to develop a unique set of sign regulations in conjunction with development standards.

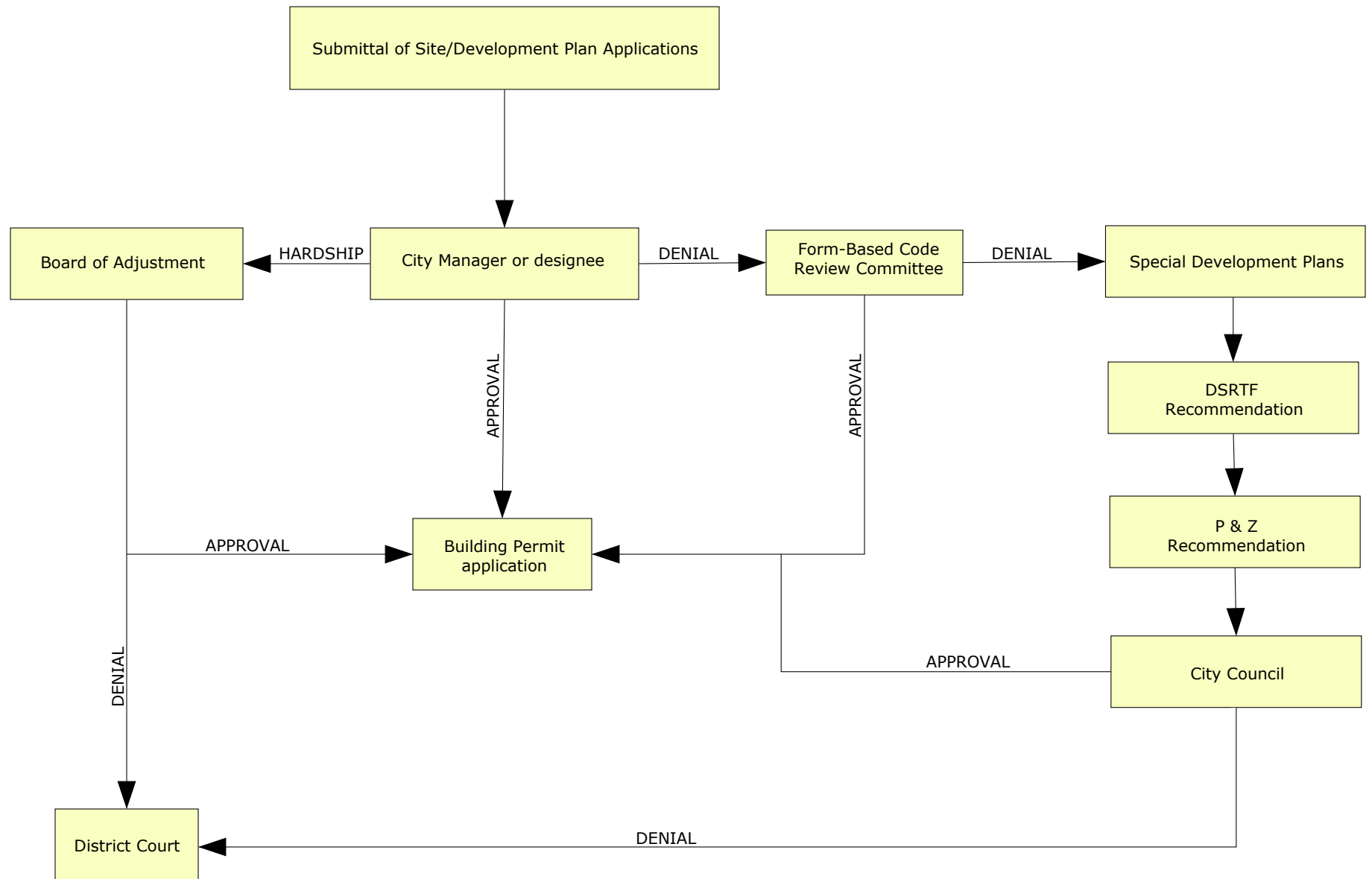
Table 8.1

Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossings	Town Center Crossing	Padre Boulevard South	Padre Boulevard Central	Padre Boulevard North	Neighborhood Transition	Standard
Sign Type									
Wall Signs	P	P	P	P	P	P	P	P (comm. uses only)	<ul style="list-style-type: none"> <li>For all ground floor commercial uses (retail, office, and restaurant): One sign per tenant space per each street frontage, not to exceed more than 2 signs; area to be calculated at 1.5 sq. ft. per linear foot of public street frontage for the tenant space with a maximum of 100 sq. ft. per tenant.</li> <li>Second and upper floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 1.5 sq. ft. per linear foot of second or upper floor frontage along that public street with a maximum of 125 sq. ft.</li> <li>Institutional uses (non-profits and churches): One sign per tenant space; area to be calculated at 1.5 sq. ft. per linear foot of public street frontage with a maximum of 100 sq. ft.</li> <li>Live-Work and Home occupations: One sign limited to an area of 20 sq. ft. max.</li> <li>Building sign may encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 8 ft. from the finished sidewalk.</li> <li>Building signs may be internally or externally lit.</li> <li>Marquee signs as only permitted as specified below.</li> </ul>
Monument Signs	P	P	P	P	P	P	P	NP	<ul style="list-style-type: none"> <li>One monument sign per lot per lot street frontage (no more than 2 per lot separated by at least 100 ft.) limited to a maximum of 50 sq. ft. per sign face and 6 ft. in height.</li> </ul>
Window Signs	P	P	P	P	P	P	P	P (comm. uses only)	<ul style="list-style-type: none"> <li>Limited to 10% of the window area.</li> <li>In the Neighborhood Transition Zone, window signs are only permitted for commercial uses (including the "work" component of live-work uses).</li> </ul> <p>The following shall be exempt from this limitation:</p> <ul style="list-style-type: none"> <li>Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs.</li> <li>Mannequins and storefront displays of merchandise sold.</li> <li>Interior directory signage identifying shopping aisles and merchandise display areas.</li> </ul>
Building Blade Signs	P	P	P	P	P	P	P	P (comm. uses only)	<ul style="list-style-type: none"> <li>One per building (commercial and mixed use buildings only)</li> <li>Area = 30 sq. ft. maximum per sign face.</li> <li>May encroach a maximum of 2 ft. over a sidewalk, but shall not encroach over any parking or travel lane.</li> <li>Building blade signs may be attached to the building at the corners of building or along any street facing façade above the first floor facade.</li> </ul>
Tenant Blade Signs	P	P	P	P	P	P	P	P (comm.)	<ul style="list-style-type: none"> <li>One per commercial tenant space (retail, office, or restaurant use)</li> <li>Area = 16 sq. ft. maximum per sign face</li> </ul>

Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossings	Town Center Crossing	Padre Boulevard South	Padre Boulevard Central	Padre Boulevard North	Neighborhood Transition	Standard
Sign Type									
								uses only)	<ul style="list-style-type: none"> <li>May encroach a maximum of 2 ft. over a public sidewalk, but shall not encroach over any parking or travel lane.</li> <li>Tenant blade signs shall be oriented perpendicular to the building façade and hung under the soffit of an arcade or under a canopy/awning or attached to the building façade immediately over the ground floor tenant space while maintaining a vertical clearance of 8 ft. from the finished sidewalk.</li> </ul>
Marquee Signs	P	P	P	P	P	P	P	NP	<ul style="list-style-type: none"> <li>Permitted for theatres, auditoriums, and other public gathering venues of 100 persons or more</li> <li>Marquee signs shall be attached to the building or located above or below a canopy only</li> <li>Area = 100 sq.ft. maximum</li> <li>Message board may be changeable copy (electronic and non-electronic). Electronic message boards shall be non-flashing.</li> </ul>
For sale/for lease signs	P	P	P	P	P	P	P	P	<ul style="list-style-type: none"> <li>Size is limited to 32 sq. ft. per sign face</li> <li>All other standards are the same as City of South Padre Island Sign Regulations.</li> </ul>
Address signs	P	P	P	P	P	P	P	P	Same as City of South Padre Island Sign Regulations
Temporary construction signs	P	P	P	P	P	P	P	P	<ul style="list-style-type: none"> <li>1 free standing sign per lot during construction only; limited to 32 sq. ft.</li> <li>Regulations same as City of South Padre Island Temporary Signage regulations, Sec.15-6 (G)</li> </ul>
Banners	P	P	P	P	P	P	P	P	Same as City of South Padre Island Sign Regulations
Sandwich board signs	P	P	P	P	P	P	P	P	<ul style="list-style-type: none"> <li>Permitted only for retail, service, or restaurant uses</li> <li>Limited to 12 sq. ft. per sign face per storefront;</li> <li>Sign may not exceed 5 ft. in height.</li> <li>A minimum of 6 ft. of sidewalk shall remain clear.</li> <li>Chalkboards may be used for daily changing of messages. Reader boards (electronic and non-electronic) shall be prohibited.</li> <li>Sign shall be removed every day after the business is closed.</li> </ul>
Light Pole Banners	P	P	P	P	P	P	P	P	<ul style="list-style-type: none"> <li>Permitted only with approval of the City Council.</li> <li>Max. 10 sq. ft. per sign face.</li> <li>Limited to one per light pole</li> <li>All light pole banners shall be approved by the appropriate utility company prior to consideration by the City Council.</li> <li>Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other city sponsored events.</li> </ul>
Directory signs	P	P	P	P	P	P	P	P	<ul style="list-style-type: none"> <li>Shall be allowed for all multi-tenant commercial and mixed use buildings only</li> <li>One directory sign per multi-tenant building limited to 12 sq. ft. in area</li> <li>Design of the sign shall be integral to the façade on which the sign is to be affixed.</li> </ul>

P= Permitted; NP = Not permitted

PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE  
**IX. DEVELOPMENT REVIEW PROCESS**



## X. Definitions

In addition to Definitions of the City of South Padre Island City Ordinances, the following terms shall have the corresponding interpretations.

**Arcade:** is a portion of the main façade of the building that is at or near the Street-Setback Line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories.

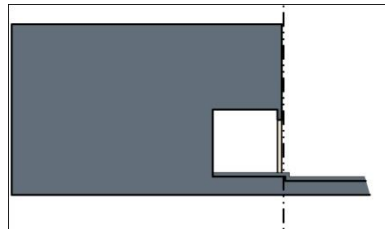


Image of an arcade

**Attics/Mezzanines:** the interior part of a building contained within a pitched roof structure or a partial story between two main stories of a building.

**Auto-Related Sales and Service Uses:** are establishments that provide retail sales and services related to automobiles including, but not limited to, cars, tires, batteries, gasoline, etc.

**Balcony** is a platform projecting from a second or higher story interior or exterior wall of a building, usually enclosed for privacy and protection by a rail. A balcony usually has French or sliding glass doors leading out to it, and can be entered from a living room or bedroom.



**Block Face Dimensions** means the linear dimension of a block along one of its street frontages.

**Block Perimeter** means the aggregate dimension of a block along all of its street frontages.

**Block** means the aggregate of lots, pedestrian passages and rear alleys, circumscribed on all sides by streets.

**Boulevard** means the street identified as such on the Regulating Plan. The Boulevard shall be a hybrid street that balances both automobile and pedestrian orientation with respect to the development context.

**Build-to Zone** means the area between the minimum and maximum setbacks within which the principal building's front façade (building façade line) is to be located.

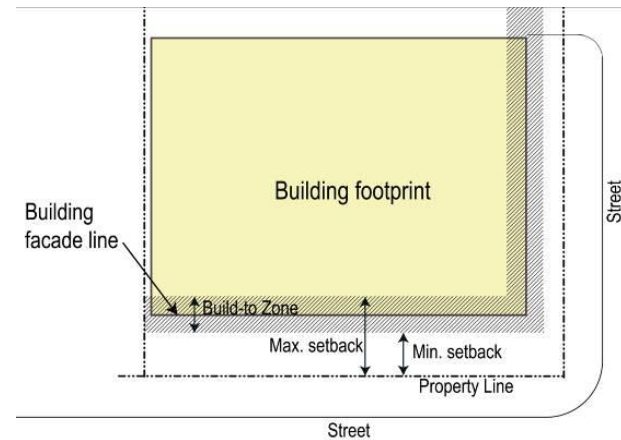
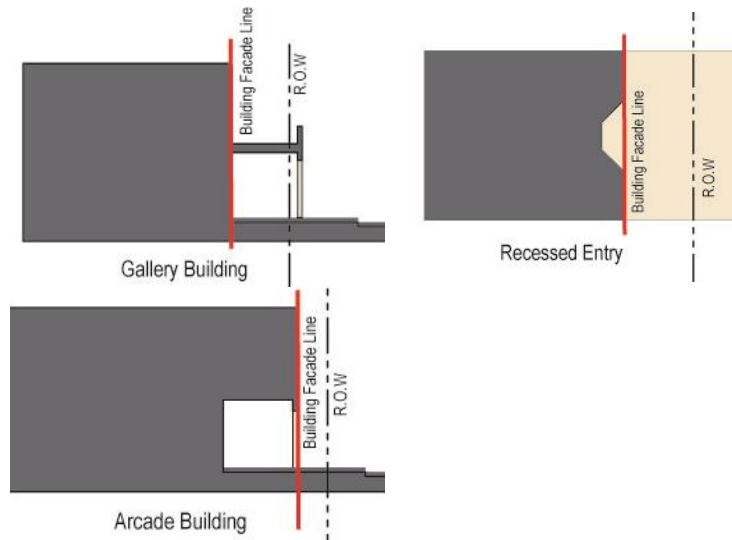


Illustration indicating the location of the build-to zone relative to the minimum and maximum setbacks and the building façade line

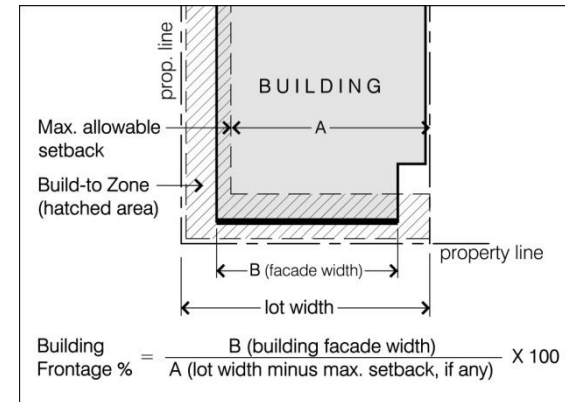
**Building Façade Line** means the vertical plane along a lot where the building's front façade is actually located.



*Building Façade Line Illustrations*

**Building Form Standards:** the standards established for each Character Zone that specifies the height, bulk, orientation, and elements for all new construction and redevelopment.

**Building Frontage:** the percentage of the building's front façade that is required to be located at the front Build-to Line or Zone as a proportion of the block frontage along that public street. Parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.



*Image showing how a lot's building frontage is calculated .*

**Character Zone** means an area within the Padre Boulevard and Entertainment District that creates a distinct urban form different from other areas within the PBED. Character Zones are identified in the Regulating Plan.

**City Manager** means the City Manager of the City of South Padre Island or designee.

**Civic/Open Space:** a publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. For all residential uses, privately accessible open spaces such as courtyards, porches, and balconies may also be considered as Civic/Open Space for the purposes of this ordinance.

**Plaza** – a primarily hardscaped civic/open space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings.

**Paseo:** is a civic space dedicated for pedestrian movement located between blocks, buildings or along alleys. Paseos may terminate public streets within the PBED.



*Image of a typical paseo*

**Commercial or Mixed Use Building** means a building in which the ground floor of the building is built to commercial ready standards and any of the floors are occupied by non-residential or residential uses.

**Commercial Ready** means space constructed at a minimum ground floor height as established in each character zone which may be used for noncommercial uses and can be converted into retail/commercial use. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial-Ready space, the space must comply with all building and construction codes for that use. The intent of Commercial-Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

**Community Garden** is a small to medium size garden cultivated by members of an area for small scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot).



*Images of community gardens*



**Comprehensive Plan:** City of South Padre Island Comprehensive Plan that establishes the blueprint for the long-term growth and development of the City.

**Courtyard** is a landscaped open space in the center of the block with no street frontage, surrounded by walls or buildings on all sides. It shall be large enough to allow for public activities and have sunlight during midday. It should be designed to connect to adjacent buildings or to the public sidewalk through a pedestrian passage.



*Images of Courtyards*

**Daylighting:** Daylighting in a building is the utilization of available sunlight by manipulating window placement, window fixtures, and room dimensions to maximize natural light in a space. Using daylighting minimizes the need for lamps and overhead lights and the energy required to power artificial lighting.

**Design Exceptions:** shall be any request to modify any standards in Section VI Building Form and Development Standards, Section VIII Signage Standards, and requirements from the Padre Boulevard and Entertainment District Design Guidelines.

**Development Application:** shall be any application for development that changes the outward appearance of a building or site within the Padre Boulevard and Entertainment District. It shall include applications for new buildings and signs, additions or modifications to existing buildings, signs or site. It shall include site plans, landscape plans, façade improvement plans, surface parking lot plans, sign applications, and similar requests but shall not include building permit applications.



*Existing Development:* shall be all development (buildings and uses) that existed on or before May 1, 2011.

*Encroachment:* any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony, that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public R-O-W, or above a height limit.

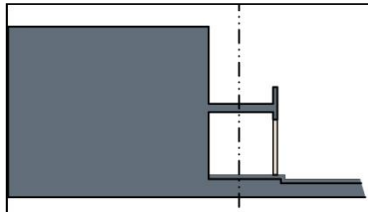
*Forecourt* is similar to a Courtyard, however, it is located in the front of a building such that the forecourt is surrounded on two or three sides by wings of the building.



*Image of a forecourt*

*Flood Zone Height or Base Flood Elevation:* shall be the elevation of the 100-year flood zone as established by the Federal Emergency Management Agency (FEMA).

*Gallery:* is an extension of the main façade of the building that is at or near the front property line and the gallery may overlap the public sidewalk.



*Image of a Gallery*

*General Street* means a street intended to primarily accommodate access to parking, driveways, service, and other auto-related functions.

*Hybrid Street:* shall be the Boulevard that balances automobile accommodation with pedestrian accommodation.

*Illustrative Concept Plan:* shall be the design concepts and drawings developed during the Camp Bowie Corridor Code initiative.

*Improvements:* Improvements include anything that increases the dollar value or the usefulness of the property as defined by the Appraisal District. Such improvements include extension of utility service lines, filling or draining low areas, building raised areas, creating roads, parking lots and other access as well as erecting buildings, outbuildings and other fixed, permanent structures.

*Institutional Uses:* are uses that are related to non-profit organizations dedicated to religious or social functions.

*Kiosk* means a small temporary or permanent structure often open on one or more sides used for sales in civic/open spaces.

*Live-Work Unit:* means a mixed use building type with a dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The 'work' component is usually located on the ground floor which is built to Commercial Ready standards. The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

*Living Fence:* shall be a Street Screen composed of landscaping in the form of vegetation.

*New Development:* shall be all development that substantially modified or built after the adoption of this Code.

*Nursing, supervision, and other rehabilitation services:* shall include inpatient nursing and rehabilitative services and can accommodate patients for extended care. This category shall also include convalescent homes, convalescent hospitals, inpatient care hospices, nursing homes, and rest homes with nursing care are a few examples of services these establishments provide. This category also includes mental retardation services (not licensed hospital care) to people with mental illness, substance abuse problems, psychiatric convalescent needs, etc. The focus of these services may include health care, but the primary purpose is protective supervision and counseling.

*Patio* is an outdoor space for dining or recreation that adjoins a residence and is often paved. It may also be a roofless inner courtyard within a residence, typically found in Spanish and Spanish-style dwellings.



Image of a patio

*Pedestrian Priority Street* means the streets identified as such on the Regulating Plan. Pedestrian Priority Streets are the primary pedestrian streets with the development context set to the highest standard of pedestrian-oriented design.

*Playgrounds* are open spaces designed and equipped for the recreation of children. These playgrounds should serve as quiet,

safe places -- protected from the street and typically located where children do not have to cross major to access. Playgrounds may be fenced. An open shelter, play structures or interactive art and fountains may be included with landscaping between. Shaded areas and seating shall be provided. Playground equipment and design must be reviewed and approved by the City prior to installation. A larger playground may be incorporated into the park, whereas a more intimate playground may be incorporated into the green.



Images of playgrounds

*Private Open Space Amenity* shall be any other private open space that could include a pool (swimming, lap pool, spa area), play courts (basket ball), or picnic areas with shade structures.

*Regulating Plan:* is a Zoning Map that shows the Character Zones, Street Types, Frontage Types, Civic Spaces, and other requirements applicable to the Padre Boulevard and Entertainment District subject to the standards in this Code. The details of the Regulating Plan can be found at the "Zoning District Map" as may be amended from time to time in Sec.20-5.

*Retail Sales:* Retail establishments are the final step in the distribution of merchandise. They are organized to sell in small quantities to many customers. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses



and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in, but not limited to this category, are durable consumer goods sales and service, consumer goods, other grocery, food, specialty food, beverage, dairy, etc, and health and personal services.

*Residential Building* means a building type that is built to accommodate only residential uses on all floors of the building such as townhomes, apartment buildings, duplexes, etc.

*Roof terraces* are flat areas on top of a building which are accessible for use as a recreation space for the residents and users of the building.



*Image of a roof terrace*

*Service Uses:* This is a category for limited personal service establishments which offer a range of personal services that include (but not limited to) clothing alterations, shoe repair, dry cleaners, laundry, health and beauty spas, tanning and nail salons, hair care, etc.

*Sign, Building Blade:* is a pedestrian-oriented sign that is affixed perpendicular to the corner of a building or along the front façade of a building above the ground floor to provide identification for the whole building.



*Image of a Building Blade Sign*

*Sign, Tenant Blade:* is a smaller pedestrian-oriented sign that is affixed perpendicular to the building façade under a canopy or awning or immediately over a tenant space and provides identification for individual tenants within a building.



*Image of a Tenant Blade Signs*

*Sign, Freestanding:* shall include both permanent and temporary signs placed within a building's front yard. Freestanding signs may be Pole or Monument Signs.

*Sign, Marquee:* is a sign structure placed over the entrance to a theatre or other public gathering venue. It has signage stating either the name of the establishment or, in the case of theatres or other public venues, the name of the event, artist, and other details of the event appearing at that venue. The marquee is often identifiable by a surrounding cache of light bulbs, usually yellow or white, that flash intermittently or as chasing lights. Marquee signs may often be combined with Building Blade signs.



*Image of a Marquee sign with a Building Blade Sign*

*Sign, Monument:* is any freestanding sign which is connected to the ground and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. A monument sign may include a sign face and sign structure, and may also include a sign base and sign cap.



*Image of a Monument Sign*

*Sign, Sandwich Board:* is a portable sign consisting of two panels of equal size, which are hinged at the top or one panel with a support and placed on the ground or pavement so as to be self-supporting.



*Images of sandwich board signs.*

*Special Development Plan:* shall be any request to modify any standards in the Padre Boulevard and Entertainment District Code as well as the Padre Boulevard and Entertainment District Design Guidelines.

*Street Screen:* a freestanding wall or living fence built along the frontage line or in line with the building façade along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.



*Image of a combination masonry and living street screen*

*Transition Zones:* are the areas with specific adjacencies within which certain limitations on building heights apply as established for each Frontage Type.

<p style="text-align: center;"><b>PLANNING &amp; ZONING COMMISSION</b> <b>AGENDA REQUEST FORM</b></p>
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**MEETING DATE:** September 17, 2015

**ITEM:** 7 & 8

**TO:** Planning and Zoning Commission

**FROM:** Sungman Kim, Director of Development Services

**ITEM DESCRIPTION:**

Discussion and action regarding amendments to the Shores PDD

**DISCUSSION:**

---

**The Issues**

1. The Shores PDD has a Variance section (PDD 2.13.7) and the Design Review Board (DRB) has been granting variances for developments;
2. Variance review authority is only given to the Board of Adjustment by Texas Local Government Code (LGC Sec.211.009) and the Shores' DRB does not have such authority;
3. The Shores' DRB wants to retain an authority for minor modifications along with the rights to approve subdivision and reject building plans that appear to be a copy work; and
4. The Shores wants to clarify some of PDD standards such as "Garage Doors" and "Double Fronting Lots and Corner Lots"

**The Proposed Action**

The Shores Development Inc. proposes the following changes to the PDD:

1. Add the following at the end of the existing 2.4.4A(A): It is the policy of the DRB to encourage uniqueness in the architecture of the buildings within The Shores. The DRB expressly reserves the right to reject building plans that appear to be a copy or "knock-off" of another architect's work.
2. Add the following prior to the existing texts under 2.4.4A(D): Subdivision or Platting of Property. No lot or other parcel of land within the Shores Subdivision shall be platted or subdivided without prior written approval of either (i) the developer of the Shores subdivision (Shores Development Inc., its successors or assignees) or (ii) the DRB.
3. Revise 2.4.4A(S); 2.5(M); 2.6(L); and 2.9.6(h) to read: Decorative garage doors are required. Garage door openings that are vertical (taller than wide) are encouraged; however, at a minimum, garage door openings must be square. A Primary Residence may have a maximum of two (2) garage doors facing the street if the front door is prominent and also faces the street. An Outbuilding may have a maximum of one (1) garage door facing the street. All garage doors must be under a balcony.
4. Revise Note 6 of 2.5(D); and Note 3 of 2.6(D):  
Note 6: Double Fronting Lots and Corner Lots:

**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

Lots having a double frontage (running from street to street) must have a front yard setback on both streets.

Lots having a double frontage and being located on a corner must place the widest side yard setback on the corner street side, however, in all cases where the side yard is adjacent to a street, the side yard shall be not less than ten (10) feet in depth.

5. Revise 2.13.7:

**VariancesMinor Modifications**

~~Variances~~Minor modifications may be granted for architectural merit, unique topographical conditions, or irregular shaped lots, and are solely at the discretion of the DRB. Minor modifications also may be granted in circumstances where minor deviation from this PDD are necessary to accommodate special situations if, in the sole discretion of the DRB, such deviations will not adversely affect the subdivision. Variances, other than minor modifications that are allowed in this subsection, shall be reviewed by the Board of Adjustment with the City of South Padre Island.

Criteria for granting minor modifications are as follows:

<u>Standards</u>	<u>Minor Modifications Allowed</u>	<u>Criteria</u>
<u>Maximum Site Coverage (Building Site Coverage and Impervious Surface Coverage)</u>	<u>5% of square foot area</u>	<u>Minor modifications to an approved plan may be permitted when it is determined by the DRB that such are in substantial conformance with the approved plan and that such are in response to issues of topography, drainage, underground utilities, structural safety, layout, or design vehicular circulation; or are to accommodate architectural merit; or are to accommodate accessory structures or minor building additions; or are to preserve the intent of the original project; or are to mitigate any special situations given only to the owner/builder.</u>
<u>Setbacks (Front, Side and Rear)</u>	<u>+/- one (1) foot</u>	
<u>Height (Maximum Height of Structures and Ceiling Height)</u>	<u>5% of required height</u>	

**Staff Recommendation**



**ORDINANCE NO. 15-**

**AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING THE PLANNED DEVELOPMENT DISTRICT STANDARDS, SPECIFICATIONS AND ZONING FOR THE SHORES SUBDIVISION OF SOUTH PADRE ISLAND; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE EFFECTIVE DATE; AND AUTHORIZING PUBLICATION IN CAPTION FORM.**

**WHEREAS**, the Shores Development Inc., submitted an application to the City of South Padre Island to review the Planned Development District Standards, Specifications and Zoning for the Shores Subdivision; and

**WHEREAS**, the Planning and Zoning Commission of the City of South Padre Island, Texas, reviewed the proposed amendments and recommended the City Council approval of the amendments to the Planned Development District Standards, Specifications and Zoning for the Shores Subdivision; and

**WHEREAS**, this ordinance is consistent with the goals of the City's Comprehensive Plan;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:**

**Section 1.** The Planned Development District Standards, Specifications and Zoning for the Shores Subdivision be amended as described and attached hereto as Exhibit "A".

**Section 2.** This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

**Section 3.** Any violation of the above mentioned section of Chapter 20 of the Code of Ordinances of the City of South Padre Island may be punished by a fine not to exceed two thousand Dollars (\$2000.00) for each offense of for each day such offense shall continue and the penalty provisions of Sections of Section 21-2 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

**Section 4.** If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this City Council that

every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**Section 5.** This Ordinance shall become effective when published in caption form.

**PASSED, APPROVED AND ADOPTED** on First Reading, the \_\_\_\_ day of \_\_\_\_ 2015.

**PASSED, APPROVED AND ADOPTED** on Second Reading, the \_\_\_\_ day of \_\_\_\_ 2015.

ATTEST:

CITY OF SOUTH PADRE ISLAND,  
TEXAS

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SUSAN HILL, CITY SECRETARY

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BHARAT R. PATEL, MAYOR



# **Planned Development District Standards, Specifications and Zoning for the Shores Subdivision of South Padre Island**

This document was prepared with contributions from the following:  
The Shores Development, Inc.  
Halff Associates  
Landry Architecture

This document includes minimum building and development requirements for this development. The Engineering Seal is intended to represent that General Acceptable Engineering Practices were followed in the preparation of development guidelines. This document shall not preclude the requirement for the preparation of plans and specifications by a Licensed Engineer and/or Architect and approval of said documents by appropriate entities having jurisdiction, prior to construction.



May 27, 2008

# Contacts

## Owner/Developer

Shores Development, Inc.  
8605 Padre Blvd.  
South Padre Island, TX 78597

Contact	:	Mr. Dennis Franke / Mr. Richard Franke
Phone Number	:	(956) 761-2606

## Engineer/Planner

Halff Associates Inc.  
5000 West Military Highway, Suite 100  
McAllen, Texas 78501

Engineer Contact	:	Mr. Robert Sáenz PE
Phone Number	:	(956) 664-0286

Planner Contact	:	Mr. Joey Treviño
Phone Number	:	(956) 664-0286

## Architect/Planner

Landry Architecture, L.L.C.  
1618 Saint Charles Avenue  
New Orleans, LA 70130

Architect Contact	:	Peggy Landry
Phone Number	:	(504) 528-9611

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# **Article 1. The Shores Master Plan Description of and Overall Development Concept**

This document will serve as the base zoning and engineering standards and specifications that will be followed for The Shores Planned Development District (PDD)

**Overall Master Plan** - A Master Development Plan has been prepared for The Shores. This plan envisions places to live and play, as well as extensive business and commercial developments. The Master Plan provides a framework by which the property will be developed, but at the same time provides, as all master plans do, a degree of flexibility and responsiveness to future market conditions and trends. The development of the entire property will take place over a period of approximately 10 years, and as such the Master Plan is designed to be flexible as conditions in Town of South Padre Island and in the Rio Grande Valley evolve.

As the premier seaside community development on South Padre Island, The Shores is 247 acres of pristine oceanfront and bay front property available to homeowners, investors and renters alike. Be it a vacation spot or a new tropical home at The Shores of South Padre Island, every lot is just a short stroll from the beach, bay, waterfront cafes and shops in a traditional neighborhood setting.

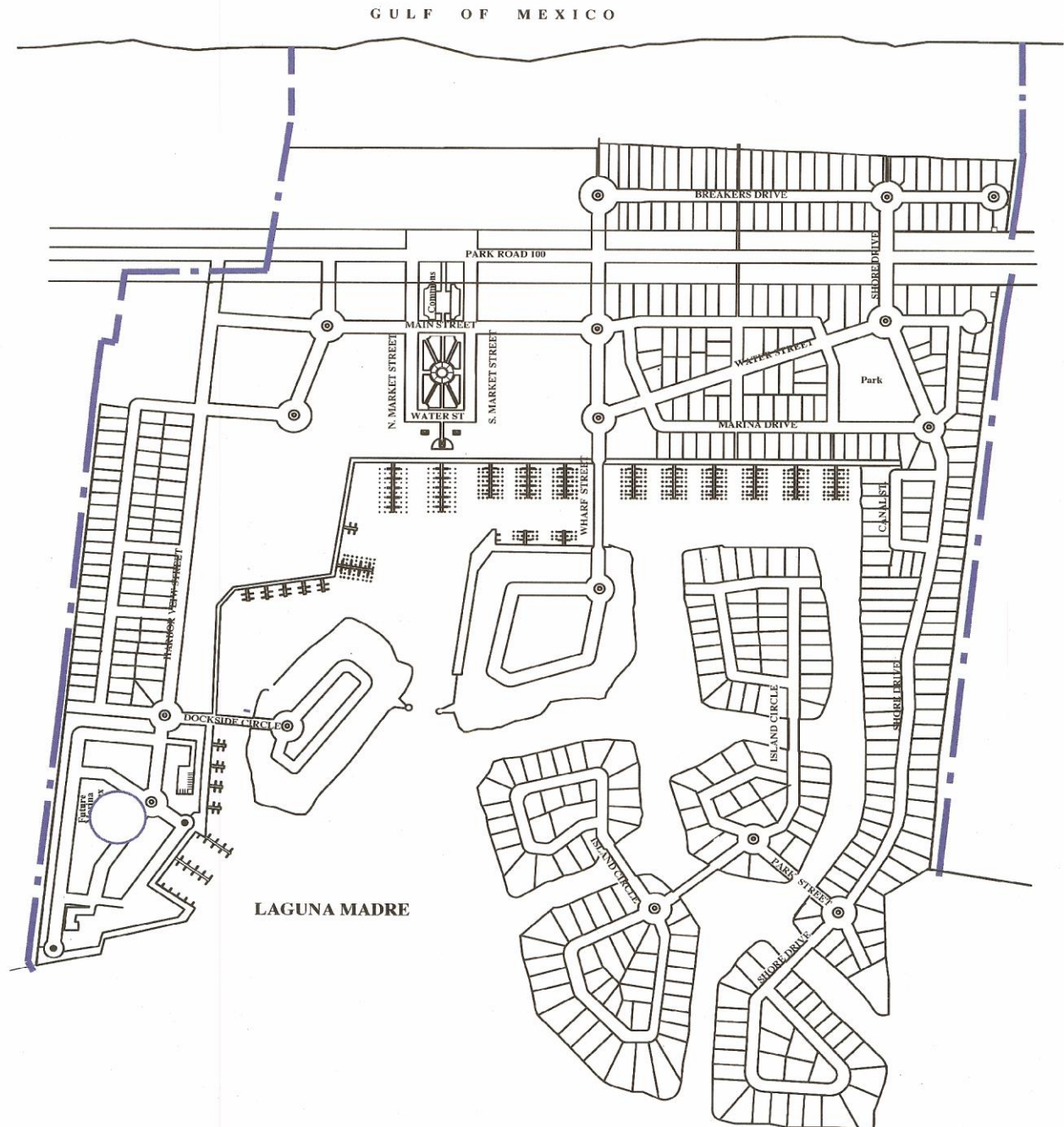
The Master Plan for The Shores envisions the creation of an entire community within the Town of South Padre Island, providing citizens of South Padre Island who live in The Shores with open space and parks, community retail areas, and civic facilities appropriate to a place where someday as many as 1,500 residents may eventually live. The Master Plan creates a place where people can walk along tree lined boulevards, where beaches marinas and parks are never more than a few minutes walking distance away, and where the design of the community builds in features that create a sense of pride.

The Shores encompass an area over 247 acres, of which 166 acres will be developed with approximately 105 acres being developed for residential uses and 61 acres for commercial development. Approximately 81 acres will be incorporated into marina, waterways, parks, roadways and common areas.

Within the residential areas, a variety of home sizes and price levels will be provided, ranging from single family to town homes to high end residences. Specific densities are identified for the areas as zoned.

The Overall Master Plan for The Shores is shown in the attached exhibit that follows this page.

THE SHORES - Master Plan



### **Legal Description for the Shores Subdivision**

Being 247.74 acres, more or less, on South Padre Island in Cameron County, Texas, being a part of that certain tract commonly referred to as the "South 2,000 Acres of the King 6,000 Acres" lying North of the parallel of North Latitude 26 degrees, 08', 47"; the said "South 2,000 Acres" found to have a total area 1,806.62 Acres according to the Deed recorded in Volume 938 on Page 895, and the said 247.74 Acres, thereof, being the total area of two tracts which are hereinafter more particularly located and described as Tract No. 1 containing 53.13 Acres, more or less, and Tract No. 2 containing 194.61 Acres, more or less, and being the same tracts called Parcel One in the Final Judgment of Partition dated November 10, 1975 and recorded in Volume 1044 on Page 765 of the Cameron County, Deed Records.

#### **Tract No. 1**

Being 53.13 Acres, More or Less, located in the Southern portion of the above-mentioned 1,806.62 Acres on South Padre Island and Lying between the Centerline of Texas State Park Road No. 100 and the line of Mean Higher High Tide of the Gulf of Mexico; and being more particularly located and described as follows:

BEGINNING at the Southwest corner of this tract located at a bolt at the Place of Intersection of the South boundary of the said 1,806.62 Acres with the Centerline of Texas State Park Road No. 100;

THENCE with the centerline of Texas State Park Road No. 100, North 6 Degrees 47' 04" West, a distance of 2,718.84 feet to a bolt for the Northwest corner of this tract;

THENCE North 89 Degrees 30' 30" East, along a line for the North boundary of this tract, at 100.61 feet a 4 1/2 X 4 1/2" concrete monument marked "C" and having thereon a 1" diameter aluminum cap stamped "C + A Survey" for the intersection of this boundary with the East Right-of-Way line of Texas State Park Road No. 100, and continuing an additional 512.77 feet to a concrete monument and continuing therefrom an approximate distance of 243.86 feet for a total distance of approximately 857.24 feet to an intersection with the line of Mean Higher High Tide of the Gulf of Mexico for the Northeast corner of this tract;

THENCE with the meander of the line of Mean Higher High Tide of the Gulf of Mexico, approximately South 6 degrees 23' 00" East 1,024.90 feet; South 8 degrees 12' 08" East, 800.25 feet South 5 Degrees 06' 58" East, 891.27 feet to an intersection with the South Boundary of the said 1,806.62 Acres for the Southeast corner of this Tract;

THENCE with the South Boundary of the said 1,806.62 Acres Tract, South 89 degrees 24' 01" West, at approximately 214.56 feet a 4 1/2 X 4 1/2" concrete monument and continuing an additional 528.49 feet to concrete monument for a Place of Intersection of the Boundary with the East Right-of-Way line of Texas State Park Road No. 100 and continuing therefrom an additional distance of 100.61 feet, for a total distance of 100.61 feet, to the PLACE OF BEGINNING;

CONTAINING, according to the dimensions herein stated a total area of 53.13 Acres, more or less; of which 6.24 Acres are in the Eastern one-half of the Right-of-Way of Texas State Park Road 100, for a net area of 46.89 Acres, more or less.



## TRACK NO. 2

BEING 194.61 Acres, more or less, located in the Southern portion of the above mentioned 1,806.62 Acres on South Padre Island and lying between the centerline of Texas State Park Road No. 100 and the line of Mean Higher High Tide of the Laguna Madre, and being more particularly located and described as follows:

BEGINNING at the Southeast corner of this tract located at a bolt at the place of intersection of the South boundary of the said 1,806.62 Acres with the centerline of Texas State Park Road No. 100;

THENCE along the South line of this tract South 89 degrees 24' 01" West for a distance of 2,377.69 feet to a concrete monument and a point for a corner; said point being on the Easterly line of Mean Higher High Tide of the Laguna Madre as established on July 25, 1981;

THENCE along said Easterly line of Mean Higher High Tide of the Laguna Madre as follows:

North 25 degrees 55' 53" West, 110.60 feet to a concrete monument;  
South 79 degrees 42' 58" West, 594.26 feet to a concrete monument;  
North 29 degrees 18' 16" East, 324.93 feet to a concrete monument;  
South 45 degrees 50' 38" West, 408.76 feet to a concrete monument;  
South 89 degrees 24' 01" West, 200.49 feet to a concrete monument;  
North 04 degrees 13' 32" West, 641.22 feet to a concrete monument;  
North 14 degrees 39' 38" East, 428.12 feet to a concrete monument;  
North 38 degrees 49' 22" East, 476.26 feet to a concrete monument;  
North 69 degrees 10' 32" East, 1,034.23 feet to a concrete monument;  
North 37 degrees 11' 17" West, 713.77 feet to a concrete monument;  
North 12 degrees 04' 46" East, 201.24 feet to a concrete monument;  
North 68 degrees 10' 39" West, 350.76 feet to a concrete monument;  
South 57 degrees 32' 39" West, 219.48 feet to a concrete monument;  
North 20 degrees 26' 48" West, 620.31 feet to a concrete monument;

Said point being on the Northerly line of this tract:

THENCE along the Northerly line of this tract, North 89 degrees 30' 30" East, at 2,661.73 feet a 4 ½ x 4 ½" concrete monument marked "C" and having thereon a 1" diameter aluminum cap stamped "C + A Survey," for the Place of Intersection of this boundary with the West Right-of-Way line of Texas State Park Road No. 100 and continuing therefrom an additional distance of 100.61 feet to a bolt in the centerline of Texas State Park Road No. 100 and the Northeast corner of this tract;

THENCE along the centerline of Texas State Park Road No. 100, South 6 degrees 47' 04" East, for a distance of 3,162.47 feet to the PLACE OF BEGINNING:

CONTAINING, according to the dimensions herein stated, a total area of 194.61 Acres, more or less; which 7.26 Acres are in the Western one-half of the Right-of-Way of Texas State Park Road No. 100, for a net area of 187.35 Acres, more or less.

And Less and Except that certain tract of land lying within the State of Texas Highway Right-of-Way traversing Tracts 1 and 2 as more particularly described and set out in Deed dated June 1, 1971, recorded in Volume 913, Page 32, Deed Records of Cameron County, Texas;

## **Article 2. Planned Development District (P.D.D.) Land Use Standards for the Shores**

### **2.1 Planned Development Districts. (PDD)**

The PDD presented in this document includes approximately **247 acres** of land that is located in the Town of South Padre Island. This property extends north and south approximately one half mile on both sides of Highway 100 Road and runs from the Gulf to the Bay.

**2.2 Land Uses** - The land included in this Planned Development District provides for a variety of residential uses, including Single Family homes, Townhouses, Apartments and Condominiums. The area also includes commercial areas and community facilities such as parks and open space corridors. These land uses are determined by Zoning and Lot types, which are defined and specified in this document.

### **2.3 Definitions.**

For the purpose of this document, the following words and terms as used herein are defined to mean the following: 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 or must" is mandatory and not discretionary.

**Accessory building or use:** A subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

**Alley:** A minor way, which is used primarily for service access to the back or side of properties otherwise abutting on a street.

**Alteration:** Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building.

**Amusement center:** An amusement center is a business wherein there are located machines which require the deposit of money therein to be activated for an individual's entertainment, and from which said business establishment derives fifty percent (50%) or more of its gross income.

**Apartment:** A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

**Apartment house:** A building or portion thereof arranged, intended or designed for three (3) or more families or housekeeping units living independently of each other.

**Bedroom:** For the purpose of calculating off-street parking requirements, rooms such as studies, dens, libraries, etc., must be considered a bedroom if they have an adjacent or adjoining bathroom.

**Boarding house:** A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

**Bed and Breakfast:** A private residence, several rooms of which are set aside for overnight guests whose paid accommodations include breakfast.

**Boathouse:** An accessory structure located on a waterway that houses a boat and may house a residential unit above.

**Building:** An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two (2) buildings connected by a breezeway shall be deemed as one building.

**Carport:** An attached air structure with one or more open sides, with a weatherproof roof to shelter automobiles no more than one story in height

**Commercial Use:** Uses including and similar to retail stores, professional and medical offices, restaurants, and lounges. All proposed commercial uses must be submitted to DRB for review and approval. The design of commercial properties is governed by the Shores Commercial Code.

**Corner Lot:** A lot situated at a junction of two or more streets, or of two segments of curved street, forming an angle of not more than 135 degrees.

**Condominium:** The separate ownership of single units or apartments in a multiple unit structure or structures with common elements. (as defined by the Texas Property Code)

**Convenience storage facilities:** A masonry structure that 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.

**Customary home occupations:** Occupations ordinarily carried on in a home that is not detrimental or injurious to adjoining property. Any use, occupation or activity conducted entirely within a dwelling by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for residential purposes and does not create customer and/or client traffic and does not change the character of the neighborhood. All proposed home occupations must be cleared by DRB.

**Deck:** Any wooden platform without solid roof structure.

**DRB:** The Shores Design Review Board.

**Depth of Lot:** The mean horizontal distance between the front and the rear lot lines.

**Depth of Rear Yard:** The mean horizontal distance between the rear line of a building other than an accessory building and the center line of the alley where an alley exists, otherwise the rear lot line.

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

**Dwelling:** A building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple family structures, boarding and lodging houses, apartment houses, but not hotels, house trailers or mobile homes.

**Family:** Any number of individuals living together as a single housekeeping unit; as distinguished from a group occupying a boarding house or hotel.

**Fence:** A freestanding structure constructed to enclose or divide a property

**Footprint:** The total area of a structure as measured at the ground level. Where enclosed space is located above a porch, the footprint of heated and cooled space must include the enclosed space on the upper level.

**Front Yard:** A yard across the full width of the lot from the front line of the main building to the front line of the lot.

**Garage:** An accessory building principally used for storage of motor vehicles.

**Garden Structure:** Pavilion, gazebos, arbors, pergolas, and other similar structures no more than one story in height.

**Gate House:** A one-story structure to receive and control the entry of cars and pedestrians.

**Gazebo:** An open-air garden structure.

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

**Height:** The height of a building or portion of a building shall be measured from sea level, to the roof's top of ridge or gable. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, radio towers, ornamental cupolas, domes or spires.

**Hotels and Motels:** A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve (12) sleeping rooms, and no provisions for cooking in individual rooms.

**Impervious Surface:** Surfaces which prevent or impede normal water infiltration and/or cause runoff to other areas. Includes, but not limited to: (1) all buildings, and structures (area measured at roof gable end and eave lines), (2) stairs, walkways, driveways and parking or other areas, comprised of cementations substances, or any bituminous substance, including asphalt, and (3) any subbase of plastic or any shield which prevents or impedes water penetration. Decks, stairways and walkways with gaps in their surface structure (e.g., wooden decks with open cracks between the deck boards or brick pavers on sand base) allowing water to readily pass through the structure are not considered an impervious surface.

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

**Irregular Shaped Lots:** Lots which are not rectangular in shape and are generally located in cul-de-sacs, curves, corners and knuckle shaped streets.

**Lot:** Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this Document, and having its principal frontage upon a street.

**Lot Front line:** The line of a lot that is adjacent to the street.

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

**Lot Rear Line:** The boundary line that is opposite and most distant from the front lot line.

**Lot Corner:** A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Shores Design Review Board.

**Multi-Family Residential:** Any dwelling structure consisting of more than one dwelling unit.

**Nightclub:** Any business holding a mixed beverage permit from the Texas Alcoholic Beverage Commission or the appropriate State agency.

**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.

**Open Spaces:** Area included in any side, rear or front yard of a lot other than the building space that is measured as the outside dimensions of the floor area of the building. Therefore, in determining the percent of coverage of buildings allowed on a lot, the

projections of the buildings, such as eaves, cornices, porches, stairways, carports, etc., are considered as open spaces and not building space.

**Outbuilding:** An accessory building detached from the primary residence, such as garage, guesthouse, pool house or storage.

**Overhead Connector:** A walk, deck, or similar structure that connects the house with an outbuilding or garden structure at any level other than the first floor.

**Parking, Parking Requirements, Off-Street Parking:** All parking requirements of a building or premises must be provided on the same site/land for which the building permit is issued or in the commercial areas in adjoining parking lot. All parking areas and access thereto, must be located upon property of the same or more intensive zoning district, and must be of a concrete paver surface. All parking lot construction shall conform to Section, Parking Lots, of the Standards and Specifications for the Acceptance of Public Improvements for The Shores.

**Parking Structure:** A structure in which to park cars that may be one to three story height.

**Patio:** A hard surfaced area without a solid roof structure

**Pergola:** An open-air garden structure with a trellised roof.

**Persons:** The word "person" shall, for the purpose of this document, mean every person, firm, co-partnership, association, partnership, corporation or society; and the term "person" shall include both singular and plural and the masculine shall embrace the feminine gender.

**Pervious Surface:** a surface through which water can penetrate.

**Porch/Gallery/Veranda:** A covered outdoor area attached to a house.

**Pool House:** A free standing one-story structure to operate as a cabana with dressing rooms, bathroom and wet bar.

**Primary Residence:** The primary dwelling structure on a lot.

**Primary Structure:** The primary structure is the largest structure on a lot.

**Raised Cottage:** A Raised Cottage is a one story, two-story or three story single-family house that is comprised of a wood-frame construction over a concrete slab and concrete and masonry foundation.

**Recreational Center:** A building that is totally enclosed, both with ceilings and walls, within which there is located facilities for the conduct of sports and other related recreational activities and there may be located outdoor swimming pools directly adjacent to said enclosed facilities and which are an integral part of the main facility. Any

recreational center may also have located within the sport facilities a pro shop wherein items are sold in connection with sports and recreational activities, a nursery to care for the children of the participants, and a beauty shop for the participants located therein.

**Rear Yard:** A yard between the rear lot line and the rear line of the main building and the side lot lines.

**Restrictive Use Easement (RUE):** The R.U.E. is a private easement for use by the Shores Home Owners Association. Typical uses include but are not limited to the following; bulkhead and related structural support system, boardwalk improvements, private utilities, and fences.

Any proposed improvements within the R.U.E. must be approved by the Shores Home Owners Association. A site plan specifying existing and proposed improvements shall be submitted for approval by the Shores Home Owners Association. If proposed improvements are deemed to potentially impact critical structural components (i.e. bulkhead, retaining walls, etc.), the Shores Home Owners Association will have the option of requiring a letter of approval by a licensed Structural Engineer.

**Romeo Balcony:** French Doors or sliding glass doors protected by a guard rail that projects no more than 6 inches from the wall of the structure.

**Roof:** The exterior surface and its supporting structures on the top of a building

**Side Yard:** A yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard.

**Single Family Dwelling:** A dwelling consisting of one dwelling unit.

**Stairs:** Stairs are for the purpose of accessing floors or levels beyond the first floor.

**Storage Building:** A one-story enclosed structure to store items that such as pool furniture, lawn equipment and etc.

**Street:** An all-weather roadway providing vehicular access.

**Steps:** Steps are for the purpose of accessing the first floor or level.

**Story:** That portion of a building between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above.

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

**Swimming Pool:** A large receptacle typically constructed of concrete that holds water and normally used for swimming or exercising.



**Tandem Parking:** For single-family dwellings, two-family dwellings, townhouses, and multi-family developments which provide fully enclosed individual garages or carports or open uncovered parking for each dwelling unit, tandem parking spaces may be used as a design option in meeting the parking requirements of this Document. The use of tandem parking must meet the following requirements:

- A tandem parking space must be a minimum of nine (9) feet in width and thirty-six (36) feet in length, and shall count as the equivalent of two, regular parking spaces, with a minimum of nine (9) feet wide by eighteen (18) feet long per parking space and shall be dedicated to a specific dwelling unit by means of a deed, restrictive covenant or condominium declaration, firmly binding the assignment of the clearly marked parking spaces to a specific dwelling unit in the project.
- All tandem parking spaces must be entirely located upon private property. No portion of any tandem parking space may utilize the public right-of-way or other public property.
- Tandem parking spaces must be surfaced with concrete pavers.

**Terrace:** An upper level outdoor living area without a solid roof.

**Tower:** A small room, porch, or deck that protrudes above the height of the main structure.

**Townhouse:** A Townhouse is a single-family dwelling unit constructed in a series of attached units with common walls and property lines separating the units.

**Trash or Utility Enclosure:** An open structure to obscure from view trashcans or other utility item.

**Width of Side Yard:** The horizontal distance between the side wall of a building which includes eaves, cornices, porches, stairways, carports or any projection of the building and the side line of the lot.

**Yard:** An open space of ground between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the smallest horizontal distance between the lot line and the main building must be used.

## 2.4 **The Shores Subdivision Zoning Plan**

### 2.4.1 **(PDD) Zoning Use Districts Categories**

The Zoning regulations and districts provided for in this article and in the Design Code shall be known and be cited and referred to as “The Shores Subdivision Zoning Plan”.

### 2.4.2 **Zoning Districts**

The Shores subdivision on South Padre Island, Cameron County, Texas, is hereby divided into four (4) types of “Zoning Districts”. These Districts shall be known as:

- (A) **R-1** Single Family Residential (including one outbuilding)
- (B) **R-2** Low-rise Multiple Family Dwellings, Apartments, Condominium, Townhouse District
- (C) **R-3** High-rise Multiple Family Dwelling, Apartments, Condominium District, and
- (D) **C** Commercial District, including hotels, retail, office and restaurant development.

Refer to Exhibit in Next Page

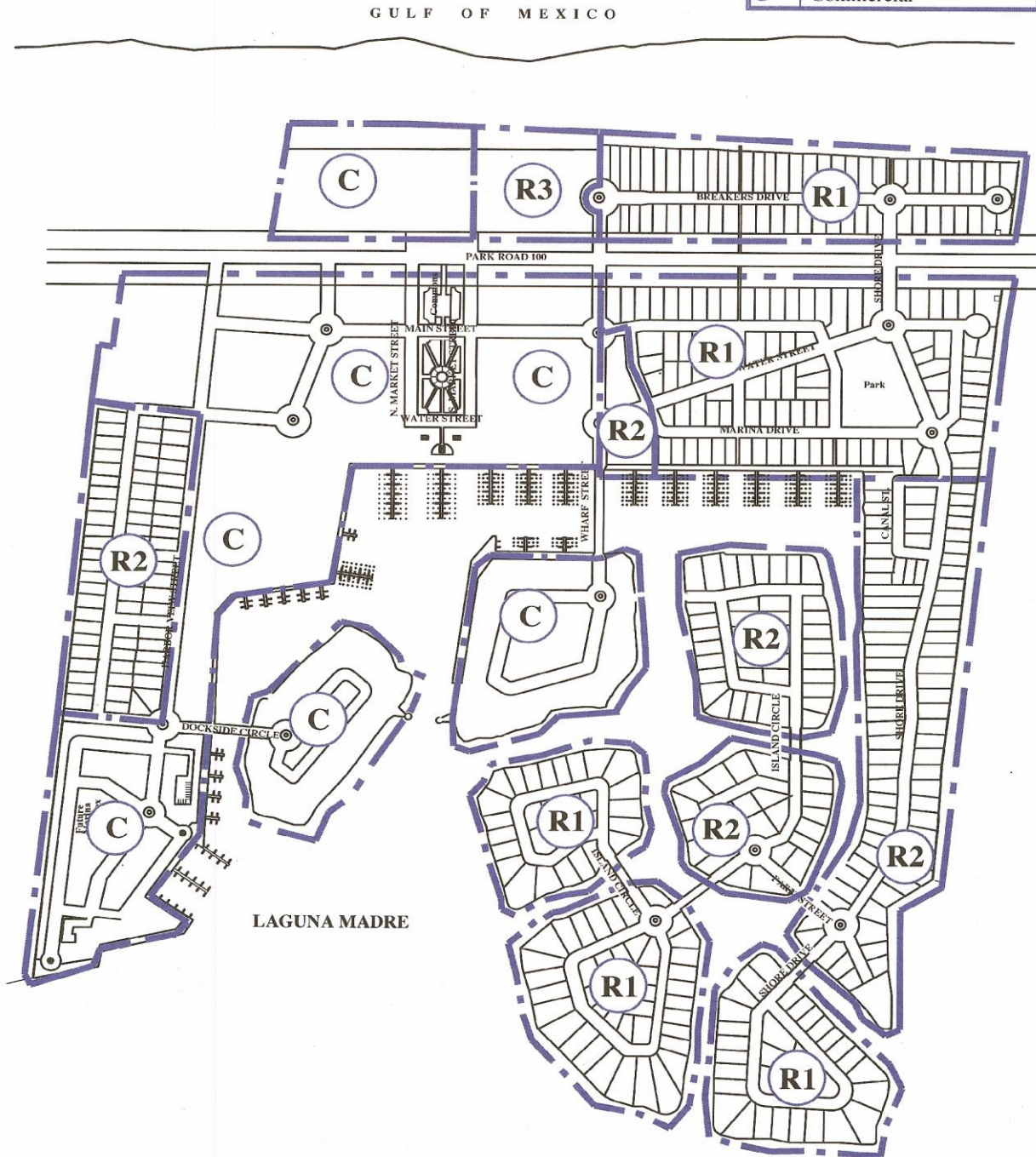
### 2.4.3 **Lot Types**

Within the zoned areas there are eight types of lots. The lot type sets construction requirements such as setbacks, height, etc.

- (A) **Lot Type I** Beachfront
- (B) **Lot Type II** Second Tier
- (C) **Lot Type III** Standard Interior
- (D) **Lot Type IV** Waterfront - Bayside
- (E) **Lot Type V** Interior R-2
- (F) **Lot Type VI** Island Interior
- (G) **Lot Type VII** Mixed-use
- (H) **Lot Type VIII** Waterfront R-2

Refer to Exhibit in Next Page

ZONING LEGEND	
R1	Single-Family Residential
R2	Multi-Family Residential
R3	High-Rise Multi-Family
C	Commercial



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OF  
MEXICO



## 2.4.4 PLANNING GUIDELINES

### 2.4.4A General Requirements

General requirements shall **apply to all Zoning Districts** (R-1, R-2, R-3, Commercial) and all **Lot types** (Lot Types I, II, III, IV, V, VI, VII, VIII).

- (A) **Architecture**: All buildings at The Shores must be designed by, and all construction documents for permits must be stamped by an architect licensed in the State of Texas who has been pre-approved to work in The Shores Development. The Architect will also be responsible for signing a form upon completion of the project certifying that the building has been constructed in accordance with Plans submitted to DRB and the Design Code Standards and Specifications of The Shores subdivision. Owner must ensure that his contract with architect includes field observation during entire construction period as required for architect to provide such certification.

Architect must notify DRB in writing if architect knows or believes that contractor has or plans to deviate from approved plans. The property owner shall be responsible for contacting the DRB office to determine the time and dates of the DRB meetings and the cut-off dates for submission of applications. Application forms may be obtained from the DRB office. In addition to meeting the requirements of the Design Code, the owner is responsible for making sure that the construction conforms to all Federal, State, County, and Local codes, ordinances and regulations.

It is the policy of the DRB to encourage uniqueness in the architecture of the buildings within The Shores. The DRB expressly reserves the right to reject building plans that appear to be a copy or “knock-off” of another architect’s work.

- (B) **Engineering**: All structural systems of the buildings must be designed by a Licensed Professional Engineer licensed in the State of Texas with design standards to withstand at least 150 miles per hour winds and tidal surge.

- (C) **Responsibility for Compliance**: It is the responsibility of the owner and architect of any construction to insure that the construction complies with the Shores Design Code at the time of construction. Plans and Specifications are reviewed by the Shores Design Review Board for compliance; however, if there are items that are not apparent or not found, it does not mean approval of those items. All construction must comply with the requirements and the Spirit of the Design Code and it is each owner’s responsibility to insure compliance.

- (D) **DRB Approval**:

(1) Subdivision or Platting of Property. No lot or other parcel of land within the Shores Subdivision shall be platted or subdivided without prior written approval of either (i) the developer of the Shores subdivision (Shores Development, Inc., its successor or assignees) or (ii) the DRB.

(2) No construction may be started on any lot nor may a building permit be issued until the Shores Design Review Board has given written approval that the plans and specifications for the proposed construction have been approved.

(3) Upon completion of the construction, the Shores Design Review Board must give written approval that the construction appears to be in compliance with the Shores Design Code before a Certificate of Occupancy can be issued by City.

**(E) Exterior Lighting**

- (1) General: Exterior lighting must not be intrusive to adjacent properties or common areas.
- (2) Porch Lighting: Every house or building must have appropriate architectural lighting on the front porch or entry and lighting must be on a photocell and **operated daily**.

**(F) Landscape Lighting**

Landscape lighting must be appropriate architectural lighting located as close to grade as practical. There must be lighting in the landscaping on the street side of the fence and the lighting must emphasize the front entry gate and the driveway. All wiring must be placed underground and the lights must be connected to an electric photocell and **operated daily**.

(G) **Foundations**: The foundation system of all buildings must be designed by a registered professional engineer Licensed in the State of Texas and must be based upon recommendations given in a soils report prepared by a geotechnical soils engineering firm. The soils investigation, analysis and the design of the foundation system must be made by a registered professional engineer. The soils report must include recommendations for type, size, spacing and depth of piers, number and size of reinforcing steel within piers, and method and extent of isolation of foundation beams from adjacent soils.

(H) **Pilings**: All piling must be cased augured pilings constructed of reinforced concrete, designed by a Texas Licensed Structural Engineer. Pilings may not be exposed to view. Driven pilings or jetted pilings are prohibited.

**(I) Construction Types and Materials**:

1. Permitted Types of Construction
  - a. Reinforced Concrete Masonry
  - b. Reinforced Concrete
2. Floors

On Type I Lots, the building floors must be constructed of concrete, except that the ground level floor must be of breakaway construction (brick pavers) / except as described in paragraph 4, below.

On all other Lot Types, the building floors may be constructed of concrete, wood or steel floor systems, except that the ground level floor must be of breakaway construction (brick pavers) / except as described in paragraph 4, below.

### 3. Wood Frame Construction

Wood frame construction is not permitted, except that wood beams and columns may be used above the first floor on balconies and towers. Wood porch floors must be constructed of Treated TG 1 x 4 lumber. Wood exterior stair may use either treated wood or Trex for stair treads. Except as allowed in Raised Cottage Sub District (Section 2.5 (H))

### 4. First Floor Walls

On all Lot Types, the first floor must be entirely enclosed with masonry walls or doors (louvered doors are encouraged). All first floor walls (both exterior and interior) must be masonry floor to ceiling breakaway walls, except that concrete shear (non breakaway) walls are allowed, as necessary at entry or stairs not to exceed enclosing a floor area of 300 square feet. A concrete slab floor is allowed in this area, as permitted by FEMA (maximum of 300 square feet). All other first (ground) floors must be of breakaway construction (brick pavers).

### 5. First Floor Walls / Finish

On all Lot Types, the exterior and interior finish of the first floor walls must be comprised of a smooth stucco finish over the concrete masonry walls. Other finish may be approved at main entry or stairs to house.

### 6. Ground Floor Patios, etc.

Ground floor patios, driveway, walkway, pool deck, etc. must be constructed with brick pavers. No concrete slabs are allowed (either surface or sub-surface).

(J) **A/C Condenser Unit:** All A/C condenser units must be located within the envelope of the primary residence, outbuilding or high-rise building and vented with louvers through the exterior wall. No A/C condenser units are permitted on the exterior of the building. Window unit air conditioners are not allowed.

(K) **Pool Pumps and other equipment:** All pool pumps and other equipment must be located within the building. No pumps or other equipment are permitted on the exterior of the building.

(L) **Parking:** All buildings are required to have adequate on site parking so that all normal parking is located within the lot and not on the street. Guest or service vehicles may temporarily park on street. Boat trailers and other trailers or large vehicles are not allowed to park in the street or exposed to view on the lot.

- (M) **First Floor A/C Area:** A maximum of 35% of the first floor (ground floor) may be air conditioned. The intent is that the first floor of the house is not to be used as living area. All bona fide living area is to be located on the second floor and above. The first floor must be constructed with breakaway walls and is considered an expendable area in case of significant storm. The air-conditioned area allowed on the first floor is to provide for the entry, stairs, elevator and servant quarters.
- (N) **Floors to Ceiling Heights:** All buildings must have a minimum 10'-0" floor-to- ceiling height at the first living level and a minimum 10'-0" at the second living area as measured from finish floor to finish ceiling. Outbuildings and garages must have a minimum of 9'-0" floor to ceiling height.
- (O) **Minimum Elevations:**
- a. Residential Development: The first habitable living area of a building must be a minimum elevation of 16 feet above sea level. Note: The owner is also responsible for complying with the requirements of FEMA and the Town of South Padre Island Building Regulations, and where these regulations are more stringent than those defined in this code, the more stringent regulations will govern.
  - b. Commercial Development shall have a minimum finish floor commercial elevation of 11 feet above sea level except, that development in parks or common areas may be built at a lesser elevation as is necessary. The owner is also responsible for complying with the requirements of FEMA and the Town of South Padre Island Building Regulations, and where these regulations are more stringent than those defined in this code, the more stringent regulations will govern.
- (P) **First Floor Level:** The top of the finish floor of the first floor (ground level) of a building, out building or garage must be a minimum of one foot above crown of the street directly in front of the building. If the first floor of the Building, Outbuilding or Garage contains a bathroom, the bottom of the lowest horizontal structural member must comply with FEMA Regulations. Note: The owner is also responsible for complying with the requirements of FEMA and the Town of South Padre Island Building Regulations.
- (Q) **Front Door:** A Primary Residence must have an entrance door visible from the street. The spirit of the design code requirement is to connect visually the pedestrian pathway from the street to the door, the porch being the transition space. However, there are two exceptions: (1) a Primary Residence may have a side entrance where the lot is a corner lot; (2) a Primary Residence may have a side entrance where the lot is on a common walkway (part of The Shores infrastructure), so long as the residence also has an entrance connection with the street through doors on the porch, which would lead to the side entry; and (3) A Primary Residence may have a side entry into the house, so long as the residence also has an entrance connection with the street through doors on a porch (a Charleston style entry), which would lead to the side entry. Please keep in mid the spirit of this Design Code provision.



- (R) **Garage Floor Elevation:** the required elevation of the garage floor above the crown of the street in a R-1 or R-2 zoned district is as follows:

Garage floor must be elevated above the crown of the street .6 of an inch for each foot of distance between the property line at the street and the front of the house and garage door.

Example:

20' = 12" / required elevation of garage floor above crown of street  
24' = 14.4" / required elevation of garage floor above crown of street  
60' = 36" / required elevation of garage floor above crown of street

- (S) **Garage Doors:** ~~the~~ Decorative garage doors are required. Garage door openings that are vertical (taller than wide) are encouraged; however, at a minimum, garage door openings must be square. A Primary Residence may have a maximum of ~~one~~ two (2) garage doors ~~— and one (1) golf cart door (maximum 5' wide) facing the street if the front door is prominent and also faces the street. An~~ Outbuilding may have ~~—~~ a maximum of one (1) garage door facing the street. All garage doors must be under a balcony.

- (T) **Eaves Requirement:** All buildings must have an eave (Roof Projection or overhang) with a minimum dimension of 12" from the exterior face of the exterior wall to the exterior face of the Eaves.

- (U) **Lot Contour:** Yard areas must contour around House and driveway and may not be inappropriately elevated.

All lots must drain to the street. Waterway lots may drain up to 1/3 of the lot to the waterway.

- (V) **Fill:** Fill material must be sand or soil. Crushed or broken concrete, asphalt or other materials are not allowed.

**Use Regulations.****R-1 Single-Family District.****(A) Use regulations:**

- 1). Single Family Residence (Including one outbuilding)
- 2) Single Family Raised Cottage (See Section 2.5 (H))

**(B) Lot Types Allowed in R-1 District**

- 1). Lot Type I Beachfront
- 2). Lot Type II Second Tier
- 3). Lot Type III Standard Interior
- 4). Lot Type IV Waterfront
- 5). Lot Type VI Island Interior

**(C) Maximum Size of Structures**

The maximum Impervious Area on any residential lot may not exceed 65% of the area of the lot.

Site coverage must be calculated to include the number of square feet of all heated and cooled space at all floors as they project down to the site and create a Footprint. Roof projections from the exterior walls or porch beams are not included. For example, when heated and cooled space is located above unheated/cooled space or above a porch, the calculation of the heated and cooled space (above) must be included as part of the Footprint below when calculating the Maximum Site Coverage. When a balcony or a porch at an upper level projects over an open space below, that area must be included in the site coverage total when calculating the Maximum Site Coverage (Including Porches).

The maximum size of structures shall be as follows:

**Primary Structure:****One Story, Two Story and Three Story Structures:**

Maximum Site Coverage: 40% of the Lot Area (Including Porches)

**Towers:**

Type I Lots may not have a Tower.

**Towers are allowed on:**

Lot Types II, III, IV, V, VI, VII & VIII

Maximum Area of the tower under Roof: 225 SF

Maximum Area of the tower Including Open Balconies or Decks: 300 SF

## **Outbuilding:**

### **One Story Structure:**

Maximum Footprint: 550 Square Feet  
(Including Porches: Porches not required)

### **Two Story Structure:**

Maximum Footprint: 450 Square Feet (Excluding Porches)  
550 Square Feet (Including Porches)

Note: Exterior unenclosed and uncovered stairs to the second level of an outbuilding are not considered part of the area when calculating the Maximum Footprint.

<b>Garages (Outbuildings):</b>	(One Story: Maximum Footprint Area: 550 square feet)
<b>Carports (Outbuildings):</b>	(Maximum Area: 500 square feet)
<b>Garden Structures:</b>	(Maximum Area: 300 square feet)
<b>Storage Buildings:</b>	(Maximum Area: 120 square feet)
<b>Decks:</b>	(Maximum Area: 200 square feet) Note 3
<b>Patios:</b>	(Maximum Area: 400 square feet)
<b>Swimming Pools:</b>	(No Maximum Size)
<b>Boathouses:</b>	(Maximum footprint: 600 square feet)
<b>Pergolas:</b>	(Maximum Area: 300 square feet)
<b>Gazebos:</b>	(Maximum Area: 150 square feet)
<b>Tower:</b>	(Maximum Area: 225 square feet)

## **(D) Setback Requirements**

- Measurement: All setbacks must be measured from the property line to the exterior wall of a structure. Roofs, bay windows above first floor, and balconies are permitted to overhang the required setback a maximum of 3'-0" but must be a minimum of 3' from the property line. On Type I Lots, however, roofs are not permitted to project past the building line at the rear setback (beach side). Chimneys and upper floor projections are considered part of the structure and are not permitted to protrude into the required setback. Steps, trash enclosures, and outdoor showers may protrude into the required setbacks to within 3'-0" of the side property line.
- Required: On all Lot Types, the Primary Residence must be located on the front setback as indicated below, except as provided in Note 2.
- Eaves Requirement: All buildings must have an eave (Roof Projection or overhang) with a minimum dimension of 12" from the exterior face of the exterior wall to the exterior face of the Eaves.

## **Setbacks**

<b>LOT TYPE I</b>	<b>FRONT</b>	<b>SIDE</b>	<b>REAR</b>
Primary Residence	20' min.	8' & 12' (Note 1)	0 (Note 2)
Towers	Not Permitted	--	--
Outbuildings	20'	8'	0
Garages	20'	8'	50'
Carports	20'	8'	50'
Garden Structures	10' - 20'	3'	50'
Decks	30' min.	3' (Note 3)	3'
Patios	30' min.	3'	3'
Swimming Pools/Spa	25' min.	3'	3'
Storage Buildings	40' min.	8'	50'

<b>LOT TYPE II</b>	<b>FRONT</b>	<b>SIDE</b>	<b>REAR</b>
Primary Residence	20'-24'	6' & 12'	15'
Towers	30'	6' & 12'	25'
Outbuildings	20'-24'	6' & 12'	15'
Garden Structures	10' - 20'	3'	10'
Storage Buildings	40'	3'	10'
Decks	20'	3'	10'
Patios	20'	3'	10'
Swimming Pools	25'	3'	10'

<b>LOT TYPE III</b>	<b>FRONT</b>	<b>SIDE</b>	<b>REAR</b>
Primary Residence	20'-24'	6' & 12'	15'
Towers	30'	6' & 12'	25'
Outbuildings	20'-24'	3'	15'
Garden Structures	10' - 20'	3'	3'
Storage Buildings	40' Min.	3'	3'
Decks	20' Min.	3'	3'
Patios	20' Min.	3'	3'
Swimming Pools	25' Min.	3'	3'

<b>LOT TYPE IV</b>	<b>FRONT</b>	<b>SIDE</b>	<b>REAR</b>
Primary Residence	20'-24'	6' & 12'	20' (Note 2)
Towers	35' Min.	6' & 12'	20'
Outbuildings	20'-24'	3'	20'
Garden Structures	10' - 20'	3'	3'
Storage Buildings	40' Min.	3'	20'
Decks	30' Min.	3'	0'
Patios	30' Min.	3'	0'
Swimming Pools	25' Min.	3'	20' *

Boathouses	N/A	30'	0'
<b><u>Setbacks</u></b>			

<b><u>LOT TYPE V</u></b>	<b><u>FRONT</u></b>	<b><u>SIDE</u></b>	<b><u>REAR</u></b>
Primary Residence	20'-24'	5'	15'
Towers	30'	5'	30'
Outbuildings	20' – 24'	5'	15'
Garden Structure	10' - 20'	3'	3'
Storage Buildings	40' min	3'	3'
Deck	30' min	3'	3'
Patios	30' min	3'	3'
Swimming Pools/Spas	25' min	3'	3'

<b><u>LOT TYPE VI</u></b>	<b><u>Front</u></b>	<b><u>Side</u></b>	<b><u>Rear</u></b>
Primary Residence	20'-24'	6' & 12'	15'
Towers	30' Min.	6' & 12'	30'
Outbuildings	20'-24'	3'	15'
Garden Structures	10' - 20'	3'	3'
Storage Buildings	40' Min.	3'	3'
Decks	30' Min.	3'	3'
Patios	30' Min.	3'	3'
Swimming Pools	25' Min.	3'	3'

<b><u>Lot Type VIII</u></b>	<b><u>Front</u></b>	<b><u>Side</u></b>	<b><u>Rear</u></b>
Primary Residence	20'-24' (Note 2)	5'	20'
Towers	30' min	5'	20'
Outbuildings	20'-24'	5'	20'
Garden Structure	10' - 20'	3'	3'
Storage Buildings	40' min	3'	20'
Deck	20' min	3'	0'
Patios	20' min	3'	0'
Swimming	25' min	3'	20' *
Pools/Spas			
Boathouses	N/A	30'	0'

## Notes

\*Note: On Marina Lots, a swimming pool may be built within 3' of the rear bulkhead line if bulkhead (seawall) tiebacks are reengineered with piling or other means of support for bulkhead, designed by a professional engineer and approved by the Shores Design Review Board. On waterfront lots, a swimming pool may be built within 10' of the rear bulkhead line under same conditions as noted under "Marina Lots".

Note 1: The maximum width of a house constructed on a Lot Type I is limited to 60% of the width of the lot. All projections including balconies, porches, bay windows above first floor, chimneys, etc, are included when determining the width of a house. The minimum 8' side setback is not intended to prohibit a residence from building to 60% of the lot width; therefore, on lots less than 50' in width, side setbacks will be reduced equally on each side to accommodate the 60% allowable. Correspondingly, on lots less than 50' in width, as the side setback is reduced, the Outbuilding side setback will also be reduced, so that on a 35' lot the Primary Residence has a (60% of 35 = 21 : 35 - 21 = 14' : 14 ÷ 2 = 7') 7' side setback and the Outbuilding has a 7' side setback. All other setback requirements remain the same.

Note 2: On Type I, II, III, IV, V, VI, VII & VIII Lots, if approved by the Shores DRB, the Primary Residence may be located on or near the rear setback line. If the Primary Residence is located to the rear of the front yard setback (street side) then, the front (street side) must be addressed in one of the following ways:

(a) with a garden structure. When a garden structure is constructed, it must be a minimum of 100 square feet in area, have a floor (deck) to allow seating, be a minimum of 18" above finish grade, and must have a roof or an open pergola roof structure.

(b) with a two story outbuilding. When a two-story outbuilding is constructed on the required front setback, it must have a street facing porch or balcony a minimum of 48 square feet. The minimum depth of an Outbuilding porch or balcony is 6'.

(c) with a one car garage. When a one-car garage is constructed, the garage opening may face the street provided that decorative garage door approved by the DRB is used.

(d) with a two car garage. If a two car garage is constructed, the garage opening may not face the street. When the garage is part of a two-story outbuilding it must comply with Note 2(b) above. When it is only one story, a minimum of 50% of the facade facing the street must be comprised of fenestrations (windows or doors).

Note 3: Decks are not permitted in the required side setback except for the deck connecting the residence to the dune walkover, which may be a maximum of 100 square feet.

Note 4: When a residence is constructed on 2 or more lots, the sideyard setback requirement for the Primary Residence is increased by a factor of 1.5. Correspondingly, the side yard setbacks for Outbuildings will also increase by a factor of 1.5. All other setback requirements remain the same. For Lots Type 1 refer to Note 1 for Primary Residence Setback.

Example: 2 or more lots - sideyard setback increases by a factor of 1.5 from 6' & 12' to 9' & 18'

Note 5: Side yard setbacks for “large lots” ie lots with an average width of 80 feet or more are required to have a side yard setback of 9’ & 18’.

Note 6: Double Fronting Lots and Corner Lots:

Lots having a double frontage (running from street to street) must have a front yard setback on both streets.

Lots having a double frontage and being located on a corner must place the widest side yard setback on the corner street side, however, in all cases where the side yard is adjacent to a street, the side yard shall be not less than ten (10) feet in depth.

Note 7: Residential accessory uses in a vacant lot contiguous to under common ownership with a residential single-family lot having a principal building may be built if approved by the Shores Design Board.

(E) **Height Requirements**

- (1) Measurement: Building heights of all structures must be measured from the highest point of the roof, excluding chimneys and finials.
- (2) Floor to Ceiling Heights: Primary residences must have a minimum 10'-0" floor-to-ceiling height at the first living level and a minimum 10'-0" at the second living level and ground floor as measured from the finished floor to the finished ceiling. Outbuildings must have a minimum of 9'0" floor to ceiling height.
- (3) Minimum Elevations: The first habitable living area of a residence must be a minimum of 16 feet above sea level. Note: The owner is also responsible for complying with the requirements of FEMA and Town of South Padre Island building regulations.
- (4) First Floor Level: The top of the finish floor of the first floor (ground level) level of a Primary Residence, Outbuilding or garage must be a minimum of 1 foot above the crown of the street directly in front of the residence. If the first floor of the Primary Residence, Outbuilding or garage contains a bathroom, the top of the finish floor must comply with FEMA regulations.

Note: The Owner is responsible for complying with the requirements of FEMA and Town of South Padre Island and or Town of South Padre Island building regulations.

The **maximum** heights are as follows:

**Lot Type I**

Primary Residence	60' (Above Mean Sea Level)
Towers	Not Permitted
Outbuildings	40' (Above Mean Sea Level)
Garages	27' (Above Mean Sea Level)
Carports	23' (Above Mean Sea Level)

Garden Structures	23' (Above Mean Sea Level)
Storage Buildings	23' (Above Mean Sea Level)
Decks	2' (Above Grade)
Patios	2' (Above Grade)

**Lot Types II, III, IV, V, VI, VIII**

**The maximum heights are as follows:**

Primary Residence	60' (Above Mean Sea Level)
Towers	70' (Above Mean Sea Level)
Garden Structures	23' (Above Mean Sea Level)
Outbuildings	40' (Above Mean Sea Level) (Where Permitted)
Garages	27' (Above Mean Sea Level)
Carports	23' (Above Mean Sea Level)
Storage Buildings	23' (Above Mean Sea Level)
Boathouses	32' (Above Mean Sea Level) (Where Permitted)
Decks	2' (Above Grade)
Patios	2' (Above Grade)

**(F) Uses of the First Floor of the Primary Residence**

The first floor (or ground level) of the Primary Residence may contain only the following rooms / uses: (See (N) for maximum a/c area).

1. Garage
2. Entry foyer (including elevator & stairs)
3. Bathroom \*
4. Storage
5. Servant's quarters (including the bath not to exceed 225' sq. ft.) \*
6. Recreation Area

\* Must comply with FEMA and Town Flood Hazard Ordinance.

**(G) Parking regulations:**

1. Number of required Spaces: A minimum of three (3) parking spaces per primary residence must be provided on each lot, with one additional parking space for each bedroom over three. In addition, a minimum of one space shall be provided for an Outbuilding.
2. Size: The minimum size of a parking space is 9 feet by 18 feet. For all lots, the hard surfaced portion of a driveway is limited to a maximum of 12 feet wide. Each Residential lot shall be allowed one driveway from the street with maximum



fence cut/curb cut of 12 feet. Residences with an outbuilding having two-car garage shall be allowed one driveway from the street with a maximum total fence cut of 14 feet. For residences with side-by-side double-car drive entries, the maximum fence cut/curb cut is 18 feet.

3. Location: Driveways for lots located on traffic circles must be placed on the adjacent street and not in the circle.
4. Material: Driveways, walks, patios, garages, and on-site parking must be constructed of concrete pavers. Concrete is prohibited except for curbs. Paver types, patterns and colors must be submitted to DRB for review and approval.

(H) Raised Cottage Sub-District to R-1 District

- 1) Use Regulation
  - a. Single-Family Raised Cottage Residence (including one out-building or garage)
  - b. All other uses as provided in R-1 District
- 2) Area included in Raised Cottage Sub-District
  - a. Marina Village Section I
  - b. Marina Village Section II
- 3) Lot Types allowed in Raised Cottage Sub-District
  - a. Lot Type II
  - b. Lot Type III
  - c. Lot Type V
  - d. Lot Type VIII
- 4) All provisions, building setbacks, building heights, details and requirements of the R-1 District shall prevail in the Raised Cottage Sub-District, except as modified in the following numbered items.
- 5) Setback Requirements for Primary Structure
  - a. Side yard setback 5 feet (Raised Cottage Only)
  - b. Front yard setback 20-26 feet (Raised Cottage Only)
  - c. All other setbacks remain as per R-1 District
- 6) Permitted Types of Construction
  - a. Wood-Frame Construction over a concrete slab and concrete masonry foundation. Raised Cottage floor elevation must meet minimum FEMA elevation requirements (First Habitable Floor).
  - b. All other types of construction permitted in R-1 District.

- 7) Height Requirements  
Raised Cottage Construction may be either one story, two story or three stories above the concrete and masonry foundation.
- 8) Foundation for a Raised Cottage must be all concrete and masonry ie. Piling, beams and slab. All sides of foundation must be enclosed with concrete or masonry.
- 9) Outbuilding  
  
Outbuilding, garage and recreation rooms are allowed to be built at ground level; however, all area below the FEMA required elevation must be masonry construction with breakaway walls and floor as required in the R-1 District. Frame construction is allowed above the FEMA elevation.
- 10) Towers  
  
Towers are permitted on the Raised Cottage.
- 11) Wall Finishes  
  
All concrete and masonry walls, beams and foundations must be finished with a smooth stucco finish.  
  
All exterior frame walls of the Raised Cottage must be finished with wood siding or smooth Hardie Board siding. Stucco finish is not allowed on wood-frame construction.
- 12) Ground Floor Finishes  
  
All ground floor walks, driveways, patios, decks, pool decks, recreation room and garage floors must be constructed of brick pavers, except where a floor is constructed with masonry breakaway design or a porch or stairs must be finished with a ceramic tile or brick pavers. No unfinished masonry concrete is permitted.
- 13) Wood-Frame Construction  
  
All wood-frame construction is only permitted on a house defined as a Raised Cottage. Wood beams and columns may be used on balconies and towers. Wood-porch floors must be constructed of treated T & G 1 x 4 lumber. Wood exterior stairs Treads may either be constructed of treated wood or Trex.
- 14) Elevation  
  
The minimum elevation of the first habitable living area of a Raised Cottage must meet the minimum FEMA requirements.
- 15) Parking

The minimum number of parking spaces provided within a lot for a Raised Cottage Plan is 2 parking spaces, with one additional parking space for each bedroom over three bedrooms.

16) Street Entry

All residences must have a gated pedestrian entry from the street.

The maximum driveway entry (curb cut) from the street is 12 feet for single car entry. If 2 cars enter to park side by side, the maximum driveway entry (curb cut) is 18 feet.

17) In the front yard of a Raised Cottage, the front porch steps may encroach into the front yard setback a maximum of 5 feet.

18) First Habitable Floor

The first floor of the Raised Cottage may be used as a habitable living area as long as it meets FEMA required elevation.

19) First Floor A/C

The first habitable floor meeting FEMA elevation requirement may be heated and cooled (HVAC).

- (I) **Area of Lot:** the minimum area of a lot shall be 5,000 square feet.
- (J) **Width of lot:** The minimum width of a lot shall be thirty-five (35) feet. *Note: the front yard of an irregular shaped lot is measured at the front yard set-back when determining the lot width.*
- (K) **Dept of lot:** The minimum depth of a lot shall be as required to meet the 5,000 square feet minimum lot size.
- (L) **Front Door:** the Primary Residences must have the front door visible from the street.
- (M) **Garage Door:** Decorative garage doors are required. ~~The maximum width of Garage door openings that are vertical (taller than wide) are encouraged; however, at a minimum, a garage door openings is 9.0 feet must be square.~~ The A Primary Residence may have a maximum of ~~one two (12)~~ two (12) garage ~~door and one (1) golf cart door (maximum 5' wide) doors~~ facing the street ~~if the front door is prominent and also faces the street.~~ -An Outbuilding may have a maximum of one (1) garage door facing the street. All garage doors must be under a balcony.
- (N) **Garage Floor Elevation:** The required elevation of the garage floor above the crown of the street in a R-1 or R-2 zoned district is as follows:

Garage floor must be elevated above the crown of the street .6 of an inch for each foot of distance between the property line at the street and the front of the house.

Example:

20' = 12" / required elevation of garage floor above crown of street  
24' = 14.4" / required elevation of garage floor above crown of street  
60' = 36" / required elevation of garage floor above crown of street

- (O) **First Floor A/C Area**: A maximum of 35% of the first floor (ground floor) may be air conditioned. The intent is that the first floor of the house is not to be used as living area. All bona fide living area is to be located on the second floor and above. The first floor must be constructed with breakaway walls and is considered an expendable area in case of significant storm. The air-conditioned area allowed on the first floor is to provide for the entry, stairs, elevator and servant quarters.
- (P). **Lot Contour**: Yard areas must contour around House and driveway and may not be inappropriately elevated.

All lots must drain to the street or waterway.

(Q) **Other Requirements**

General Requirements	Section 2.4.4A
Architectural Guidelines	Section 2.9
Site Improvements	Section 2.10
Miscellaneous Guidelines	Section 2.11
Landscape Guidelines	Section 2.12
Shores DRB Approval Process	Section 2.13

**2.6 R-2 -Low-rise Multiple Family Residential, Apartments, Condominium, Townhouse District**

(A) **Use regulations:** Low-rise Multiple Family Residential, Apartments, Condominiums, Townhouse District; no lot shall be used and no buildings shall be erected or converted to any use other than:

1. Any use authorized in an “R-1” (must follow guidelines for that district).
2. When single-family dwelling is constructed, it must be built to meet all single-family requirements (See R-1).
3. Low-rise multiple-family residential, with a maximum of 3 stories which include:
  - (a) Apartments
  - (b) Condominiums
  - (c) Townhouses
4. All units within the building envelope (Townhouse sharing a common wall or other multi unit buildings) must be built in their entirety at the same time.

(B) **Lot Types Allowed in R-2 District**

1. Lot Type V
2. Lot Type VIII

(C) **Maximum Size of Structures**

1. The Maximum Impervious Area on any residential lot may not exceed 65% of the area of the lot.
2. Site Coverage must be calculated to include the number of square feet of all heated and cooled space at all floors as they project down to the site and create a footprint. Roof projections from the exterior wall or porch beams are not included. For example, when heated and cooled space is located above unheated cool space or above a porch, the calculation of the heated and cooled space (above) must be included as part of the footprint below when calculating the Maximum Site Coverage. When a balcony or a porch at an upper level projects over an open space below, that area must be included in the site coverage when calculating the Maximum Site Coverage (Including Porches)
3. Townhouse: Maximum of four (4) units can be attached as one townhouse building.
4. Condominiums and Apartments: The maximum number of units per floor in a condominium or apartment project is five (5) units, maximum per building ten (10) units.

5. When a project contains two or more buildings, the minimum space between buildings is ten (10) feet.
6. The maximum density for a townhouse, condominium or apartment project shall be determined by Shores Development Inc. and the Design Review Board.
7. Maximum Height: Three (3) Stories (Plus Tower)
8. Primary Structure: Two (2) Unit Building (Only)  
*Two or Three Story Structure*  
 Maximum Site Coverage 40% of the Lot area (Excluding Porches)  
 53% of the Lot Area (Including Porches)
9. Primary Structure: Three (3) Or More Unit Building  
*Two or Three Story Structure*  
 Maximum Site Coverage 28% of the Lot area (Excluding Porches)  
 38% of the Lot Area (Including Porches)
10. Outbuilding:  
*One Story Structure:*  
 Maximum Footprint 550 Square Feet  
 (Including Porches: Porches not required)  
*Two Story Structure:*  
 Maximum Footprint 450 Square (Excluding Porches)  
 550 Square Feet (Including Porches)
11. Garages (Outbuildings): (One Story: Maximum Footprint Area: 550 square feet)  
Carports (Outbuildings): (Maximum Area: 500 square feet)
12. Maximum Size:  
 Garden Structure: (Maximum Area: 300 square feet)  
 Storage Building: (Maximum Area: 120 square feet)  
 Deck: (Maximum Area: 400 square feet)  
 Patios: (Maximum Area: 400 square feet)  
 Swimming Pools: (No Maximum Size)  
 Boathouse: (Maximum Footprint: 600 square feet)  
 Pergolas: (Maximum Area: 300 square feet)  
 Gazebos: (Maximum Area: 150 square feet)  
 Tower: (Maximum Area: 225 square feet)

(D) **Setback Requirements**

- Measurement: All setbacks must be measured from the property line to the exterior wall of a structure. Roofs, bay windows above first floor, and balconies are permitted to overhang the required setback a maximum of 3'-0" but must be a

minimum of 3' from the property line. Chimneys and upper floor projections are considered part of the structure and are not permitted to protrude into the required setback. Steps, trash enclosures, and outdoor showers may protrude into the required setbacks to within 3'-0" of the side property line.

- Required: Primary Residential structure must be located on front yard setback. Alternatives to this requirement must be approved by the Design Review Board and require addressing the street. See Note 2.
- Eaves Requirement: All buildings must have an eave (Roof Projection or overhang) with a minimum dimension of 12" from the exterior face of the exterior wall to the exterior face of the Eaves.

### **Setbacks**

#### **Lot Type V Interior R-2**

		<u>2 unit</u> <u>bldg Side</u>	<u>3 + unit</u> <u>bldg Side</u>	<u>Rear</u>
	<u>Front</u>			
Primary Residence	20'-24' Note 2	5'	10'	15'
Towers	30'	5'	10'	20'
Outbuildings	20' - 24''	5'	10'	15'
Garden Structure	10' - 20'	3'	3'	3'
Storage Buildings	40' min	3'	3'	3'
Deck	30' min	3'	3'	3'
Patios	30' min	3'	3'	3'
Swimming Pools/Spas	25' min	3'	3'	3'

#### **Lot Type VIII Waterfront R-2**

	<u>Front</u>	<u>2 unit</u> <u>bldg</u> <u>Side</u>	<u>3 or more unit</u> <u>Bldg</u> <u>Side</u>	<u>Rear</u>
Primary Residence	20'-24' Note 2	5'	10'	20'
Towers	30' min	5'	10'	20'
Outbuildings	20'-24'	5'	10'	20'
Garden Structure	10' - 20'	3'	3'	3'
Storage Buildings	40' min	3'	3'	20'
Deck	20' min	3'	3'	0'
Patios	20' min	3'	3'	0'
Swimming Pools/Spas	25' min	3'	3'	20' *
Boathouses	N/A	30'	30'	0'

### **Notes**

\* Note: On Marina Lots, a swimming pool may be built within 3' of the rear lot line if bulkhead (seawall) tiebacks are reengineered with piling or other means of support for bulkhead, designed by a professional engineer and approved by the Shores Design Review Board. On water front lots, a swimming pool may be built within 10' of the rear bulkhead under the same term as on a "Marina Lot".

Note 2: On Type I, II, III, IV, V, VI, VII & VIII Lots, if approved by Shores DRB, the Primary Residence may be located on or near the rear setback line. If the Primary Residence is located to the rear of the front yard setback (street side) then, the front (street side) must be **addressed** in one of the following ways:

(a) with a garden structure: When a garden structure is constructed, it must be a minimum of 100 square feet in area, have a deck to allow seating, be a minimum of 18" above finish grade, and must have a roof or an open pergola roof structure.

(b) with a two story outbuilding: When a two-story outbuilding is constructed on the required front setback, it must have a street facing porch or balcony a minimum of 48 square feet. The minimum depth of an Outbuilding porch or balcony is 6'.

(c) with a one car garage: When a one-car garage is constructed, the garage opening may face the street provided that decorative garage door approved by the DRB is used.

(d) with a two car garage: If a two car garage is constructed, the garage opening may not face the street. When the garage is part of a two-story outbuilding it must comply with Note 2(b) above. When it is only one story, a minimum of 50% of the facade facing the street must be comprised of fenestrations (windows or doors).

Note 3: Double Fronting Lots and Corner Lots:

Lots having a double frontage (running from street to street) must have a front yard setback on both streets.

Lots having a double frontage and being located on a corner must place the widest side yard setback on the corner street side, however, in all cases where the side yard is adjacent to a street, the side yard shall be not less than ten (10) feet in depth.-



(E) **Height Regulations Lot Type V, VIII**

**Maximum Height**

Primary Residence	60' (Above Mean Sea Level)
Towers	70' (Above Mean Sea Level)
Outbuildings	40' (Above Mean Sea Level)
Garages	27' (Above Mean Sea Level)
Carports	23' (Above Mean Sea Level)
Garden Structure	23' (Above Mean Sea Level)
Boathouse	32' (Above Mean Sea Level) (Where Permitted)
Storage Building	23' (Above Mean Sea Level)
Deck	2' (Above Grade)
Patios	2' (Above Grade)

1. Measurement: Building Heights of all structures must be measured from the highest point of the roof, excluding chimneys and finials.
2. Floors to Ceiling Heights: Primary residences must have a minimum 10'-0" floor-to- ceiling height at the first living level and a minimum of 10'-0" at the second living ground level as measured from finish floor to finish ceiling. Outbuildings must have a minimum of 9'-0" floor to ceiling height.
3. Minimum Elevations: The first habitable living area of a residence must be a minimum of 16 feet above sea level. Note: The owner is also responsible for complying with the requirements of FEMA and the Town of South Padre Island Building Regulations, and where these regulations are more stringent than those defined in this code, the more stringent regulations will govern.
4. First Floor Level: The top of the finish floor of the first floor (ground level) level of a primary residence, outbuilding or garage must be a minimum of one foot above crown of the street directly in front of the residence. If the first floor of the Primary Residence, Outbuilding or garage contains a bathroom, the top of the finish floor must comply with FEMA Regulations. Note: The owner is responsible for complying with the requirements of FEMA and the Town of South Padre Island Building Regulations.

(F) **Uses of First Floor of Residence**

See (N) for maximum a/c area.

1. Garage
2. Entry foyer (including elevator & stairs)
3. Bathroom \*
4. Storage
5. Servant's quarters (including the bath) not to exceed 225 sq. ft. \*
6. Recreational Area

\* Must comply with FEMA and Town Flood Hazard Ordinance.

(G) **Required Parking**

1. Condominiums, apartments, multifamily and town houses shall provide two (2) off-street parking spaces for each unit in the building plus an additional space for each bedroom over 3 bedrooms.
2. **Size:** The minimum size of a parking space is to be 9 feet by 18 feet. For all lots, the hard surfaced portion of driveways is limited to a maximum of 12 feet wide. Each Residential lot shall be allowed one driveway from the street with maximum fence cut of 12 feet. Residences with a two-car garage (side by side) shall be allowed one driveway from the street with a maximum fence cut of 14 feet.
3. **Location:** Driveways for lots located on traffic circles must be placed on the adjacent street and not in the circle.
4. **Material:** Driveway, walks, garages, and on-site parking must be constructed of concrete pavers. Concrete is prohibited. Paver types, patterns and colors shall be submitted to DRB for review and approval.

(H) **Area of Lot:** The minimum area of a lot shall be 5,000 square feet.

(I) **Width of Lot:** The minimum width of a lot shall be thirty-five (35) feet. *Note: the front yard of an irregular shaped lot is measured at the front yard setback when determining the lot width.*

(J) **Depth of Lot:** The minimum depth of a lot shall be as required to meet the 5,000 square feet lot size.

(K) **Front Door:** The Primary Residences must have the front door visible from the street.

(L) **Garage Door:** Decorative garage doors are required. ~~The maximum width of Garage door openings that are vertical (taller than wide) are encouraged; however, at a minimum, a garage door is 9.0 feet~~ openings must be square. ~~The A Primary Residence may have a maximum of one (1) garage door and one (1) golf cart door (maximum 5' wide) doors facing the street if the front door is prominent and also faces the street. -An~~ Outbuilding may have a maximum of one (1) garage door facing the street. All garage doors must be under a balcony.

(M) **Garage Floor Elevation:** The required elevation of the garage floor above the crown of the street in a R-1 or R-2 zoned district is as follows:

Garage floor must be elevated above the crown of the street .6 of an inch for each foot of distance between the property line at the street and the front of house and garage door.

Example:

20' = 12" / required elevation of garage floor above crown of street  
 24' = 14.4" / required elevation of garage floor above crown of street  
 60' = 36" / required elevation of garage floor above crown of street

(N) **First Floor A/C Area:** A maximum of 35% of the first floor (ground floor) may be air-conditioned. The intent is that the first floor of the house is not to be used as living area. All bona fide living area is to be located on the second floor and above. The first floor must be constructed with breakaway walls and is considered an expendable area in case of significant storm. The air-conditioned area allowed on the first floor is to provide for the entry, stairs, elevator and servant quarters, etc

(O) **Townhouse Lots**

1. Minimum area of 2,500 square feet
2. Minimum width of 25 feet
3. Minimum depth of 100 feet

(P). **Lot Contour:** Yard areas must contour around House and driveway and may not be inappropriately elevated.

All lots must drain to the street or waterway.

(Q) **Other Requirements**

General Requirements	Section 2.4.4A
Architectural Guidelines	Section 2.9
Site Improvements	Section 2.10
Miscellaneous Guidelines	Section 2.11
Landscape Guidelines	Section 2.12
Shores DRB Approval Process	Section 2.13

### **R-3 -High-rise Multiple Family Residential, Apartments, Condominiums and Hotel District**

- (A) **Use Regulations:** High-rise Multi-family Residential Apartments, Condominiums, Hotel District - no lot shall be used and no buildings shall be erected or converted to any use other than:
1. Any use authorized in an “R-2” District (must follow guidelines for that district).
  2. High-rise Multiple Family Residential, Apartments, Condominiums and Hotels with four (4) Stories or more.
- (B) **Lot Types allowed in R-3 District**  
Lot Type VII
- (C) **Maximum Size** of Structures will be determined by required setbacks and parking requirements.
- (D) **Setback Requirements:**
- **Front Yards:** (minimum of 25') The minimum front yard shall be increased one (1) foot for each two (2) feet in height if a building exceeds six (6) stories.
  - **Side Yards:** (minimum of 5'), except the side yard shall be increased four (4) feet for each story the building exceeds three (3) stories in height.
  - **Rear Yards:** (minimum of 20'), except that the structure may have decks and/or balconies extending within 10 feet of the rear property line, as long as said decks or balconies are not enclosed.
  - Minimum rear yard depth shall be increased one (1) foot for each two (2) feet in height if the building exceeds six (6) stories, except for Beachfront properties which may build to the rear property line. Marina Lots may be built within 3' of the rear Lot line if bulkhead tiebacks are reengineered with piling or other means of support for the bulkhead, designed by a professional engineer and approved by the Shores Design Review Board. Water front lots may be built within 10' of the rear lot line under same conditions as a “Marina Lot”.

#### Accessory Structures / Buildings / Setbacks:

	Front	Side	Rear	Max. Height
Gate House	10'	10'	10'	1 story with tower
Garden Structure	10'	5'	10'	1 story with tower
Carport	5'	5'	5'	1 story with tower
Trash or Utility Enclosure	10'	5'	5'	1 story
Storage Building	10'	5'	5'	1 story

Swimming Pool	10'	5'	5'	In ground
Boardwalk	0'	0'	0'	36"
Outbuilding	10'	5'	10'	2 stories with tower
Boat House	N/A	30'	0'	1 story with tower
Pool House	10'	5'	10'	1 story with tower
Parking Structure	25'	5'	10'	3 stories
Fence	18''*	0'	0'	36''**
Dune Walkover	N/A	25'	0'	Top deck 36" above dune
Deck	10'	5'	10'	18"
* Fence Along Highway may be on property line				
** Except around pool 4' high – see Exhibit				

(E) **Setback – Stair Step Provision:**

This provision is only available with Shores DRB approval. When determining setback requirements of a high-rise building, the setback lines for the structure may vary for different portions of the structure as it increases in height, thereby allowing stair stepping in determining the setback requirements as a building reaches a height that requires an additional setback. Only that portion of the building at that height must meet the additional setback. The lower portion must only comply with the setback, as applied to it.

(F) **Height Regulations:**

1. Maximum building height will be determined by setbacks and parking requirements.
2. If the ground floor of a high-rise building is used for parking, storage and site amenities that space will not be counted as a story when determining the height of the building.

(G) **Required parking for a “R-3”**

1. Condominiums and apartments shall provide, two (2) \* off-street parking spaces for each unit in the building, plus adequate parking for staff and one (1) guest parking space for each 5 units. For units with more than 3 bedrooms, 1 additional parking space shall be required for each additional bedroom.
2. Size: The minimum size of a parking space is to be 9 feet by 18 feet.
3. Location: Driveways for lots located on traffic circles must be placed on the adjacent street and not in the circle.
4. Material: Driveway, walks, patios, garages, and on-site parking must be constructed of concrete pavers. Concrete is prohibited. Paver types, patterns and colors shall be submitted to DRB for review and approval.

\* If determined by Shores Development Inc. that two (2) off-street parking spaces for each unit is excessive for the proposed project, then Shores Development Inc., at its sole discretion may reduce the parking space requirement; however, in no event shall it ever be reduced to less than 1½ spaces per unit.

(H) **Roof:**

(1) Pitch: All roofs must have a minimum pitch of 6" in 12" and a maximum pitch of 10" in 12". (Exception: the roof over a porch when used as a broken pitch extension of the main roof and not as a separate roof, must be a minimum pitch of 3" in 12"). The pitch of a roof when used with a pediment in a classical manner must be 5" in 12" pitch. Flat roofs are allowed only when the roof is used as a deck, is surrounded by a balustrade, and is accessible from an adjacent enclosed space, and does not comprise more than 30% of the house footprint.

(2) Materials: The only roofing material permitted at the Shores is all aluminum standing seams sheet metal roof with written twenty-year warranty against corrosion. The roof must be engineered to meet the 150 mph wind standard and be attached with all stainless fasteners, screws and nails. Roof finials must meet these same standards.

(3) Eaves: Roof eaves must be designed in compliance with the requirements of Exhibit 5-B.

All buildings must have an eave (Roof Projection or overhang) with a minimum dimension of 12" from the exterior face of the exterior wall to the exterior face of the Eaves.

Roof eaves may project a maximum of 3' into the required building setbacks but shall be a minimum of 3' front the property line.

(4) Colors: All roofing materials must be white, off-white, or light gray. All roofing material colors must be approved by the DRB.

(5) Design Criteria: Roofs and roofing materials must be engineered to withstand a minimum of 150 miles per hour wind.

(I) **Area of Lot:** The minimum area of a lot shall be 5,000 square feet, (except for Townhouse lots, which shall be a minimum of 2,500 square feet).

(J) **Width of Lot:** The minimum width of a lot shall be thirty-five (35) feet (except for Townhouse lots which shall be a minimum of 25 feet). *Note: the front yard of an irregular shaped lot is measured at the front yard setback when determining the lot width.*

(K) **Depth of Lot:** The minimum depth of a lot shall be as required to meet the 5,000 square foot lot size.

(L) **Other Requirements**

General Requirements	Section 2.4.4A
Architectural Guidelines	Section 2.9
Site Improvements	Section 2.10
Miscellaneous Guidelines	Section 2.11
Landscape Guidelines	Section 2.12
Shores DRB Approval Process	Section 2.13

## 2.8 C – Commercial District:

- (A) **Use regulations:** Commercial District - no lot shall be used and no building shall be erected or converted to any use other than:

1. **Allowed Uses:** The purpose and intent the “C” Commercial District is composed of those activities of the Shores, whose principal use is and ought to be general business activities which provides basic and necessary goods and services for the community and its visitors and the following are the allowed uses in the district:

- a. Any use authorized in the R-2 or R-3 Zoning District.

Requirement – if R-2 or R-3 District Development occurs within the “C” District, then that development must follow the R2 or R-3 Requirements.

- b. The following:

General Office Uses – a place of business that generally provides services instead of good and entails, desks, files, paperwork, mail, computer, phones, etc. that would include most professional services (i.e. attorney offices; travel agencies; consultants, engineers, and architects; general building contractor and subcontractor services; title companies, banks, mortgage and other financial service companies; real estate businesses; drafting / graphic design businesses; art studios; post offices and other governmental buildings)

Retail Stores – any place of business where the customer / general public can purchase goods, generally for off sight use and/or consumption. (i.e. antiques; arts and crafts & art galleries; apparel & accessories & alterations; books and curio shops; bicycle, vehicle, and water sport sales & rental; pharmacy, dry goods & general merchandise; liquor, cigarette, & cigar stores; newsstands; hardware stores; office supply & printing; photography development & supply; gasoline service stations, etc.)

Food & Beverage Service Providers – places of business where food and beverages can be purchased for on or off site consumption. (i.e. Grocery stores, restaurants, bars/nightclubs, cafés, specialty food shops / bakeries, & caterers.)

Personal Services – places of business where the general public can go to receive general body and grooming services. (i.e. Barber & beauty shops, nail grooming services; tanning, massage & spa facilities.) However, tattoo and body piercing studios / facilities are specifically not allowed uses within this district.



Medical Facilities – small-scale businesses that provide general well being for town residents and visitors. (i.e. medical doctor, chiropractor & dental offices and examining rooms; medical labs; licensed therapeutic massage.)

Repair Services – business that provide small-scale repair services for item of the general public (i.e. watch, clock & jewelry repair; TV / VCR repair; shoe and apparel alteration facilities; bicycle and vehicle repair; household appliance & general electric repair; reupholstery & furniture repair; etc.)

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 & music schools / studios; churches, temples, synagogues, & mosques; civic, social & fraternal organizations; etc.)

Miscellaneous – businesses that serve the Shores 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 & coin-operated laundry facilities; car washes; indoor movie and stage theaters; convenience storage facilities; libraries; day care centers; etc.) and the following specific entertainment facilities: amusement centers, recreational centers, miniature golf, and tennis courts.

Equestrian Facilities – facilities that allow for the enjoyment of the equestrian sports, including the boarding of horses, riding of horses and the facilities associated therewith.

(B) **Prohibited Uses**

1. Sexually Oriented Businesses
2. Tattoo Parlors

(C) **Lot Types Allowed in Commercial District**

1. Lot Type VII Mixed Use

(D) **Maximum Size of Structures** will be determined by required setbacks and parking requirements.

(E) **Setbacks**

- I. Front yard: a minimum setback of twenty-five (25) feet.

- (a) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
  - (b) Minimum front yard shall be increased one (1) foot for each two (2) feet in height if building exceeds six (6) standard stories.
2. Side yards: No side yard shall be required for a business use, except on a corner lot. In all cases where the side yard is adjacent to a street, the side yard shall be not less than ten (10) feet in depth. Any building exceeding three (3) stories shall increase the side yard four (4) feet for each additional story.
  3. Rear yard: No structure of any classification shall be erected any closer than ten (10) feet of the rear lot line. The minimum rear yard shall be increased one (1) foot for each two (2) feet in height if the building exceeds six (6) standard stories, except for beachfront properties, which may build to the rear property line. Marina Lots have a minimum setback of 20' except, that they may be built within 3' of the rear Lot line if bulkhead tiebacks are reengineered with piling or other means of support for the bulkhead, designed by a professional engineer and approved by the Shores Design Review Board. Water front lots may be built within 10' of the rear lot line under same conditions as a "Marina Lot".

Accessory Structures / Buildings / Setbacks:

	Front	Side	Rear	Max. Height
Gate House	10'	10'	10'	1 story with tower
Garden Structure	10'	5'	10'	1 story with tower
Carport	5'	5'	5'	1 story with tower
Trash or Utility Enclosure	10'	5'	5'	1 story
Storage Building	10'	5'	5'	1 story
Swimming Pool	10'	5'	5'	In ground
Boardwalk	0'	0'	0'	36"
Outbuilding	10'	5'	10'	2 stories with tower
Boat House	N/A	30'	0'	1 story with tower
Pool House	10'	5'	10'	1 story with tower
Parking Structure	25'	5'	10'	3 stories
Fence	18''*	0'	0'	36''**
Dune Walkover	N/A	25'	0'	Top deck 36" above dune
Deck	10'	5'	10'	18"
* Fence Along Highway may be on property line				
** Except around pool 4' high – see Exhibit				

(F) **Roof:**

- (1) Pitch: All roofs must have a minimum pitch of 6" in 12" and a maximum pitch of 10" in 12". (Exception: the roof over a porch when used as a broken pitch extension of the main roof and not as a separate roof, must be a minimum pitch of 3" in 12"). The pitch of a roof when used with a pediment in a classical manner must be 5" in 12" pitch. Flat roofs are allowed only when the roof is

used as a deck, is surrounded by a balustrade, and is accessible from an adjacent enclosed space, and does not comprise more than 30% of the house footprint.

(2) **Materials:** The only roofing material permitted at the Shores is all aluminum standing seams sheet metal roof with written twenty-year warranty against corrosion. The roof must be engineered to meet the 150 mph wind standard and be attached with all stainless fasteners, screws and nails. Roof finials must meet these same standards.

(3) **Eaves:** Roof eaves must be designed in compliance with the requirements of Exhibit 5-B.

All buildings must have an eave (Roof Projection or overhang) with a minimum dimension of 12" from the exterior face of the exterior wall to the exterior face of the Eaves.

Roof eaves may project a maximum of 3' into the required building setbacks but shall be a minimum of 3' front the property line.

(4) **Colors:** All roofing materials must be white, off-white, or light gray. All roofing material colors must be approved by the DRB.

(5) **Design Criteria:** Roofs and roofing materials must be engineered to withstand a minimum of 150 miles per hour wind.

(G) **Setback – Stair Step Provision:**

This provision is only available with Shores DRB approval. When determining setback requirements of a high-rise building, the setback lines for the structure may vary for different portions of the structure as it increases in height, thereby allowing stair stepping in determining the setback requirements as a building reaches a height that requires an additional setback. Only that portion of the building at that height must meet the additional setback. The lower portion must only comply with the setback, as applied to it.

(H) **Height Regulations:** Will be determined by setback and parking requirements

(I) **Required Parking For A Non-Residential Use**

1. Parking required when property is developed as an "R-2" "R-3" uses located "C" Districts shall be the same as those outlined "R-2" "R-3" districts.
2. Hotels or Condominium Hotels, the number of parking spaces required shall be one (1) off-street parking space for each guestroom in the building plus 50% of the off-street parking requirements for the various accessory uses operated upon the property, such as restaurant and retail space, computed in accordance with the requirements of this section.

3. Restaurant, Café or Bar - Parking shall be provided in a ratio of one (1) space per One Hundred square feet (100 sq. ft.) of gross restaurant/bar seating floor area.
4. Retail Store, barber and beauty shops, curio shops. Dry Cleaners, Laundromats Bakery Retail stores and office buildings shall provide off-street parking space in a ratio of one (1) space for each two hundred fifty (250) square feet of gross sales or office floor area.
5. Nightclubs, off-street parking spaces shall be provided in a ratio of one (1) space for every One Hundred Square feet (100 sq. ft.) of gross nightclub seating floor area.
6. Theaters shall provide off-street parking space in a ratio of one (1) space for each five (5) seats
7. Shared Parking
  - (a) Unassigned shared parking within a parking lot is approved so long as the total number of parking spaces in the parking lot total the numbers of required spaces for each of the business uses. If it can be demonstrated that certain businesses will operate at different times of the day the required parking spaces for those businesses may be reduced by 50 %.
  - (b) The applicant is responsible for providing the necessary information, which demonstrates that shared parking is possible and appropriate at the proposed location.
  - (c) Special Provision Commercial Area: A structure providing a covered parking area for a maximum of 6 cars may be located on a commercial lot along the West side of Highway 100 provided that it is located off of the back (rear) entry of the buildings along the access drive. The structure must be located at least 75 feet East of the Main Street right-of-way with supporting columns setback at least 3 feet from the property line and roof overhand not exceeding the property line.
- (J) Area of Lot: the minimum area of a lot shall be 5,000 square feet, (except for Townhouse lots which shall be a minimum of 2,500 square feet).
- (K) Width of Lot: the minimum width of a lot shall be thirty-five (35) feet (except for Townhouse lots which shall be a minimum of 25 feet). *Note: the front yard of an irregular shaped lot is measured at the front yard setback when determining the lot width.*
- (L) Depth of Lot: the minimum depth of a lot shall be in accordance to meet the 5,000 square foot lot size.

(M) Other Requirements

General Requirements	Section 2.4.4A
Architectural Guidelines	Section 2.9

Site Improvements	Section 2.10
Miscellaneous Guidelines	Section 2.11
Landscape Guidelines	Section 2.12
Shores DRB Approval Process	Section 2.13

## **2.9 ARCHITECTURAL GUIDELINES**

### **2.9.1 General**

The Guidelines set forth in this section are intended to maintain standards of quality in building construction and aesthetic integrity for the community. All Primary Residences and Outbuildings must have certification by a structural engineer, registered in the State of Texas, that the respective building has been designed to withstand a minimum of 150 mile per hour winds.

### **2.9.2 Construction Types and Materials**

#### **(F) Construction Types and Materials:**

1. Permitted Types of Construction
  - \* Reinforced Concrete masonry
  - \* Reinforced Concrete

#### **Type I: Wood**

Exterior wood, including but not limited to siding, trim, columns, balustrades, porch flooring, decks, facias, and shutters must be capable of withstanding the elements and be resistant to rot and decay. All exterior wood must be pressure treated or be of a species resistant to rot such as cedar, redwood, cypress, or mahogany.

In Addition, the composite material “Hardi Plank” is an approved siding material. The composite material “Trex” is an approved material for exterior stair treads and pergola decking. Trex may not be used on porch floors or in any other applications.

Fiberglass and aluminum shutters are permitted (Reference Exhibit 2.15); however, a material sample must first be approved by the DRB for both the fiberglass and aluminum shutters.

Horizontally applied boards (beveled or drop siding) and wooden shingles are permitted. Plywood and diagonal siding are not permitted.

#### **Type II: Stucco**

Stucco is allowed only over masonry construction. Stucco must have a smooth, trowel applied, smooth sand finish. Sprayed applications and swirl or other heavily textured patterns are prohibited.

#### **Type III: Brick**

Brick veneer is allowed provided the brick is painted one of the approved colors. Unpainted brick and exposed concrete masonry are not permitted.

Note: Tile used as a finish material must be submitted to the DRB for review and approval.

(b) Nails:

All exterior nails and screws exposed to the weather shall be marine grade stainless steel.

**2.9.3 Intentionally Omitted**

**2.9.4 Roofs**

(a) Pitch: All roofs may have a minimum pitch of 5" in 12" and a maximum pitch of 10" in 12". (Exception: the roof over a porch when used as a broken pitch extension of the main roof and not as a separate roof, may be a minimum of 3" in 12"). The maximum pitch of a roof when used with a pediment in a classical manner must be 5" in 12". Flat roofs are allowed only when the roof is used as a deck, is surrounded by a balustrade, and is accessible from an adjacent enclosed space, and does not comprise more than 30% of the house footprint.

(b) Materials: The only roofing material permitted at the Shores is all aluminum standing seams sheet metal roof with written twenty-year warranty against corrosion. The roof must be engineered to meet the 150 mph wind standard and be attached with all stainless fasteners, screws and nails. Roof finials must meet these same standards.

(c) Eaves: Roof eaves must be designed in compliance with the requirements of Exhibit 5-B.

All buildings must have an eave (Roof Projection or overhang) with a minimum dimension of 12" from the exterior face of the exterior wall to the exterior face of the Eaves.

Roof eaves may project a maximum of 3' into the required building setbacks but shall be a minimum of 3' front the property line.

(d) Color: All roofing materials must be white, off-white, or light gray. All roofing material colors must be approved by the DRB.

(e) Design Criteria: Roofs and roofing materials must be engineered to withstand a minimum of 150 miles per hour wind.

**2.9.5 Towers**

(a) Where Permitted: Towers are permitted on Lot Types II, III, IV, V, VI, VII, & VIII.

(b) Where Prohibited: Towers are not permitted on Lot Type I.

(c) Sizes: Refer to Section 2.5, R-1 (C) for maximum size permitted for towers.

## 2.9.6 Doors

- (a) Height Requirements: All exterior doorways on the first floor, front facade of the house, must be a minimum height of 7'-6". When transoms above doors are used, 6'-8" doors may be used provided the height of the door and transom is at least 8'-0".
- (b) Divided Lights: Doors with glass panels that are divided into lights, must be comprised of true divided lights. Applied muntins are permitted if they are applied to each side of the glass.
- (c) Sliding Glass Doors: Sliding glass doors must have rails and styles with a minimum width of 3 inches. Sliding glass doors are not permitted on any facade facing a street except when they are used in conjunction with a Romeo balcony and not to access exterior space such as porches, balconies, terraces, decks, or patios.
- (d) Colors: Exterior of windows must be white (See Section 2.9.15).
- (e) Prohibited: Flush faced doors are not permitted on the exterior of a house.
- (f) Design Criteria: Exterior doors must be impact resistant. All doors must be engineered to withstand a minimum of 150 mph wind and must comply with the requirements of the Texas Department of Insurance / Windstorm Standards.
- (g) Front Door: the Primary Residences must have the front door visible from the street.
- (h) Garage Door: Decorative garage doors are required. ~~The maximum width of a~~ Garage door openings that are vertical (taller than wide) are encouraged; however, at a minimum, garage door openings must be square. ~~The A~~ Primary Residence may have a maximum of ~~one~~two (12) ~~garage door and one (1) golf cart door (maximum 5' wide) doors~~ facing the street if the front door is prominent and also faces the street. An Outbuilding may have a maximum of one (1) garage door facing the street. All garage doors must be under a balcony.
- (i) Materials: Wooden doors, wooden doors with vinyl or aluminum exterior cladding and vinyl doors are permitted.

## 2.9.7 Windows

- (a) Materials: Wooden windows, wooden windows with vinyl or aluminum exterior cladding and vinyl windows are permitted.
- (b) Design Criteria: Exterior windows must be impact resistant. All windows must be engineered to withstand a minimum of 150 mph wind and must comply with the requirements of the Texas Department of Insurance / Windstorm Standards.



(c) Conditional: If all-aluminum and all-vinyl windows are used, then the rails and stiles must be a minimum of 2" in width.

(d) Divided Lights: When windows are divided into lights, they must be true divided lights. Applied muntins are permitted if they are applied to each side of the glass.

(e) Colors: Exterior of windows must be white (See Section 2.9.15).

(f) Prohibited: Jalousie windows are not permitted.

(g) Graphic Reference: Windows must comply with the requirements of Exhibit 6.

### **2.9.8 Glazing**

Highly reflective, mirror glass is not permitted. Energy efficient glass is encouraged.

### **2.9.9 Porches**

(a) Required: Porches are required on the front facade (the facade facing the primary street) and rear façade of all Primary Residences. The minimum size of the required front porch is 8' deep by 12' wide.

(b) Allowed: Side porches are allowed (Charleston house type) in lieu of front porches upon approval of the DRB.

(c) Encouraged: Wrap-around porches, especially on corner lots, are strongly encouraged.

(d) Graphic Reference: Porches must comply with the bay proportion requirements of Exhibit 7.

(e) Materials: Wood frame construction is not permitted, except that wood beams and columns may be used above the first floor on balconies and towers. Wood porch floors must be constructed of Treated TG 1 x 4 lumber. Wood exterior stair may use either treated wood or Trex for stair treads.

(f) Porch Floor: Spaced wood or Trex are prohibited on any porch floor.

### **2.9.10 Balustrades / Guardrails**

a. Materials: Balustrades or guardrails may be constructed of wood or aluminum. The following materials are not permitted to be used as a balustrade or guardrail material: pvc pipe or other vinyl products, concrete, stucco or cut stone.

b. Design Criteria:

(i.) The maximum size permitted for wood balusters in a wood balustrade is 2" x 2". Reference Exhibit 8.

- (ii.) The maximum size permitted for metal balusters in a metal balustrade is 1" x 1". Reference Exhibit 8.
  - (iii.) A wood top cap handrail may be used on a metal balustrade. Reference Exhibit 8.
- c. Graphic Reference: Balustrades or guardrails must comply with the above referenced requirements and all of those requirements noted in Exhibit 8.

#### **2.9.11 Columns**

Columns must comply with the requirements as described in Exhibit 9. Reference the note in Exhibit 9.

#### **2.9.12 Alignment**

Alignment of walls at porches / balconies and roofs must comply with the requirements of Exhibit 10.

#### **2.9.13 Overhead Connections**

Overhead Connections (raised walkways) between Outbuildings and the Primary Residence are prohibited. Pergola roofed ground level connectors are allowed.

#### **2.9.14 Shutters**

(a) Required: Exterior shutters are required on all windows, unless the window is (i) on a porch or (ii) made of leaded glass (and permanently installed on the inside of the impact glass). Exterior shutters must be of the swing or Bahama type and be of sufficient size to completely cover the door or window opening when closed. When closed, shutters must fit inside of the window opening or door opening. Shutters must be able to be secured in both an open and closed position. Shutters must be finished on both sides in an appropriate and aesthetically pleasing manner. Impact resistant shutters are encouraged.

1. Shutters may be constructed of fiberglass, wood, aluminum or pvc and must be made of full dimension material with individual blades. Shutters must be full working shutters.
2. Plywood or Board Shutters are prohibited.

(b) Graphic Reference: Shutters must comply with the requirements of Exhibit 15.

(c) Rolldown shutters are prohibited.

#### **2.9.15 Colors**

For current approved colors for buildings in the Shores, refer to the "Shores Design Code" Article 2.9.15.

#### **2.9.16 Dormers**

If dormers are used, they must be designed within a building framework and must conform to the requirements of Exhibit 13. Shores Design Code.

#### **2.9.17 Finishes**

All exterior surfaces of structures including wooden decks must be painted or stained. (Exception: walks, drives, pavers, brick pavers, “Trex” walks and decks are not required to be painted).

#### **2.9.18 Piling**

All building including primary residence, garden structures, out buildings, garages, carports, storage building and boathouse must be pile supported. All piling must be cased augured piling constructed of reinforced concrete, designed by a structural engineer. (Ref. 2.22) Pilings may not be exposed to view. Driven and precast water jetted pilings are prohibited.

#### **2.9.19 Latticework**

- (a) Material: Latticework must be fabricated from rot resistant wood.
- (b) Graphic Reference: Latticework must comply with the requirements of Exhibit 14.

#### **2.9.20 Exterior Lighting**

- (a) General: Exterior lighting must not be intrusive to adjacent properties or common areas.
- (b) Porch Lighting: Every house or building must have appropriate architectural lighting on the front porch or entry and lighting must be on a photocell and **operated daily**.
- (c) Landscaping Lighting: Landscape lighting must be appropriate architectural lighting located as close to grade as practical. There must be lighting in the landscaping on the street side of the fence and the lighting must emphasize the front entry gate and the driveway. All wiring must be placed underground and the lights must be connected to an electric photocell and **operated daily**.

#### **2.9.21 Awnings**

Awnings of fabric and soft synthetic materials are permitted. A sample of the material and color of any proposed awning must be submitted to the DRB for approval. Metal awnings are not permitted.

#### **2.9.22 Foundations**

The foundation system of all must be designed by a registered professional engineer Licensed in the State of Texas and must be based on recommendations given in a soils

report prepared by a soils engineering firm. The soils investigations and analysis and the design of the foundation system must be made by a registered professional engineer. The soils report must include recommendations for type, size, and depth of piers, number and size of reinforcing steel within the piers, and method and extent of isolation of foundation beams from adjacent soil.

#### **2.9.23 Lightning Protection**

The developer strongly encourages each owner to provide a lightning protection system for each of the Primary Residences, Outbuildings or other building.

#### **2.9.24 Air Conditioning**

Air Conditioning units must be located within the envelope of the primary residence, outbuilding or high-rise building and vented with louvers thru the exterior wall. No a/c condenser units are permitted on the exterior of the building.

#### **2.9.25 Pool Pumps and Other Equipment**

All pool pumps and other equipment must be located within the building. No pumps or other equipment are permitted on the exterior of the building.

#### **2.9.26 Butane Tank and Other Tanks**

Butane tank and other tanks must be buried in the ground.

## **2.10 SITE IMPROVEMENTS**

### **2.10.1 General**

Consistent with The Shores' standards for the community buildings this section of the Code is intended to establish quality controls, as well as aesthetic and safety controls regarding the site features for the community.

### **2.10.2 Decks & Patios**

Refer to "Planning Guidelines," for sizes and setback requirements for decks and patios. Location and design of decks and patios must be reviewed and approved by the DRB on a case-by-case basis. Patios must be constructed of concrete pavers.

### **2.10.3 Walks/Drives**

(a) Location: Driveways for lots located on traffic circles must be located on the adjacent street and not the circle.

(b) Materials: Driveways, walks, garages, and on-site parking must be constructed of brick pavers. Concrete is prohibited except for curbs. Paver types, patterns and colors shall be submitted to the DRB for review and approval.

(c) Pedestrian Walk: Each Primary Residence is required to provide pedestrian walk with gate located between street and residence.

### **2.10.4 Fences**

(a) General: Any fence located adjacent to a street, commons, or pedestrian walk, must be constructed with the finished side facing the street, commons, or walk. Gates, compatible in design with the fence, must be provided in fences abutting streets.

(b) Location: Residential lot owners must provide continuous fences along property lines abutting streets and common areas, with a minimum 30' turnback along side property lines (Exception, Lot Type II: Lot owners must provide continuous fences along the entire perimeter of the property.) Fences are permitted along all property lines except on Gulf-front property lines of Type I lots. Fences must be located 18 inches to the rear of any property line abutting a street and must be located on the side and rear property lines, with no part of the fence protruding beyond the property line.

(c) Height: Fences must be 3'-0" high above grade on any property line abutting a street and along the side property line for a distance of 30', except that fences around swimming pools must meet all applicable codes, including federal, state and local codes and therefore may need to be higher than 3'-0" (with a maximum of 4'). Wood post and stucco piers may be a maximum of 3'-6" in height, not including finials, except on Lot Type III, Type IV and Type V Lots when the rear lot line abuts the rear or side yard of another similar type lot, except not on lots that have a side or rear lot line fronting a street, where in order to create rear

courtyards, solid walls constructed of reinforced concrete block with a smooth stucco finish on both sides, and masonry cap, may be 6'-0" high and must be constructed to form a common rear perimeter wall along the rear and both side property lines for a distance of 40 feet.

(d) Material: Fences must be constructed of wood pickets, masonry and stucco piers with aluminum railings or wood pickets, or masonry and stucco.

Wood Pickets: Fences using wood pickets must have a transparency factor between 25% and 60% when 2" x 2" pickets are used, and between 20% and 40% when flat pickets are used. Fences with patterns that do not conform to the transparency factor as stated above may be approved by the DRB based on design merit. Wooden fences must be constructed of wood resistant to decay, and termite infestation. (See g. below)

Masonry and Stucco: Masonry piers must be a minimum of 18" wide by 12 inches deep or 16 inches square. Wood pickets or aluminum railing are permitted. A knee wall, a maximum of 18 inches high, may be constructed under the railing between the piers. (See g. below)

Solid Masonry and Stucco: A 2'-0" high solid fence is permitted provided that 18 inches piers, 3'-0" high, are constructed in each section of the fence, including all openings. (See g. below)

(e) Colors: All wood fences must be painted The Shores approved standard white as listed in Section 2.9.15. The masonry portion of masonry and railing fences must be painted white. Masonry and stucco fences must be painted The Shores approved standard white as listed in Section 2.9.15.

(f) Construction Timing: Required fences (along street with returns) must be constructed within 12 months from the date of closing on the lot, unless the Primary Residence or Outbuilding is under construction, in which case the fence must be constructed upon completion of the residence.

(g) Fences at Swimming Pools: On a public walkway or street, the fence adjacent to a swimming pool may be constructed with less transparency than other fences subject to approval by the Shores Design Review Board.

(h) Graphic Reference: Picket fences must comply with the requirements set forth in Exhibit 17.A. Masonry fences must comply with the requirements set forth in Exhibit 17.B.

## **2.10.5 Swimming Pools/Spas**

(a) General: Above ground-level swimming pools are prohibited. Ground level swimming pools are permitted, subject to review and approval by the DRB. Spas are permitted subject to review and approval by the DRB.

(b) Design Criteria: Swimming pools must be designed by a registered professional engineer and must be based on recommendations given in a soils report prepared by a soils engineering firm, including surface and subsurface drainage requirements.

#### **2.10.6 Electrical & Mechanical Equipment**

(a) Screening: All exterior electrical and mechanical equipment, including but not limited to transformers, meters, etc., must be concealed from view by opaque screening approximately 4 feet high and sympathetic in design to the Primary Residence or Outbuilding it is intended to serve.

(b) Location: Air conditioning condenser units, pool pumps and equipment must be located within the structure.

#### **2.10.7 Garbage & Trash Containers**

(a) Screening: Garbage and refuse must be placed in containers such that they are inaccessible to animals. Containers must be stored in a walled enclosure, a minimum of 3'-0" high and a maximum of 4'-0" high. The design of the enclosure must be compatible with the design of the house.

(b) Location: Garbage enclosures must be located a minimum of 30 feet from any property line abutting a street and any property line facing the Gulf, Laguna Madre, or canals, and may be located no closer than 3 feet from any property line.

#### **2.10.8 Outdoor Showers**

(a) Location: Outdoor showers may not be located in the front of the house or in the case of corner lots on the side of a house facing a side street. Outdoor showers may protrude into the side and rear yard setback to within 3 feet of the property line provided that the enclosure is no greater than ten feet in height above existing grade.

(b) Design: Outdoor showers must be designed in harmony with the structure to which it is attached.

#### **2.10.9 Boating Facilities**

(a) General: Residential lots with frontage on Laguna Madre or the canals may have boating facilities that consist of Terminal Structures, Overwater Walkways, Boat Slips, and Boathouses, or combinations thereof as approved by the DRB on a case-by-case basis. Under no circumstances may the boating facilities in their entirety cover 50% or more of the property line waterward of the bulkhead, except only a boatlift built parallel to the bulkhead, in which the total coverage for the dock and boatlift may not exceed 80% of the property line waterward of the bulkhead.

(b) Overwater Walkways and Terminal Structures: Walkways and Terminal Structures of any type are not allowed to protrude more than ten (10) feet beyond the water side of the bulkhead into the channel and their design and construction must comply with the requirements as shown in Exhibit 4.A and comply with the approved Dock and Boat Lift

Systems specified by the Shores Design Review Board. These facilities may not be constructed above the height of the channel bulkhead.

(c) Boat Slips: All boat slips must be completely bulkheaded and all bulkheads must be constructed similar to the adjacent bulkhead. Governing dimensions and setbacks are shown in Exhibit 4.B. Boat slips cut through the channel bulkheads must be approved by the DRB. The maximum depth a boat slip may be cut is minus 5 feet MSL.

(d) Boathouses: Boathouses will be allowed only where boat slips have been opened into the bulkhead and the boathouse is located on the land behind the bulkhead. Governing dimensions and setbacks are shown in Exhibit 4.C. No portion of a boathouse may protrude over the water beyond the channel bulkhead. No overhead boatlifts will be allowed except inside a boathouse. Only boat elevators will be allowed at channel bulkhead or dock.

(e) Lighting: Lighting on docks and piers must be shielded such that the source of the light is not visible from adjacent properties or from the waterway.

(f) Pilings: All pilings must be made of concrete and are limited to a maximum of 3 feet above the top of the channel bulkhead, except when the pilings are used to support floating docks. The maximum height of the pilings may not exceed 12 feet above MSL.

(g) Engineering: All bulkheads must be designed by a qualified engineer registered in the State of Texas.

(h) Dock Boxes: Dock boxes are subject to review and approval by the DRB.



## **2.11 MISCELLANEOUS GUIDELINES**

### **2.11.1 General**

This section of the Design Code is intended to address specific quality issues for all aspects of the development that are not covered in other sections.

### **2.11.2 Utilities**

(a) Location: All utilities must be placed below grade and concealed from view.

(b) Prohibited: Individual water supply systems and individual sewerage disposal systems, including septic tanks are prohibited.

### **2.11.3 Mail Boxes**

The development will provide a central mail pickup facility. Therefore, individual mailboxes are not allowed.

### **2.11.4 Antennas**

Antennas, satellite dishes, radio receivers, or similar devices are prohibited.

### **2.11.5 Solar Energy**

Solar equipment is permitted only upon approval of the DRB.

### **2.11.6 Play Equipment**

All fixed play equipment such as swings, slides, etc. must be submitted to the DRB for review and approval.

### **2.11.7 Signage**

The only signage allowed on residential lots will be as follows:

- \* Project sign – describing the development
- \* Contractor, architect and lender sign
- \* For Sale Sign

A Real Estate Lot Development sign or a contractor, architect and lender sign may be a maximum of three (3) square feet in size and be mounted no more than 3 feet above the grade level of the lot. Only one of each of the signs is allowed.

A For Sale Sign may be a maximum of 1 ½ square feet in size and must be located on the fence, along the street next to the gate.

#### **2.11.8 House Numbers**

(a) General: House numbers and names must be in compliance with the development standard and must be located on the front fence, one foot to the left or right of the front entrance gate.

(b) Graphic Reference: House numbers and names must comply with the standards as described in Exhibit 16 of the Shores Design Code.

#### **2.11.9 Walkovers**

Dune walkovers on Gulf-front lots must comply with the requirements of Exhibit 3 of the Shores Design Code. Color must be white (See Section 2.9.15).

#### **2.11.10 Miscellaneous Structures**

Clotheslines or similar type structures are prohibited.

## **2.12 LANDSCAPING GUIDELINES**

### **2.12.1 General**

Landscaping is a very important element in the Master Plan for The Shores Development. It is therefore a requirement that each owner significantly landscape their property to truly reflect the Spirit of The Shores.

In addition to the ecstatic value, a well landscaped property will help stabilize the environments ecological balance by contributing to the processes of air purification, oxygen regeneration, ground water recharge and storm water run-off retardation, while at the same time aiding in noise, glare, and heat abatement.

All landscape plans must be prepared by a Landscape Architect.

All landscape plans must be approved by the Shores Design Review Board.

All landscaping must be completed within 30 days after completion of the residence.

### **2.12.2 Grading**

Materials and debris resulting from clearing and grubbing operations must be removed from the site promptly. Grading operations must not adversely affect adjacent properties. Finished grading must be such that water runs off onto adjacent properties is prevented. Newly graded areas must be protected against erosion at all times.

### **2.12.3 Existing Vegetation**

On the East side of the Beachfront lots, no dunes or vegetation may be removed East of the building lot line.

### **2.12.4 New Planting**

(a) Native Plants: When planning and preparing the landscape plan, it is recommended that native plants and plants that adapt well to the coastal environment be utilized to ensure healthy growth, low maintenance, and hardiness. For a list of plants, please refer to Section 5.5.

(b) Required: The homeowner is required to plant on his property a minimum of twelve large trees, sufficient shrubs, ground cover and small trees to properly landscape the entire lot. Please refer to 2.12.5 for approved list of plants.

(c) Lawns: The Shores encourages low maintenance landscaping utilizing hardy and well-adapted plant materials. To this end, a maximum of 20% of the yard area may be utilized as a lawn however, no lawn is allowed in the front yard.

## **2.12.5 Approved Plants**

### **Trees, Palms / Minimum Size:**

Chinese Fan Palm (*Livistona chinensis*) / 4' trunk height  
Washington Palm (*Washingtonia robusta*) / 6' trunk height  
Mediterranean Fan Palm (*Chamaerops humilis*) / multi-trunk, 4' height  
Texas Sabal Palm (*Sabal texana*) / 6' trunk height  
Florida Sabal Palm (*Sabal palmetto*) / 6' trunk height  
Phoenix *sylvestris* (Wild Date Palm) / 4' trunk height  
Cycas *revoluta* (Sago Palm) / 15 Gal  
Hau Tree (*Hibiscus tiliaceus*) / 6' height  
Norfolk Pine (*Araucaria heterophylla*) / 3" caliper, 6' height  
Pigeon Plum (*Coccoloba diversifolia*) / 2" caliper, 6' height  
Autograph Tree (*Clusea rosea*) 2" caliper, 6' height  
Texas Huisache (*Acacia smallii*) 2" caliper, 6' height  
Geiger Tree (*Cordia sebestena*) 2" caliper, 6' height  
Mesquite (*Prosopis glandulosa*) / 2" caliper, 6' height  
Seagrape (*Coccoloba uvifera*) / 2" caliper, 6' height  
Spanish Dagger (*Yucca treculeana*) / 4' height

### **Shrubs, Groundcovers / Minimum Size:**

Asparagus Fern (*Asparagus sprengeri*) / 1 gal  
Beach Vitex (*Vitex rotundifolia*) / 3 gal  
Beach Morning Glory (*Ipomoea pes-caprae*) / 1 gal  
Cenizo (*Leucophyllum frutescens*) / 3 gal  
Confederate Jasmine (*Trachelospermum jasminoides*) / 4" pots  
Crown-of-Thorns (*Euphorbia milii*) / 3 gal  
Dwarf Oyster Plant (*Rhoeo discolor*) / 1 gal  
Golden Eye Daisy (*Viguiera stenoloba*) / 1 gal  
Green Island Ficus (*Ficus microcarpa* 'Green Island') / 3 gal  
Manzanita (*Malpigia glabra*) / 5 gal  
Natal Plum (*Carissa grandiflora*) / 3 gal  
Naupaka (*Scaevola frutescens*) / 3 gal  
Oleander (*Nerium oleander*) / 3 gal  
Padre Island Mistflower (*Eupatorium betonicifolium*) / 1 gal  
Purslane (*Portulaca* spp.) / 4" pots  
Pittosporum (*Pittosporum tobira*) / 3 gal  
Purple Trailing Lantana (*Lantana montevidensis*) / 1 gal  
Turk's Cap (*Malvaviscus drummondii*) / 3 gal  
Yellow Sophora (*Sophora tomentosa*) / 1 gal  
Wedelia (*Wedelia trilobata*) / 4" pots

## **2.12.6 Landscape Lighting**

Landscape lighting must be appropriate architectural lighting located as close to grade as practical. There must be lighting in the landscaping on the street side of the fence and the

lighting must emphasize the front entry gate and driveway. All wiring must be placed underground and the lights must be connected to an electric photocell and **operated daily**.

**2.12.7 Irrigation System**

An automatic irrigation system must be installed on every property, sufficient to service the landscaping for the entire property.

## **2.13 SHORES DRB APPROVAL PROCESS**

### **2.13.1 General**

All houses constructed at The Shores must be designed by, and all construction documents for permit, stamped by an Architect licensed in the State of Texas. The architect will also be responsible for signing a form upon completion of the project certifying that the house has been constructed in accordance with the approved construction documents.

The property owner shall be responsible for contacting the DRB office to determine the time and dates of the DRB meetings and the cutoff dates for submission of applications. Application forms may be obtained from the DRB office.

In addition to the requirements of the Design Code, the owner is responsible for making sure that construction conforms to all Federal, State, County, and Local codes, ordinances, and regulations.

### **2.13.2 Basis For Decision**

Applications must be approved or denied based upon compliance with the provisions of the Design Code. The Design Review Board may also consider the quality of materials, harmony of the design with the spirit of the development, as well as purely aesthetic considerations, which in the sole opinion of the DRB will affect the overall concept and intent of the development.

### **2.13.3 Design Review Board**

The Design Review Board (DRB) is the vehicle for maintaining adherence to the DESIGN CODE. The DRB shall have an administrator responsible for coordination between the DRB and the property owner and the owner's architect. It is not the intent of the DRB to make arbitrary and subjective value judgments, nor to discourage creativity, but to ensure that all construction is in compliance with the design standards and to ensure compatibility with the overall concept, character, and design quality of the community. The goal of the DRB is to review and process all applications fairly and to evaluate their compatibility with the DESIGN CODE.

The DRB assumes no responsibility for structural adequacy, soil erosion, soil conditions, or compliance with Federal, State, County, or local codes, ordinances, and regulation.

### **2.13.4 Process and Scheduling**

If a property owner elects to use an architect other than one of The Shores approved architects, the owner must advise the DRB in writing of this decision, and submit the architect's resume of qualifications and related experience in working in waterfront locations. The architect must schedule an appointment to meet with the Design Review Board to discuss the approval process, the Design Code, and the intended "spirit" of the development. It is imperative that the architect have a clear understanding of the Code prior

to commencing with design in order to prevent unnecessary modifications and revisions to the plans.

Submission of plans for review will not be accepted or reviewed by the DRB prior to the Architect-DRB meeting.

### **2.13.5 Preliminary Review**

(a) Concept Plan: Prior to the Preliminary Review submittal as described below, the Owner and his Architect may submit a concept plan to the DRB for comment. This submittal should consist of floor plans, exterior elevations, and general notes indicating building materials, heights, and overall character of the residence. The DRB's response will be informal and is intended to assist the architect with compliance with the Design Code in the early phase of design.

(b) Submission Requirements: Three complete sets of the following material must be submitted to the DRB for review. These materials will be reviewed for adherence to the Code and for overall character and design quality. The submission must be accompanied by a completed Application Form (which is available from the administrator of the Design Review Board) and the Administration fee.

If any of the information as described below is not submitted with the application for review, the plans will not be reviewed and a request will be sent to the applicant for the missing materials. When all of the materials are submitted, the plans will be reviewed.

- (1) Application Form
- (2) Design Review Fee (\$500.00). If a structural plan review is required by DRB, an additional fee of \$500.00 to \$1,000.00 will be added.
- (3) Certified topographic and boundary survey in 1 foot intervals.
- (4) Plans – 3 sets of plans (1/2 size plans preferred).
- (5) Preliminary site plan with north arrow and scale, showing building placement, required setbacks, actual setbacks, structures, walks, drives, patios, fences, pools, existing vegetation to be removed, schematic drainage, spot elevations, preliminary grading, and landscaping plan.
- (6) Preliminary floor plans and roof plan with area tabulation for each floor, including towers and dimensions of all porches.
- (7) Preliminary elevations indicating doors, windows, proposed exterior materials, floor heights, and overall building heights.
- (8) Landscaping plan indicating existing vegetation to remain and proposed landscaping.

(c) DRB Response: Following review of the preliminary submission, the DRB will render one of the following decisions:

- 1) Approve the submission so that it may proceed to Final Review.
- 2) Return the submission to the owner with recommendations for modification.

- 3) Disapprove the submission, with an explanation of the reasons for disapproval.

The DRB shall have 14 calendar days in which to review and respond to submissions for initial review. If the Initial Review Submission is returned for modifications, the DRB shall have the discretion to allow the process to proceed to final review providing the modifications are made, or to require another initial review. If the submission is disapproved, another Initial Review shall be required, and the process shall be repeated.

#### **2.13.6 Final Review**

Upon approval of the Initial Review Submission by the DRB, the property owner shall submit a complete set of the final construction documents for all improvements to the DRB for review and final approval to include the information as listed below.

If any of the information as described below is not submitted with the application for review, the plans will not be reviewed and a request will be sent to the applicant for the missing materials. When all of the materials are submitted, the plans will be reviewed.

- (1) Application Form
- (2) Plans – 3 sets of plans (1/2 size plans).
- (3) Site Plan with north arrow and scale, indicating property lines, easements, required setbacks, actual setbacks, topography, existing vegetation, location of all proposed structures including primary residence, outbuildings, garage, carport, decks, patios, pools, fences, walks, drives, terraces, mechanical equipment and garbage container enclosures, existing grades, proposed grades, spot elevations, contours, finished floor elevations, roof overhangs, and proposed tree removal and site clearing.
- (4) Exterior Elevations indicating exterior materials, roof pitch, first floor elevation, second floor elevation, and building heights.
- (5) Building Sections with eave condition details.
- (6) Fence and Balustrade Details.
- (7) Construction Specifications.
- (8) Exterior Color Selections with color samples, if other than approved colors.
- (9) Landscape Plan indicating existing vegetation to remain, proposed new vegetation identified by botanical name, common name, size, and quantity.

The DRB shall have 14 calendar days in which to review and respond to submissions for final approval.

(c) DRB Response. Following review of the Final Review submission, the DRB will render one of the following decisions:

- 1) Approve the submission so that the project may proceed to construction.
- 2) Return the submission to the owner with recommendations for modifications.
- 3) Disapprove the submission with an explanation of the reasons for disapproval.



If the submission is returned with recommendations for modifications or disapproved, another Final Review shall be required and the process repeated.

### 2.13.7 ~~Variances~~ Minor Modifications

~~Variances~~ Minor modifications may be granted for architectural merit, unique topographical conditions, or irregular shaped lots, and are solely at the discretion of the DRB. Minor modifications also may be granted in circumstances where minor deviation from this PDD are necessary to accommodate special situations if, in the sole discretion of the DRB, such deviations will not adversely affect the subdivision. Variances, other than minor modifications that are allowed in this subsection, shall be reviewed by the Board of Adjustment with the City of South Padre Island.

Criteria for granting minor modifications are as follows:

<u>Standards</u>	<u>Minor Modifications Allowed</u>	<u>Criteria</u>
<u>Maximum Site Coverage (Building Site Coverage and Impervious Surface Coverage)</u>	<u>5% of square foot area</u>	<u>Minor modifications to an approved plan may be permitted when it is determined by the DRB that such are in substantial conformance with the approved plan and that such are in response to issues of topography, drainage, underground utilities, structural safety, layout, or design vehicular circulation; or are to accommodate architectural merit; or are to accommodate accessory structures or minor building additions; or are to preserve the intent of the original project; or are to mitigate any special situations given only to the owner/builder.</u>
<u>Setbacks (Front, Side and Rear)</u>	<u>+/- one (1) foot</u>	
<u>Height (Maximum Height of Structures and Ceiling Height)</u>	<u>5% of required height</u>	

### 2.13.8 Modifications to Approved Plans

If modifications are made after the plans have been approved, the proposed revisions must be submitted to the DRB for prior approval.

Proposed revisions or additions to an existing structure are subject to the same review process and submissions as new construction projects. Additional fees may be required to cover the cost of administration.

### **2.13.9 Governmental Approval**

Following final approval by the DRB, the property owner will submit approved construction documents to the local governing agencies, and any other agencies as required for review, approval, and building permits. Any changes required by any governmental agency must be submitted to the DRB for review and approval.

Upon approval by the DRB, a building permit shall be submitted to the Contractor from the DRB, subject to the approval of all governing agencies. Approval by the DRB in no way implies governmental or regulatory approval of any nature.

### **2.13.10 Fees**

An administrative fee of \$500 will be charged for the review and approval process of the Architectural Plans. This fee must be included with the Preliminary Plans and Application. If a Structural Plan Review is required by DRB, an additional fee of \$500 to \$1,000 will be added.

### **2.13.11 Extra Plan Review**

After plans have been reviewed two times for compliance to the Shores Design Code by The DRB, each additional review will require an additional fee of \$200 payable when plans are submitted for review.

## **2.14 THE CONSTRUCTION PROCESS**

### **2.14.1 Property Owner/Contractor**

- (a) General: The property owner and contractor shall be responsible for complying with all of the rules and regulations of all governing agencies as well as this DESIGN CODE.
- (b) Insurance: The contractor must be approved by the DRB and must submit a certificate of insurance to the DRB certifying Workmen's Compensation as required by law, bodily injury and property damage occurrence with a minimum limit of \$500,000 with a general aggregate of at least \$1,000,000.
- (c) Construction Schedule: The property Owner must file a construction schedule with the DRB, indicating the construction commencement date and the construction completion date.
- (d) Construction Agreement: The Contractor will be required to sign a construction agreement with the DRB and post a deposit as required therein before commencing work. The contractor's failure to comply with any of the rules and regulations as described herein, or failure to require compliance by any of his employees or subcontractors, or the lapse of any of the insurance requirements will, at the Developer's discretion, result in suspension of building privileges within the Shores.

### **2.14.2 Construction Regulations**

- (a) Responsibility. The Contractor shall be responsible for the behavior and actions of all of his employees and subcontractors who perform work on his project while they are in the Shores.
- (b) Disturbances. The Contractor shall take the necessary precautions so as not to create undue noise. Radios, tape players, etc. will not be allowed to be played on the construction site at any time. Pets are not allowed on the construction site. Construction workers must wear shirts at all times.
- (c) Damage. The Contractor shall be responsible for any and all damage to the sidewalks, curbs, streets, or any other existing construction during construction. Upon completion of construction, the contractor shall be responsible for restoring any damaged improvements to their original condition to match adjacent undamaged improvements.
- (d) Construction Site. The Contractor shall maintain the construction site clean and free from all debris and waste materials to the degree practical as determined by the DRB. Construction trailers will not be allowed on the construction site.
- (e) Material Storage. Building materials must be kept within the property lines and shall be stored in a neat and orderly fashion. The use of adjoining properties for access to the property or storage of materials, without the written consent of the property Owner, is prohibited. If construction is suspended for more than thirty days, all stored building materials shall be removed until which time construction is resumed.

(f) Existing Vegetation. The Contractor shall take all necessary precautions to protect existing vegetation.

(g) Construction Hours. Construction will be allowed only between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays. Construction is prohibited on Sundays, January 1st, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas.

### **2.14.3 Construction Commencement**

The Owner/Contractor may not commence construction until building permits have been received from the DRB, the Town of South Padre Island, and all other governing agencies as required. The DRB will issue a permit only after Design Review Approval and receipt of copies of all other required permits.

### **2.14.4 Construction Observations**

(a) Form Check. When all Form Work is complete and prior to pouring concrete, contractor will provide the DRB a survey of all forms to insure that all forms are properly located on the lot.

(b) Foundation Survey. The Owner shall provide the DRB with a foundation survey upon completion of the foundation. Construction may not continue until the foundation is approved. The DRB will have 14 calendar days from the receipt of the survey to respond.

(c) Periodic Observations. The DRB shall have the right to make periodic inspections of the property during the construction phase and shall have broad discretionary powers regarding the correction of any non-complying construction.

(d) Completion. The contractor shall notify the DRB when the project is complete, including all landscaping. The DRB shall inspect the project for final approval and upon approval will issue a certificate of final approval to the property owner.

**THE SHORES  
PRELIMINARY REVIEW OF PLANS AND SPECIFICATIONS**

**2.15**

*Please complete and return this application along with a check in the amount of \$500 payable to The Shores Owners Association and two complete sets of the following items. Submit to Shores Design Review Board, 8605 Padre Boulevard, South Padre Island, Texas 78597.*

- \_\_\_\_\_ 1. Topographic and boundary survey
- \_\_\_\_\_ 2. Preliminary site plan
- \_\_\_\_\_ 3. Preliminary floor plans
- \_\_\_\_\_ 4. Preliminary exterior elevations
- \_\_\_\_\_ 5. Design Code Analysis form

Date: \_\_\_\_\_

Lot#: \_\_\_\_\_ Block#: \_\_\_\_\_

**OWNER:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

(\_\_\_\_\_) \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_

Phone No.

Fax No.

**ARCHITECT:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

(\_\_\_\_\_) \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_

Phone No.

Fax No.

**Signed:**

\_\_\_\_\_  
Architect

**THE SHORES  
DESIGN CODE ANALYSIS FORM**

**2.16**

*Please complete and return this form with the Application for Preliminary and Final Review of Plans and Specifications.*

Preliminary Review Date: \_\_\_\_\_ Final Review Date: \_\_\_\_\_  
Lot#: \_\_\_\_\_ Block#: \_\_\_\_\_  
Owner Name: \_\_\_\_\_  
Architect Name: \_\_\_\_\_

**Code Analysis**

**1.1 Site Coverage**

Total Area of Lot: \_\_\_\_\_ sq. ft.

**Primary Structure**

Two story without Porches: \_\_\_\_\_ sq. ft. \_\_\_\_\_ % of Lot

Two story with Porches: \_\_\_\_\_ sq. ft. \_\_\_\_\_ % of Lot

Three story without Porches: \_\_\_\_\_ sq. ft. \_\_\_\_\_ % of Lot

Three story with Porches: \_\_\_\_\_ sq. ft. \_\_\_\_\_ % of Lot

**Towers**

Enclosed Area: \_\_\_\_\_ sq. ft. excluding decks

Total Area: \_\_\_\_\_ sq. ft. including decks

**Outbuilding**

One Story Structure: \_\_\_\_\_ sq. ft. including porches

Two Story Structure: \_\_\_\_\_ sq. ft. excluding porches

Two Story Structure: \_\_\_\_\_ sq. ft. including porches

**Other**

Garden Structures: \_\_\_\_\_ sq. ft.

Storage Building: \_\_\_\_\_ sq. ft.

Decks: \_\_\_\_\_ sq. ft.

Patios: \_\_\_\_\_ sq. ft.

Boat Houses: \_\_\_\_\_ sq. ft.

Pergolas: \_\_\_\_\_ sq. ft.

Gazebos: \_\_\_\_\_ sq. ft.

**THE SHORES  
DESIGN CODE ANALYSIS FORM**

**2.16.1**

**1.2    Building Setback**

Primary Residence:	Front:_____ Rear_____ Sides:_____/_____
Tower:	Front:_____ Rear_____ Sides:_____/_____
Outbuilding:	Front:_____ Rear_____ Sides:_____/_____
Garages & Carports:	Front:_____ Rear_____ Sides:_____/_____
Garden Structure:	Front:_____ Rear_____ Sides:_____/_____
Decks:	Front:_____ Rear_____ Sides:_____/_____
Patio:	Front:_____ Rear_____ Sides:_____/_____
Swimming Pool/Spas:	Front:_____ Rear_____ Sides:_____/_____
Storage Buildings:	Front:_____ Rear_____ Sides:_____/_____

**1.3    Structure Height**

**Building Height (Highest Point)**

Primary Residence:	_____ feet above sea level
Tower:	_____ feet above sea level
Outbuilding:	_____ feet above sea level
Garden Structure:	_____ feet above sea level
Garages & Carports:	_____ feet above sea level
Storage Buildings:	_____ feet above sea level

**Primary Residence**

Floor to Ceiling/1st Floor (Ground):	_____ feet
Floor to Ceiling/2nd Floor:	_____ feet
Floor to Ceiling/3rd Floor:	_____ feet

**Elevation (Primary Residence)**

1st Floor (Ground):	_____ feet above sea level
2nd Floor:	_____ feet above sea level
3rd Floor:	_____ feet above sea level

**Other**

Decks:	_____ feet above grade
Patios:	_____ feet above grade

**2.2    Building Materials (Exterior)**

Type of Construction:	_____
Exterior Finish:	_____

**THE SHORES  
DESIGN CODE ANALYSIS FORM**

**2.16.2**

2.4 Roofs

Roof Pitch: \_\_\_\_\_ in 12  
Roof Material: \_\_\_\_\_  
Roof Color: \_\_\_\_\_

2.6 Doors

Materials: \_\_\_\_\_  
Manufacturer: \_\_\_\_\_

2.7 Windows

Materials: \_\_\_\_\_  
Manufacturer: \_\_\_\_\_

2.8 Glazing

Type of Glass: \_\_\_\_\_

2.9 Porches

Size of Front Porch: \_\_\_\_\_ feet x \_\_\_\_\_ feet  
Size of Rear Porch: \_\_\_\_\_ feet x \_\_\_\_\_ feet

2.13 Shutters

Material: \_\_\_\_\_  
Type: Swing/Bahama: \_\_\_\_\_

2.14 Colors

Field:	Color: _____	Manufacturer: _____ ; # _____
Trim:	Color: _____	Manufacturer: _____ ; # _____
Shutters:	Color: _____	Manufacturer: _____ ; # _____
Fence:	Color: _____	Manufacturer: _____ ; # _____

3.3 Parking

Number of Bedrooms: \_\_\_\_\_  
Number of Parking Spaces: \_\_\_\_\_

3.4 Fences

Height of Fence: \_\_\_\_\_ feet

3.5 A/C Area

1 <sup>st</sup> Floor (ground)	_____ square feet	_____ % of 1 <sup>st</sup> floor enclosed area
2 <sup>nd</sup> Floor	_____ square feet	
3 <sup>rd</sup> Floor	_____ square feet	



Total (all floors)

\_\_\_\_\_ square feet

**THE SHORES  
DESIGN CODE ANALYSIS FORM**

**2.16.3**

**COMMENTS:**

**VARIANCE MINOR MODIFICATION(S) REQUESTED:**

I hereby certify that the information provided is true and correct to the best of my knowledge.

\_\_\_\_\_  
Architect Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Firm Name

## 2.17 SIGN GUIDELINES

**2.17.1 Definitions:** For purposes of The Shores Planned Development District the following definitions shall apply:

**Abandoned Sign:** A sign which no longer correctly directs or exhorts any person, advertises a bona fide business or service provided, lessor, owner, project, activity conducted, or product available on the premises where the sign is displayed. (A temporary closing of a business, not to exceed 90 days, shall not be considered an abandoned sign.)

**Airborne Sign:** A sign on a balloon, flag, pennant, or inflatable sign.

**Altered:** A change of copy, logo, or other means in which the message is changed or enlarged, changing shape or location.

**Animated Sign:** Any sign that includes action or motion.

**Average Grade:** The grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, in the event that the sign is attached to the structure. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filing, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure of the zone lot, whichever is lower.

**Banner:** A temporary sign made of fabric, plastic, paper, or other light, pliable, or non-rigid material, not enclosed in a rigid frame (not including a "fabric sign" as defined herein).

**Billboard:** Any sign that is freestanding or attached to or part of a building and is an off-premise sign.

**Building Face or Wall:** All window and wall area of a building in one plane or elevation.

**Canopy:** Any structure attached to a building at the inner end or a free-standing structure, with one or more supports, meant to provide shelter from the weather

**Changeable Copy Sign (Manual):** A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

**Changeable Copy Sign (Automatic):** A sign such as an electronically or electrically controlled public service time, temperature and date sign, message center, or reader board where different copy changes are shown on the same lamp bank.

**Charitable Project or Benefit:** Proceeds must be for a qualified 501C entity pursuant to the Internal Revenue Code.

**Commercial Sign:** A sign other than a real estate "For Sale" or "For Lease" sign, "Open House" sign, political sign, residential nameplate sign, public information sign, traffic control sign, temporary new business opening sign, or exempted sign, which directs the attention of the general public to a business, product, service, or other commercial or business activity.

**Conforming Sign:** Signs built and maintained in accordance with the terms of this Document.

**Contractor's Sign:** A sign intended to identify a contractor, subcontractor or architect on the site of a construction project where the contractor, subcontractor or architect is conducting work.

**Copy:** The wording or graphics on a sign surface.

**Erect:** To build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend or affix, and also includes the painting of wall signs, murals or super graphics, or any physical operations on the premises which are required for the construction of a sign including excavation, site clearance, landfill and the like.

**Fabric Sign:** A sign made of fabric or other non-rigid material, enclosed in a permanent frame and erected as a permanent, on-site sign for a business, service, product, or person.

**Facade:** The front or main part of a building facing a street.

**Face of Sign:** The entire area of a sign on which copy could be placed. The area of a sign which is visible from one direction as projected on a plane.

**Fine Art:** Sculpture, fountains, or similar objects, which have been identified as fine art by the City Manager or designee, and which in no way identifies or advertises a product or business.

**Flashing Sign:** Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an extremely mounted intermittent light source.

**Freestanding Sign:** Any sign that is not attached to or on the walls, face, or exterior of a building.

**Grand Opening:** The initial opening of an entirely new business.

**Ground Level:** The immediate surrounding grade.

**Height of Sign:** The vertical distance measured from the surrounding grade to the highest point on the sign or sign structure.

**High Rise Building:** A structure of more than Six (6) stories in height.

**Illegal Sign:** Signs which are not registered in accordance with the terms of this Subsection shall be categorized as illegal.

**Indirect Lighting:** A light source separated from the surface and illuminating the sign surface by means of spot lights or similar fixtures.

**Joint Directory Sign:** A sign that consists of a composite of several individual signs identifying the businesses located in a commercial or office complex.

**Landscaping:** For the purposes of this Ordinance, landscaping shall include any combination of shrubs, vines, hedge plantings, plants, trees or palms located in a planting area at the base of the sign. For the purposes of this ordinance, the term "landscaping" shall not mean solely turf or grass, or the total absence of vegetable matter.

**Legally Non-Conforming:** Signs existing on the effective date of the adoption of this Ordinance that are not in conformance with the Ordinance.

**Logo:** A letter, character, or symbol used to represent a person, corporation, or business enterprise.

**Lot:** A parcel, tract, plot or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat, or it may include parts of or a combination of such parcels when adjacent to one another and used as a whole.

**Major Corporate Sponsor:** The sponsor of a public event, listed on all advertising and other public promotions, resulting from the contribution of funds, equipment, products, and/or in-kind services to the event.

**Marquee:** Any permanent roof-like structure at the entry to a building, that projects beyond the building or extends along and projects beyond the wall of the building, and which generally contains a commercial message(s), and is designed to provide protection from the weather.

**Minimum Sight Triangle:** A triangular area bounded by the right-of-way lines of a corner lot and a line connecting the two points on the right-of-way lines measured twenty (20) feet from the point of intersection of the right-of-way lines. For ingress/egress points and private roads, the minimum sight triangle shall be determined using the intersection of the curb line or edge of pavement for the ingress/egress point or private road and the public right-of-way.

**Monument Sign:** A freestanding sign, other than a pole sign, which has a skirt, dressed base, or other means of enclosing the structural members which support the sign, and which skirting or dressing has been approved by the DRB, base must equal at least Fifty Percent (50%) of sign width and not to exceed One Hundred Twenty Percent (120%) of the width of the sign for signs up to Eight (8) feet in height. For signs proposed to be taller than Eight (8) feet in height, the width of the approved skirting or dressing must equal a minimum of Fifty Percent (50%) of the sign width, but shall in no case exceed Four (4) feet in width. For the purposes of this Ordinance, the terms "skirting" and/or "dressing" shall mean the enclosing of the structural members which support the sign with materials such as decorative masonry, natural and decorative stone, masonry with a stucco finish, and decorative wood such as redwood or cedar when appropriately finished to prevent decay and discoloration.

**Multi-Pole, Single Pole Sign:** A sign whose only structural support consists of exposed poles, posts, beams, or other devices mounted in the ground.

**Office Complex/Multi-Tenant Shopping Center:** Means Two (2) or more offices or stores sharing customer parking area, regardless of whether said offices or office establishments occupy separate structures or are under separate ownership.

**Official Sign:** Any sign erected by or at the direction of any governmental body.

**Off-Premises Sign:** Any sign other than an on-premise sign.

**On-Premises Sign:** A sign that advertises only goods, services, facilities, events or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off premises signs.

**Owner:** A person recorded as such on official records and including duly authorized agent, notary, purchaser, lessee, devisee, or judiciary; anyone having a vested or contingent interest in the property or business in question.

**Painting:** The application of paint in the course of normal maintenance which in no way shall alter the message or group of works or letters.

**Permanent Multi-Family or Subdivision Identification Sign:** A sign which designates the name of a project, subdivision, or other residential district, and which is located at or in close proximity to the main entrance.

**Person:** Any natural person, firm, partnership, association, corporation or organization of any kind.

**Political Sign:** Any sign which is designated to influence the action of voters for the passage or defeat of a measure appearing on the ballot in connection with any national, state or local election.

**Portable Sign:** Any sign not permanently affixed to a building, structure or the ground, and designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. This definition includes, but is not limited to, A-frame signs, sandwich signs, curb signs and signs on trailers with or without wheels or on other vehicles which are primarily used as signs.

**Premises:** An area of land, with its appurtenances and buildings, which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

**Project Development Sign:** A temporary sign for a commercial or multi-family tract which may identify a project under construction and may include the project's name and address, general contractor, architect, financing, and contact agent, with appropriate phone numbers.

**Projecting Sign:** A wall-mounted sign, erected in lieu of the permitted, freestanding monument sign, which projects from the face of a structure, meeting the following requirements:

- The sign shall be pinned away from the wall of the structure a minimum of six (6) inches.
- The sign shall not extend over any adjacent right-of-way or property line.
- Projecting signs shall be designed as an integral architectural element of the building to which it principally relates. The mounting brackets of such signs will be an integral part of the sign and complementary to the design of the sign.
- No projecting sign shall be entirely supported by an unbraced parapet wall.

- No unshielded lights will be permitted. All lighting fixtures shall be placed in such a way as they will not be struck or otherwise damaged by the sign in the event of high wind.
- Projecting signs shall be designed to meet the wind resistance requirements.

**Public Information Sign:** Any sign or banner that is intended to identify community, civic and social events, special events, facilities, no-trespassing areas and is not a commercial sign or official sign as defined herein.

**Reader Board:** A sign that has changeable or removable lettering.

**Real Estate "For Sale", "For Lease", or "Open House" Sign:** A temporary sign designating that the premises upon which it is erected is for sale, rent, or lease or that an open house is being held on the day on which the sign is displayed. A For Sale sign may not be placed on a lot by a prospective Buyer until the title to the property has been conveyed to him.

**Reflective Surface:** Any material or devise that has the effect of intensifying reflected light, including but not limited to scotch light, day glow, glass beads and luminous paint.

**Required Signs:** Any sign required by law for the protection of the general health, safety and welfare of the public. For the purposes of this Ordinance, numbers attached to the front plane of a facing and visible from the adjacent public right-of-way or private ingress/egress for the purpose of identifying the street address of the structure shall be considered a required sign. Such numbers shall be a minimum of four (4) inches in height, shall be of a color in distinct contrast to the color of the wall to which it is attached, and shall be plainly visible from the adjacent public right-of-way or private ingress/egress.

**Residential Nameplate Sign:** A sign permitted for the sole purpose of identifying the inhabitant residing therein, the house name, or identifying the address of the house. The sign may contain no advertising of any kind

**Roof Line:** The highest point of the coping on a flat roof, false mansard, or parapet wall; the deckline of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and the ridge of a gable or hip roof.

**Roof Sign:** A sign attached to, and wholly or partially dependent upon, the roof of a structure for support, or attached to the roof in any way, but not extending above the roof line, as defined by this Ordinance. Such signs will be completely enclosed between the sign and the corresponding roof, and shall be designed to meet the wind resistance requirements of.



**Sign:** Any thing of visual appearance primarily used for, or having the effect of, attracting attention from the streets, sidewalks, or other curbside public areas for identification purposes, whether illuminated or non-illuminated. An identification logo, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, service, institution or business, whether illuminated or non-illuminated. For the purposes of removal, the definition of "sign" shall include all of the sign structure. For the purposes of this Ordinance, this definition shall also include those signs painted directly upon a building or other structure or vehicle. The basic intent behind this definition is not to discourage product displays, design, or art from epitomizing simplicity, good taste, and compatibility with the community's desired image.

**Sign Area:** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

**Sign Structure:** The sign and all parts associated with its construction.

**Snipe Sign:** A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, utility poles, stakes, or fences or to other objects, and whose message is not associated with the premises upon which such sign is located

**Swinging Sign:** A sign secured in place by means of a bracket, chain and or other means designed to allow for some movement. In the event that a Tropical Storm and or Hurricane is forecasted to make landfall within a 100 mile radius of South Padre Island, the owner of sign shall make provisions to remove sign and place in secure location.

**Temporary Signage:** A sign erected for a special purpose and for a specifically stated short term of duration, as regulated by DRB. Temporary signage may include such otherwise prohibited forms of signage as portable signs and banners

**Traffic Control Sign:** A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

**Wall Sign:** A sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plan parallel to the face of the wall and not projecting more than Nine (9) inches from the face of the wall at any point.

**Window Sign:** A sign painted, drawn, or otherwise affixed to the inside of an exterior window or glass door of a commercial or office

**2.17.2     PROHIBITED SIGNS.** The following signs shall be prohibited in the Shores Subdivision:

- Airborne signs,
- Moving, Flashing and Animated Signs, including electronic message centers, with the exception of time and temperature signs, however, such time and temperature signs shall be for that purpose only, shall be constant in nature, and shall not grow, melt, x-ray, up or down scroll, write-on travel, inverse, roll, snow or present pictorial or other animation,
- Portable signs, except those used for temporary purposes as authorized by this Document,
- Banners,
- Pole signs,
- Snipe signs,
- Signs with a reflective surface as herein defined,
- Signs that contain characters, cartoons, or other representation, or statements, words or pictures of an obscene, prurient, or immoral character,
- Signs that contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device, or which may hide from view any traffic or street sign or signal,
- Any sign construed or located in such a manner that is or becomes an immediate hazard or danger to persons or property because of being in an unsafe condition, or which obstructs any window, door, or fire escape of any building. Such signs will be subject to immediate removal by the Shore Development, without notice, at the expense of the owner.
- Paper Signs

### 2.17.3 SIGN PERMITTED -Number, Area and Height Regulations

SIGN TYPE	MAXIMUM NO. PER LOT	MAXIMUM SIZE IN AREA	MAXIMUM HEIGHT	SETBACK
<b><i>Residential Signs</i></b>				
<i>1) Residential Nameplate signs &amp; House Numbers</i>	1 per dwelling unit	7" X 15"	3 ft. from average grade	1.5 ft. from ROW and Prop line
<i>2) Permanent multi-family</i>	1 per project	24 sq. ft.	6 ft. from average grade	1.5 ft. from ROW and Prop Line
<b><i>Commercial Signs for Multi-Tenant Centers and Offices Complexes</i></b>				
<i>1) Monument Signs (Doubled center Faced)</i>	1 sign per center	72 sq. ft. per face	8 ft. from Average grade	15 ft. ROW
<i>2) Awning, Wall, Roof Signs, Shingle</i>	As determined by tenant	64 sq. ft. total of all signs		15 ft. ROW
<i>3) Joint directory commercial signs per tenant</i>	1 per tenant	2 sq. ft.	8 ft. from	15 ft. ROW
<i>4)sandwich sign (a-frame)</i>	1 per tenant	10 sq. ft./phase	Floor level	15 ft ROW
<i>5) Nameplate Sign</i>	1 per tenant	2 sq. ft.		15 ft ROW
<b><i>Commercial Signs for Single Business Use</i></b>				
<i>1) Monument (Double Faced)</i>	1 sign *	50 sq. ft. per face	8 ft. from average grade	15 ft. ROW
<i>2)Projecting Sign</i>	1 sign in lieu of monument sign	36 sq. ft. per face	8 ft. from floor level	15 ft. ROW
<i>3) Awning, Wall, Roof Signs, Shingle</i>	1 per tenant	64 sq. ft. total of all signs		15t ft. ROW
<i>4) Nameplate Sign</i>	1 per tenant	12 sq. ft.	Floor level	15 ft. ROW
<i>5)A- Frame Sandwich</i>	1 per tenant	10 sq. ft.		
<b><i>High Rise Buildings</i></b>				
<i>1) Monument Double-Faced</i>	1 sign	72 sq. ft. per face	8 ft. from average grade	15 ft. ROW
<i>2) Awning &amp; Wall Signs</i>	1 sign	10% of the wall plane surface area, or 250 sq. ft., whichever is smaller	Height of the wall	15 ft. ROW

<b>SIGN TYPE</b>	<b>MAXIMUM NO. PER LOT</b>	<b>MAXIMUM SIZE IN AREA</b>	<b>MAXIMUM HEIGHT</b>	<b>SETBACK</b>
<b><i>Miscellaneous Signs</i></b>				
<i>Traffic Control Signs located on Private Property</i>	Comply with state standards	2 sq. ft.	8 ft. from average grade	
<i>Freestanding Real Estate Signs</i>  <i>(For Sale For Lease Open House)</i>	1 per site	Sites with less than 1 acre 1.5 sq. ft. Sites with more than 1 acre and less than 5 acres 16 sq. ft. Sites with more than 5 acres 32 sq. ft.	3 ft. from average grade  8 ft. from average grade  8 ft. from average grade	1.5 ft. ROW  15 ft. ROW  1.5 ft. ROW
<i>Freestanding Real Estate Lot Development / Project</i>	1 per site	3 square feet	3 ft. from average grade	1.5 ft. ROW
<i>Project Development Signs 3 to 12 Units</i>	1 per site	16 sq. ft.	8 ft.	15 ft. from ROW
<i>Project Development Signs 13 or More Units</i>	1 per site	32 sq. ft.	8 ft. from average grade	15 ft. ROW
<i>Project Contractor, Sub- Contractor or Architect Sign 3 to 12 Units</i>	1 per site	3 sq. ft.	3 ft. average grade	15 ft. from ROW
<i>Project Contractor, Sub- Contractor or Architect Sign 13 or More Units</i>	1 per site	6 sq. ft.	3 ft. from average grade	15 ft. ROW
<i>Temporary Signs</i>	1 per business	32 sq. ft. per sign	8 ft. from average grade, if free standing	15 ft. ROW
<i>Subdivision Identification Sign</i>	1 per entrance	72 sq. ft.	8 ft. from average grade	1.5 ft ROW
<i>Subdivision Phase of Development Sign (Only available to</i>	1 per phase	96 sq. ft.	12 ft. above grade	1.5 ft from R.O.W.

<i>developer)</i>				
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## **ARTICLE 3 : MINIMUM STANDARDS FOR STREET DESIGN AND CONSTRUCTION**

### **3.1. Street Categories**

Street Types utilized in this development shall consist of the following:

**3.1.1 Type A – 22’ R.O.W. Access Street:** These are driveways typically used to serve commercial and/or multi-family residential developments. Typically used to direct traffic into designated parking areas with no sidewalks or shoulders and provides 11’ drive lanes.

**3.1.2 Type B – 44’ R.O.W. Street:** These are private streets generally serving commercial areas. Typically used to convey off-site traffic into access drives and parking areas with some accommodation for through traffic volume. This street type is characterized with a 44’ ROW, 17.5’ drive lanes, with a 4’ planter bed, and a 5’ sidewalk on one side of the street.

**3.1.3 Type C – 50’ R.O.W. Street:** These are private streets used primarily to serve single and/or multi-family residential units or light business traffic. These streets are generally characterized with short block distances with relatively low volume of through traffic. This street type is characterized with a 50’ ROW and includes a 12’ Drive Lane, a 9’ shoulder, and 4’ sidewalk.

**3.1.4 Type D – 52’ – 56’ R.O.W. Street:** These are private streets used primarily to serve single, multi-family residential and commercial traffic. This street type is characterized with a minimum 52’ R.O.W., 13’ drive lanes, 9’ shoulder, and a 4’ sidewalk. The 56’ R.O.W. is used when a 4’ median is included.

**3.1.5 Type E 56’ R.O.W. Street:** These are private streets that will primarily serve commercial areas. This street type is characterized with a 56’ ROW, 17.5’ drive lanes including curb and gutter, 4.5’ planter, and 6’ sidewalk.

**3.1.6 Type F 40’ R.O.W. Street:** This street section will be used for all bridge sections. The section includes 13’ drive lanes, and 5’ sidewalks.

**3.1.7 Type G 44’ R.O.W. Street:** These are private streets that may be used for internal drives or streets primarily serving single-family, townhouse or multi-family developments. This street type is characterized with a 44’ ROW, 13.5’ drive lanes, including 18” rollover curb, 4.5’ planter, and 4’ sidewalk on both sides of the street.

- 3.2 Minimum Right-of-Way Widths:** The minimum widths of Street right-of-ways, from lot line to lot line shall not be less than the following:

Street Type	Right-of-Way (ft)
Type A	22
Type B	44
Type C	50
Type D	52
Type E	56
Type F	40
Type G	44

\* Refer to corresponding Roadway Exhibits

- 3.3 Minimum Street Pavement Widths:** The minimum width of the street pavement shall be as follows:

Street Type	Drive Width (ft)	Shoulder Width (ft)	Sidewalk Width (ft)
Type A	22	N/A	N/A
Type B	35	N/A	5
Type C	24	9	4
Type D	26	9	4
Type E	35	N/A	6
Type F	26	N/A	5
Type G	27	N/A	5

Note: Refer to corresponding Roadway Exhibits for Shoulder and sidewalk widths

### **3.4 General Street Design Standards**

- 3.4.1** Intersecting streets shall be located directly opposite another existing or proposed street, or shall be a minimum of one hundred (100) feet distance, as measured between the ends of the nearest turning radii, at the curb.
- 3.4.2** Multiple intersections involving the junction of more than two streets shall not be permitted without the use of adequate signage and/or striping.
- 3.4.3** Streets that intersect at angles less than 90 degrees shall be limited to controlled intersections with a stop sign for each street.
- 3.4.4** The dedication of new half streets along tract boundaries is not permitted.
- 3.4.5** Distance between intersecting streets shall not exceed 1000 feet without the use of traffic calming devices.



- 3.4.6** Where a street does not extend beyond the boundary of a development, and its continuation is not required for access to adjoining property, a cul-de-sac turnaround shall be provided at the end of such permanent dead-end streets. Such cul-de-sac streets shall not exceed five hundred (500) feet in length. This length is measured from the nearest intersecting street.
- 3.4.7** Temporary dead-end streets with a length exceeding 300 feet will require the construction of a temporary turn-around. The additional ROW for the turn-around shall be shown on the plat with a notation that such additional R.O.W. shall revert to abutters upon the continuation of the street. No building permits shall be issued for any lots abutting a temporary turn-around as shown on any recorded subdivision plat unless and until the temporary turn-around is actually constructed, and has been approved by the Director of Public Works. A Type III Barricade, a type 4 marker, or approved equal shall be constructed at all dead ends and shall comply with the Texas Manual on Uniform Traffic Control Devices.
- 3.4.8** Horizontal Curves: Where there is a deflection angle of more than 10 degrees in the alignment of streets, a horizontal curve shall be included. A tangent length of 50 feet shall be used between reverse curves. The minimum centerline radius for the various streets is 300 feet. A reduced centerline radius is acceptable if the subject curve is located within 100 feet of a controlled intersection and/or traffic calming device and that are engineered to provide results from a computer simulation illustrating that a Fire Truck can adequately maneuver the curve.
- 3.4.9** Vertical Curves: Where there is a change in grade of 1.5 degrees or more, a vertical curve shall be included in the design
- 3.4.10** Street Grades: The minimum street grade shall not be less than two tenth (0.20) of one percent along the pavement. The maximum street grades shall not exceed 12 percent.
- 3.4.11** Cross-slopes: The cross-slopes on all streets shall be a minimum of 2% and a maximum of 4%.
- 3.4.12** Intersecting radii: A minimum radius of 15 feet will be required for intersecting streets, as measured from the outside edges of the travel lanes.
- 3.4.13** Cul-de-sac: A cul-de-sac shall have a minimum ROW radius of 50'.
- 3.4.14** Clear View of Intersecting Streets: A triangular area of clear vision formed by two intersecting streets shall be maintained. The size of the triangular area is a function of traffic volume and speed. On any portion of the triangular area, no obstruction shall be placed in such a manner such as to impede vision between a height of 36 inches above street grade.
- 3.4.15** All streets must be surfaced with Brick Pavers. Alternative designs must be approved by DRB.

**3.4.16** Street Right of Way may be allowed to transition to match Rights of Way at Bridge Locations within 100' of Bridge Structures.

### **3.5 CONSTRUCTION SPECIFICATIONS**

Unless specifically noted in this document, construction specifications shall conform to the Texas Department of Transportation's Standard Specifications for Construction of Highways, Streets and Bridges (1993 Edition) and/or the Town of South Padre Island's Standards and Specification's Manual, where applicable. Any deviation must receive approval by the Town of South Padre Island's Director of Public Works and DRB.

### **3.6 BRICK PAVERS**

Brick Pavers shall meet the requirements set forth in ASTM C936, Standard Specification for Interlocking Concrete Paving Units including but not limited to the following: Average compressive strength of 8,000 psi with no individual unit under 7,200 psi. Color and style to be determined by the Shores Design Review Committee. Installation shall follow manufacture recommendations. Construction drawings shall clearly detail brick restraint methods, bedding, base and subgrade requirements and shall be prepared by a licensed professional engineer.

### **3.7 SIGNAGE AND TRAFFIC CONTROL DEVICES**

Signage and traffic control devices shall comply with the latest edition of Texas Manual on Uniform Traffic Control Devices

### **3.8 PARKING ACCESS AND CIRCULATION**

#### **3.8.1 INTENT**

To encourage comprehensive, multi-site parking strategies that minimize redundant access and that maximize open space and landscaping as well as convenient auto and pedestrian circulation within and between sites. To create a clearly organized system of entrances, driveways, parking areas and pedestrian circulation. To minimize driveway and curb cut width at the sidewalk in order to reduce their impact on pedestrian safety and the continuity of the tree lawn and street trees.

#### **3.8.2 STANDARDS**

Access for each lot will be reviewed with the project's overall traffic circulation and capacity needs and located according to Shores requirements.

Direct driveway access to arterial streets and collectors shall be limited.

Contiguous developments shall coordinate circulation plans to minimize curb cuts.

Access Street locations for non-residential and large multi-family uses shall coordinate with the locations of other such access drives. Opposing access streets either shall be aligned to provide a full intersection or separated by not less than 150 feet.

Vehicular circulation on-site shall be clearly organized to facilitate movement into and throughout parking areas. Parking drive lanes and intersections shall align wherever practicable. On-site intersections shall be located to preclude stacking of vehicles across intersections and onto public streets.

Pedestrian crossings of drive aisles shall be clearly marked with signage, special paving, special landscaping, or other methods.

All parking areas located between a street and a building shall include a landscaped pedestrian walk linking the building(s) with the public sidewalk. Sidewalks may be attached to internal drives or parking areas if they are a minimum of 5 feet wide along drives or 6 feet wide where parked vehicles overhang the curb.

### **3.8.3 GUIDELINES**

Pedestrian sidewalks should be located along islands within parking lots to minimize conflicts between pedestrians and vehicles.

Parking area sidewalks should conveniently lead to primary building entries.

Developments bounded by undeveloped parcels should consider potential opportunities for future auto, pedestrian and bicycle connections.

## **3.9 LIGHTING**

### **3.9.1 STREET LIGHTING —PUBLIC RIGHTS-OF-WAY**

**INTENT** To provide lighting that provides for safety and consistent appearance in conformance with Shores Standards along Public Right of Ways.

**STANDARDS** The spacing, location, height, fixture style, light source and level of illumination shall be subject to the Standards and review of the DRB. All street light fixtures shall be of a uniform design. 13 ft concrete pole and fixture 100 w HPSV Post Top Luminaries. Placement of fixtures should provide a coordinated and organized appearance that works with placement of street trees, curb cuts, signage and other features to contribute to the overall continuity of the streetscape. Spacing shall not exceed 200' apart/

### **3.9.2 PEDESTRIAN LIGHTING — PUBLIC RIGHTS-OF-WAY**

**INTENT**

To provide consistent systems of pedestrian lighting that add to the character, aesthetic appeal and safety of the Shores Development and thereby promote greater pedestrian activity.

### **STANDARDS**

Pedestrian lighting shall use consistent fixtures, source colors and illumination levels.

To prevent glare and light pollution, light fixtures shall be downcast or low cut-off fixtures.

### **GUIDELINES**

When pedestrian lighting is used in conjunction with street lighting, the pedestrian lighting should be clearly distinguishable from the ambient street lighting to clearly define the pedestrian path of travel.

Light sources should generally be florescent; however, low wattage high pressure sodium or metal halide may be desirable in some residential settings where glare may be an issue.

Lighting should be designed to provide even and uniform light distribution without hot spots, dark spots or glare. Lighting should be designed to minimize dark areas that could pose a security concern near pedestrian areas. Pedestrian circulation systems should be highlighted by visible light sources that clearly indicate the path of travel ahead.

Placement of fixtures should provide a coordinated and organized appearance that facilitates uniform light levels and works with the placement of sidewalks, landscaping, signage, building entries and other features to contribute to the overall continuity of the streetscape and development. The use of a greater number of low fixtures in a well organized pattern is preferred over the use of a minimum number of tall fixtures.

## **3.9.3 PARKING AREA LIGHTING**

**INTENT** To light parking areas in a consistent, attractive and unobtrusive manner that minimizes off-site impacts.

**STANDARDS** Parking and interior drives shall be lighted to provide functional, attractive, and unified lighting system throughout the lot.

Fixtures shall be of low cut off, flush lens design to minimize spill light and glare onto adjacent properties. Parking area lighting adjacent to residential development shall direct the light away from residential units and limit off-site light levels.

The maximum height of parking lot light fixtures shall be 30 feet.

Parking area lighting shall be extinguished one hour after the close of business, except as needed to provide for minimum security levels.

**GUIDELINES** Parking area lighting should complement the lighting of adjacent streets and properties and should use consistent fixtures, source colors and illumination levels. When adjacent to pedestrian circulation and gathering areas, parking area lighting should not over power the quality of pedestrian area lighting.

Poles should be placed to provide a unified, organized appearance throughout the parking area or development and should provide even and uniform light distribution. The use of a greater number of low fixtures in a well organized pattern is preferred over the use of a minimum number of tall fixtures.

Light sources should be High Pressure Sodium Vapor or Metal Halide.

At no point should lighting levels in parking and service areas be less than 0.5 foot-candles with a maximum to minimum ratio of 6:1 and shall conform to Illuminating Engineering Society Standards.

### **3.9.4 ACCENT AND SECURITY LIGHTING**

**INTENT:** To light building architecture and site areas so as to accentuate design features and promote security in an attractive and understated manner that minimizes off-site impacts.

**STANDARDS:** Architectural accent lighting shall be limited to indirect lighting of architectural features only. No bare bulb or exposed neon lighting shall be used to accentuate building forms or details. Colored accent lighting is not permitted. Holiday lighting displays are exempted from restrictions on bare bulbs and colored accents.

Accent fixtures providing direct illumination shall be in character with the architectural and landscape design character of the development.

Service area lighting shall be confined within the service yard boundaries and enclosure walls. No spill-over shall occur outside the service or storage area. The lighting source shall not be visible from the street. Lights at service or exit doors shall be limited to low wattage downcast or low cut-off fixtures that may remain on through out the night.

**GUIDELINES:** Building lighting should only be used to highlight specific architectural features. Lighting of architectural features should be designed with the intent of providing accent and interest or to help identify entry and not to exhibit or advertise buildings or their lots.

Accent lighting of landscape should be low level and background in appearance.

Outdoor storage areas including auto and truck parking and storage should be illuminated from poles similar to those used for parking lot lighting, but at lower illumination levels.

Security lighting should be limited to low intensity specialty fixtures. The light source should not be visible from the street or adjoining properties. Other wall mounted security lighting is discouraged.

### **3.10 Street Curbs**

Portland Cement Concrete Curbs shall be required on both sides of roadways. Concrete shall achieve a minimum 4000 psi at 28 day compressive strength and will contain 1.5 lbs of fiber mesh per cubic yard. Refer to Article 9 for illustration of typical curb details.

### **3.11 Sidewalks**

Sidewalks shall be a minimum of 4.0 feet wide and shall be constructed with a Brick-Paver surface. Sidewalks shall incorporate a means for restraining Brick Pavers. The sidewalks shall meet all applicable ADA requirements.

### **3.12 Bridges**

The plans shall be designed to meet the criteria set forth in AASHTO “Standard Specifications for Highway Bridges” and Texas Department of Transportation’s Standard Specifications for Construction of Highways, Streets, and Bridges in effect at the time of the design.

The design of Bridge Structures shall incorporate means for adequate circulation of water.

The driving lanes across the Bridge shall be no less than 13 feet.

The Bridge shall include a sidewalk on at least one side of the road.

The maximum street grades across the Bridge shall not exceed 8 %.

## **ARTICLE 4 – WATER DISTRIBUTION SYSTEM**

The proposed water distribution system shall comply with minimum design regulations from the Laguna Madre Water District and the Texas Commission on Environmental Quality (TCEQ). A letter of approval shall be provided by the appropriate regulatory agency prior to construction. Water mains shall be placed in either Public R.O.W. or public utility easements.

## **ARTICLE 5 – SANITARY SEWER COLLECTION SYSTEM**

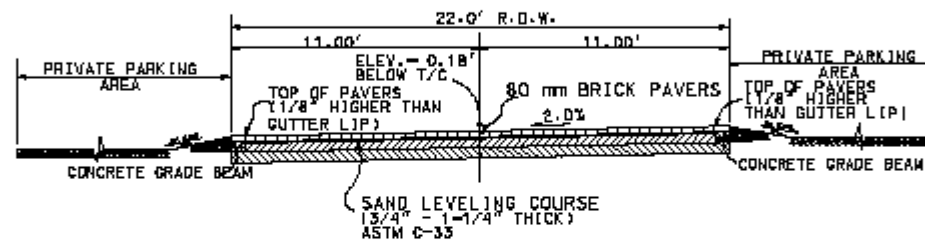
The sanitary sewer collection system shall consist of conventional gravity collection system. In areas where utilizing a gravity system is proven non-practical, the owner may request the use of a low pressure sewer system. In all cases, the system shall comply with minimum design

regulations from the Laguna Madre Water District and the Texas Commission on Environmental Quality (TCEQ). A letter of approval shall be provided by the appropriate regulatory agency prior to construction. Sewer mains shall be placed in either Public R.O.W. or public utility easements.

#### **ARTICLE 6 – STORMWATER DRAINAGE SYSTEMS**

Stormwater drainage requirements shall comply with the minimum standards specified in Article 5 of the Standards and Specifications for the Town of South Padre Island.

### **ARTICLE 7 – EXHIBITS**



**22' R.O.W.**  
SCALE: 1/4" = 1'-0"

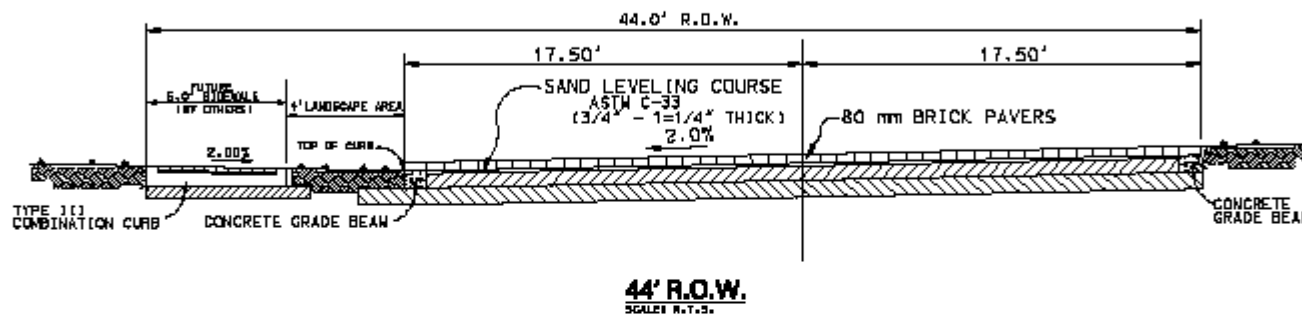
**NOTES:**

1. BASE AND SUBGRADE REQUIREMENTS TO BE DETERMINED BY GEOTECHNICAL ENGINEER
2. ALTERNATE TYPE AND/OR STYLE OF BRICK PAVERS SHALL BE APPROVED BY DESIGN COMMITTEE
3. STREET CROSS-SLOPE MAY BE MODIFIED TO REFLECT A TYPICAL CROWN-SECTION
4. A LESSER R.O.W. FOR STREET SECTION "E-E" MAY BE ACCEPTABLE IF SIDEWALKS ARE PLACED WITHIN SIDEWALK EASEMENT
5. THE 4' MEDIAN IN STREET SECTION "D-D" IS OPTIONAL
6. STAMPED CONCRETE MAY BE USED IN LIEU OF BRICK PAVERS FOR THE BRIDGE PAVEMENT SECTION.
7. LOCATION OF GUARD RAILS MAY VARY.
8. ROADWAY R.O.W. TRANSITIONING MAY OCCUR WITHIN 100' OF BRIDGE STRUCTURE.

**7.1.1 – TYPE A STREET**

**Half Associates**  
ARCHITECTS • ENGINEERS • PLANNERS  
2000 WEST BOLDWIN DRIVE, SUITE 100, CHALLIS, ID 83226 • PHONE 208-885-1111



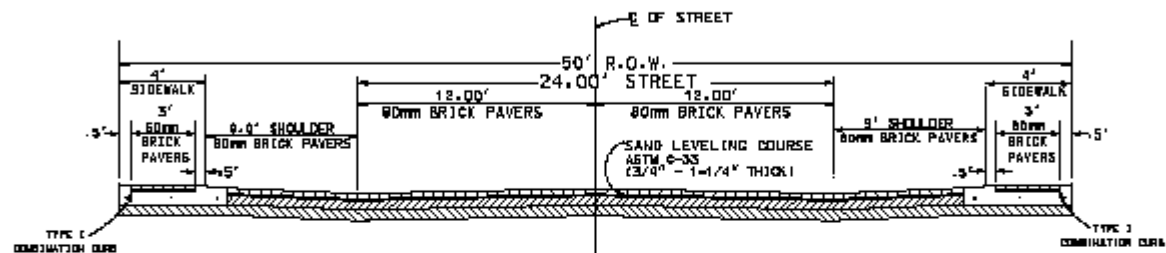


**NOTES:**

1. BASE AND SUBGRADE REQUIREMENTS TO BE DETERMINED BY GEOTECHNICAL ENGINEER
2. ALTERNATE TYPE AND/OR STYLE OF BRICK PAVERS SHALL BE APPROVED BY DESIGN COMMITTEE
3. STREET CROSS-SLOPE MAY BE MODIFIED TO REFLECT A TYPICAL CROWN-SECTION
4. A LESSER R.O.W. FOR STREET SECTION "E-E" MAY BE ACCEPTABLE IF SIDEWALKS ARE PLACED WITHIN SIDEWALK EASEMENT
5. THE 4' MEDIAN IN STREET SECTION "D-D" IS OPTIONAL
6. STAMPED CONCRETE MAY BE USED IN LIEU OF BRICK PAVERS FOR THE BRIDGE PAYEMENT SECTION\$.
7. LOCATION OF GUARD RAILS MAY VARY.
8. ROADWAY R.O.W. TRANSITIONING MAY OCCUR WITHIN 100' OF BRIDGE STRUCTURE.

**7.1.2 – TYPE B STREET**

**Half Associates**  
 ARCHITECTS • ENGINEERS • LANDSCAPE ARCHITECTS  
 2000 WEST BOLDWIN AVENUE, SUITE 200, CHICAGO, IL 60612 • (773) 344-1100



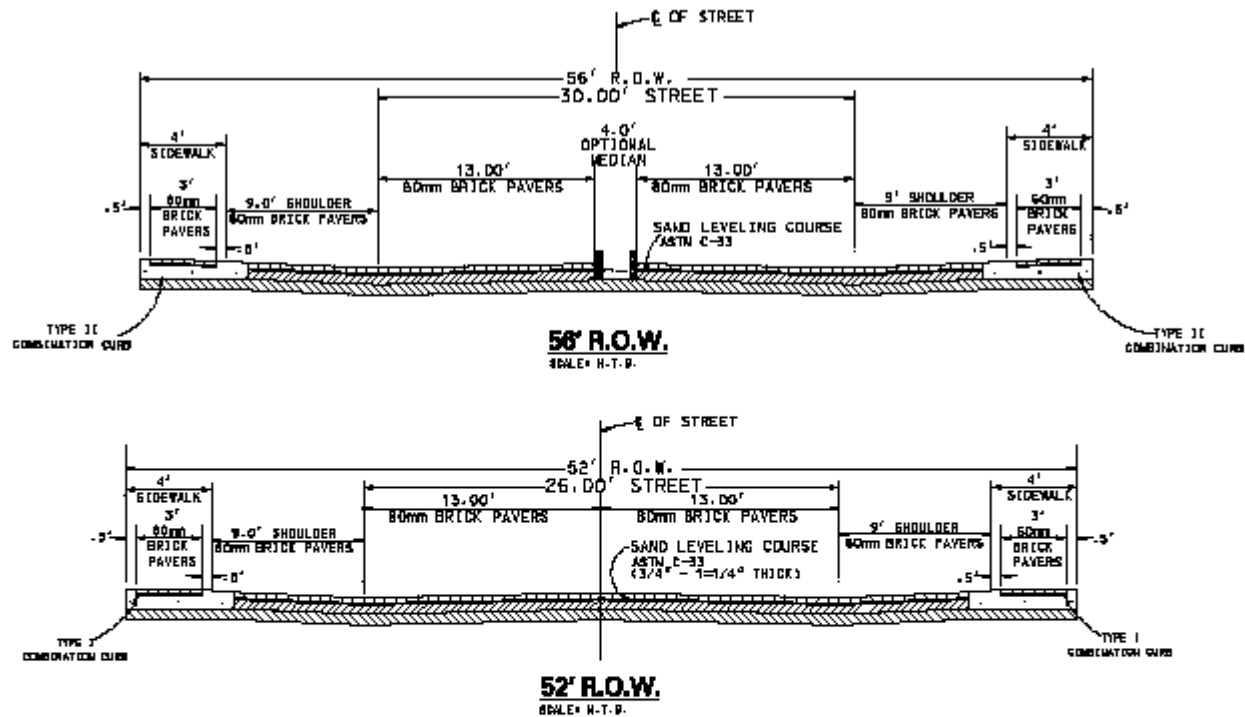
**50' R.O.W.**  
SCALE: N.T.S.

**NOTES:**

1. BASE AND SUBGRADE REQUIREMENTS TO BE DETERMINED BY GEOTECHNICAL ENGINEER
2. ALTERNATE TYPE AND/OR STYLE OF BRICK PAVERS SHALL BE APPROVED BY DESIGN COMMITTEE
3. STREET CROSS-SLOPE MAY BE MODIFIED TO REFLECT A TYPICAL CROWN-SECTION
4. A LESSER R.O.W. FOR STREET SECTION "B-E" MAY BE ACCEPTABLE IF SIDEWALKS ARE PLACED WITHIN SIDEWALK EASEMENT
5. THE 4' MEDIAN IN STREET SECTION "D-D" IS OPTIONAL
6. STAMPED CONCRETE MAY BE USED IN LIEU OF BRICK PAVERS FOR THE BRIDGE PAYEMENT SECTION\$.
7. LOCATION OF GUARD RAILS MAY VARY.
8. ROADWAY R.O.W. TRANSITIONING MAY OCCUR WITHIN 100' OF BRIDGE STRUCTURE.

**7.1.3 – TYPE C STREET**

**Half Associates**  
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2001 WEST BOLDVIEW DRIVE, SUITE 100, DENVER, CO 80202 • (303) 733-8888

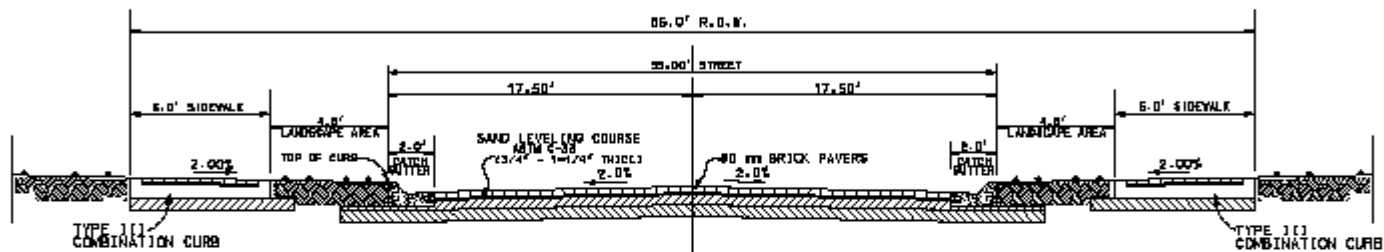


**NOTES:**

1. BASE AND SUBGRADE REQUIREMENTS TO BE DETERMINED BY GEOTECHNICAL ENGINEER
2. ALTERNATE TYPE AND/OR STYLE OF BRICK PAVERS SHALL BE APPROVED BY DESIGN COMMITTEE
3. STREET CROSS-SLOPE MAY BE MODIFIED TO REFLECT A TYPICAL CROWN-SECTION
4. A LESSER R.O.W. FOR STREET SECTION "E-E" MAY BE ACCEPTABLE IF SIDEWALKS ARE PLACED WITHIN SIDEWALK EASEMENT
5. THE 4' MEDIAN IN STREET SECTION "D-D" IS OPTIONAL
6. STAMPED CONCRETE MAY BE USED IN LIEU OF BRICK PAVERS FOR THE BRIDGE PAVEMENT SECTION.
7. LOCATION OF GUARD RAILS MAY VARY.
8. ROADWAY R.O.W. TRANSITIONING MAY OCCUR WITHIN 100' OF BRIDGE STRUCTURE.

**7.1.4 – TYPE D STREET**

**Half Associates**  
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2001 WEST BOLDWIN AVENUE, SUITE 100, DENVER, CO 80202 • (303) 733-1111



### 68' R.O.W. WCURB & GUTTER

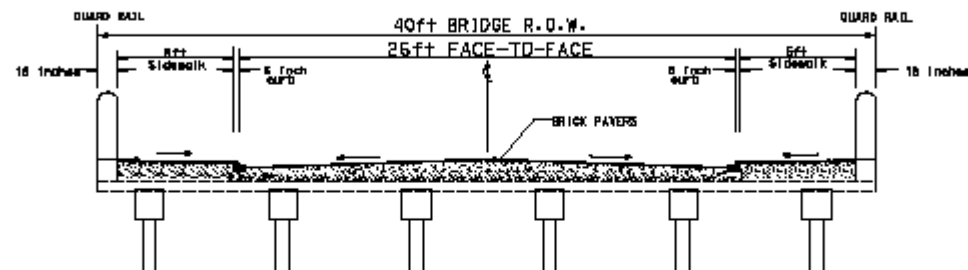
SCALE: H.T.S.

#### NOTES:

1. BASE AND SUBGRADE REQUIREMENTS TO BE DETERMINED BY GEOTECHNICAL ENGINEER
2. ALTERNATE TYPE AND/OR STYLE OF BRICK PAVERS SHALL BE APPROVED BY DESIGN COMMITTEE
3. STREET CROSS-SLOPE MAY BE MODIFIED TO REFLECT A TYPICAL CROWN-SECTION
4. A LESSER R.O.W. FOR STREET SECTION "E-E" MAY BE ACCEPTABLE IF SIDEWALKS ARE PLACED WITHIN SIDEWALK EASEMENT
5. THE 4' MEDIAN IN STREET SECTION "D-D" IS OPTIONAL
6. STAMPED CONCRETE MAY BE USED IN LIEU OF BRICK PAVERS FOR THE BRIDGE PAVEMENT SECTION.
7. LOCATION OF GUARD RAILS MAY VARY.
8. ROADWAY R.O.W. TRANSITIONING MAY OCCUR WITHIN 100' OF BRIDGE STRUCTURE.

### 7.1.5 - TYPE E STREET

**Half Associates**  
ARCHITECTS • ENGINEERS • LANDSCAPE ARCHITECTS  
2000 WEST BROADWAY SUITE 2000 • DENVER, CO 80202 • 303.733.8888



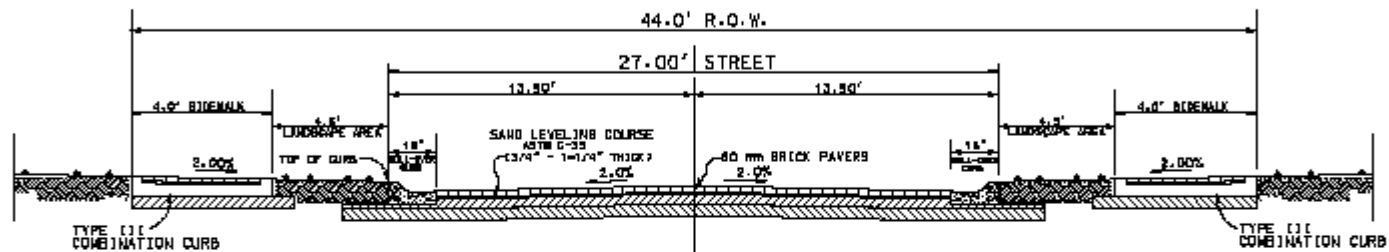
**TYPICAL 40' BRIDGE R.O.W.**  
SCALE: H.T.D.

**NOTES:**

1. BASE AND SUBGRADE REQUIREMENTS TO BE DETERMINED BY GEOTECHNICAL ENGINEER
2. ALTERNATE TYPE AND/OR STYLE OF BRICK PAVERS SHALL BE APPROVED BY DESIGN COMMITTEE
3. STREET CROSS-SLOPE MAY BE MODIFIED TO REFLECT A TYPICAL CROWN-SECTION
4. A LESSER R.O.W. FOR STREET SECTION "E-E" MAY BE ACCEPTABLE IF SIDEWALKS ARE PLACED WITHIN SIDEWALK EASEMENT
5. THE 4' MEDIAN IN STREET SECTION "D-D" IS OPTIONAL
6. STAMPED CONCRETE MAY BE USED IN LIEU OF BRICK PAVERS FOR THE BRIDGE PAVEMENT SECTION\$.
7. LOCATION OF GUARD RAILS MAY VARY.
8. ROADWAY R.O.W. TRANSITIONING MAY OCCUR WITHIN 100' OF BRIDGE STRUCTURE.

**7.1.6 – TYPE F STREET**

**Half Associates**  
ARCHITECTS • ENGINEERS • PLANNERS  
2000 WEST HOLLYWAY BOULEVARD, SUITE 2000 • JOLIET, ILL. 61781 • (815) 795-1000



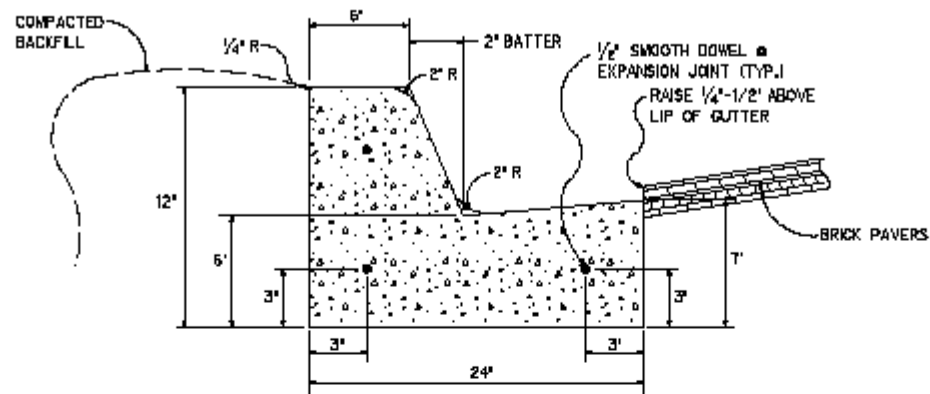
**44' R.O.W.**  
SCALE: H.T.G.

**NOTES:**

1. BASE AND SUBGRADE REQUIREMENTS TO BE DETERMINED BY GEOTECHNICAL ENGINEER
2. ALTERNATE TYPE AND/OR STYLE OF BRICK PAVERS SHALL BE APPROVED BY DESIGN COMMITTEE
3. STREET CROSS-SLOPE MAY BE MODIFIED TO REFLECT A TYPICAL CROWN-SECTION
4. A LESSER R.O.W. FOR STREET SECTION "E-E" MAY BE ACCEPTABLE IF SIDEWALKS ARE PLACED WITHIN SIDEWALK EASEMENT
5. THE 4' MEDIAN IN STREET SECTION "D-D" IS OPTIONAL
6. STAMPED CONCRETE MAY BE USED IN LIEU OF BRICK PAVERS FOR THE BRIDGE PAVEMENT SECTION.
7. LOCATION OF GUARD RAILS MAY VARY.
8. ROADWAY R.O.W. TRANSITIONING MAY OCCUR WITHIN 100' OF BRIDGE STRUCTURE.

**7.1.7 – TYPE G STREET**

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2000 WEST BROADWAY SUITE 2000 • DALLAS, TEXAS 75201 • PHONE 214-760-1100



Expansion joints will be placed at curb tangents, handicap ramps, curb inlets and intervals not to exceed 40'. Joints will consist of 1/2" pre-molded asphalt expansion joint material conforming with ASTM D-944. The dowels will be smooth 1/2" bars and 36" long, greased and wrapped with tar paper on one end and fixed on the other end. Dowels will be spaced a minimum 24" on center.

Care must be taken in installing the dowels straight and making sure no concrete is allowed in the dowel holes that might prevent the joint from operating as an expansion joint. All joints will be filled with joint sealer.

Bummy joints will be 0.25" wide and 1.25" deep (tooled or saw-cut) with maximum 10: spacing. All joints will be filled with joint sealer.

Concrete will achieve minimum 4000 psi at 28 day break and will contain 1.5 lb. Fibermesh per cubic yard.

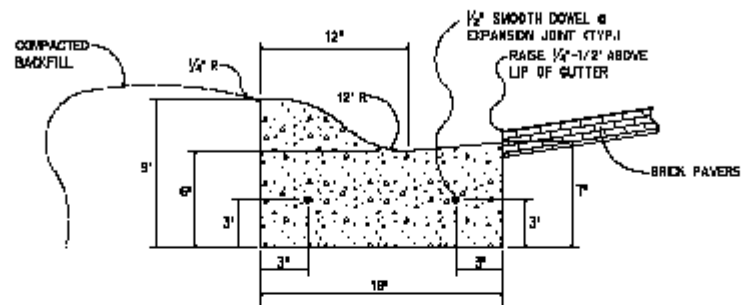
All exposed concrete surface will be treated with curing compound, resin base ASTM C-309, Type 2.

## 6" CONCRETE CURB AND GUTTER

NTS

### 7.2.1 – Concrete Curb and Gutter





Expansion joints will be placed at curb tangents, handstop ramps, curb inlets and intervals not to exceed 40'. Joints will consist of 1/2" pre-molded asphalt expansion joint material conforming with ASTM D-944. The dowels will be smooth 1/2" bars and 36" long, grouted and wrapped with tar paper on one end and fixed on the other end. Dowels will be spaced a minimum 24" on center.

Care must be taken in installing the dowels straight and making sure no concrete is allowed in the dowelholes that might prevent the joint from operating as an expansion joint. All joints will be filled with joint sealer.

Bumby joints will be 1/2" wide and 1.25' deep (tied or saw-cut) with maximum 10' spacing. All joints will be filled with joint sealer.

Concrete will achieve minimum 4000 psi at 28 day break and will contain 1.5 lb. Fibermesh per cubic yard.

All exposed concrete surfaces will be treated with curing compound, resin base ASTM D-309, Type 2.

### 3" ROLLOVER CURB

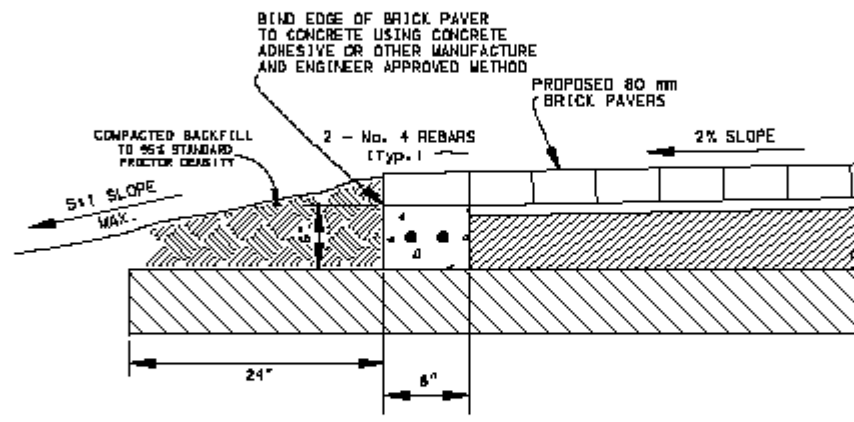
NTS

## 7.2.2 – ROLL-OVER CURB AND GUTTER

**Half Associates**  
 ARCHITECTS • ENGINEERS • LANDSCAPE ARCHITECTS  
 1000 WEST HOLLYWOOD BLVD., SUITE 200 • HOLLYWOOD, CA 90028 • (310) 981-1111





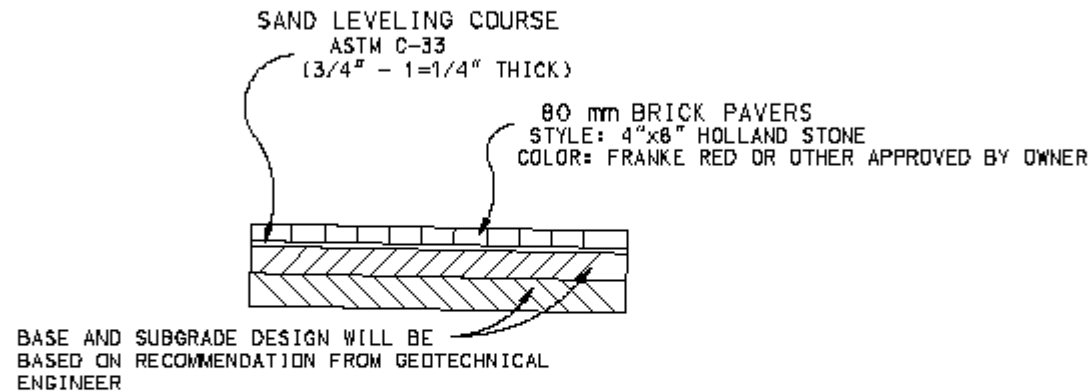


NOTE: BASE AND SUBGRADE REQUIREMENTS TO BE DETERMINED BY GEOTECHNICAL ENGINEER

ALTERNATE TYPE AND/OR STYLE OF BRICK PAVERS SHALL BE APPROVED BY DESIGN COMMITTEE

### 7.3 – Concrete Grade Beam



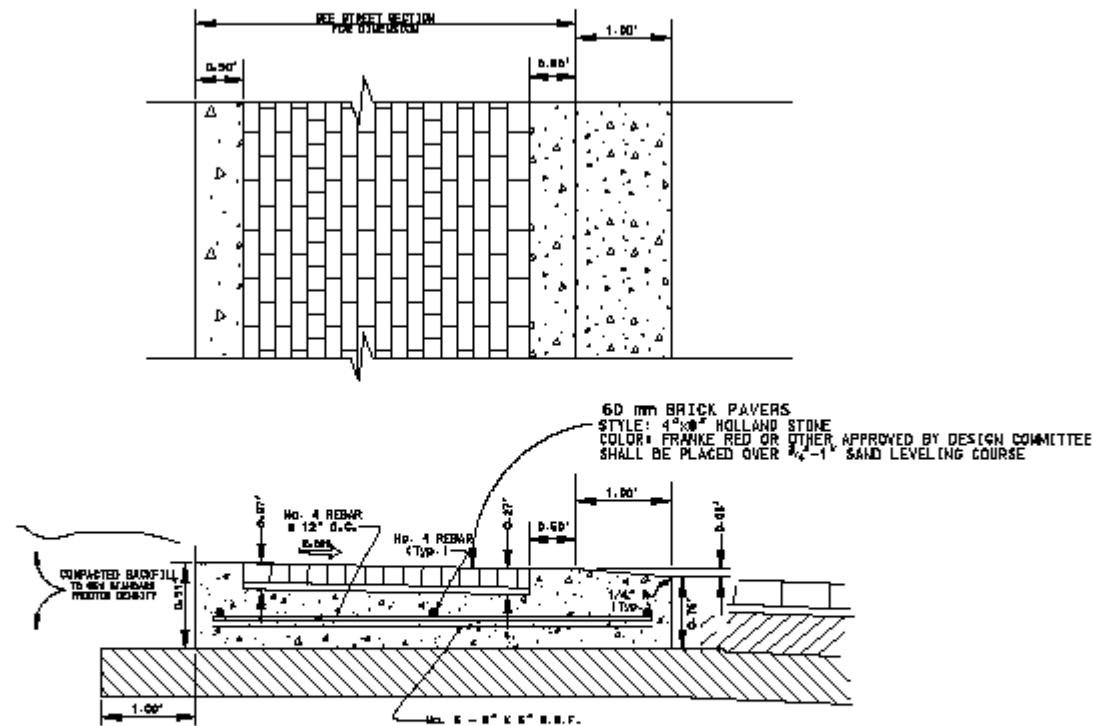


NOTE: BASE AND SUBGRADE REQUIREMENTS TO BE  
DETERMINED BY GEOTECHNICAL ENGINEER

ALTERNATE TYPE AND/OR STYLE OF  
BRICK PAVERS SHALL BE APPROVED BY  
DESIGN COMMITTEE

#### **7.4—Typical Pavement Section Detail**



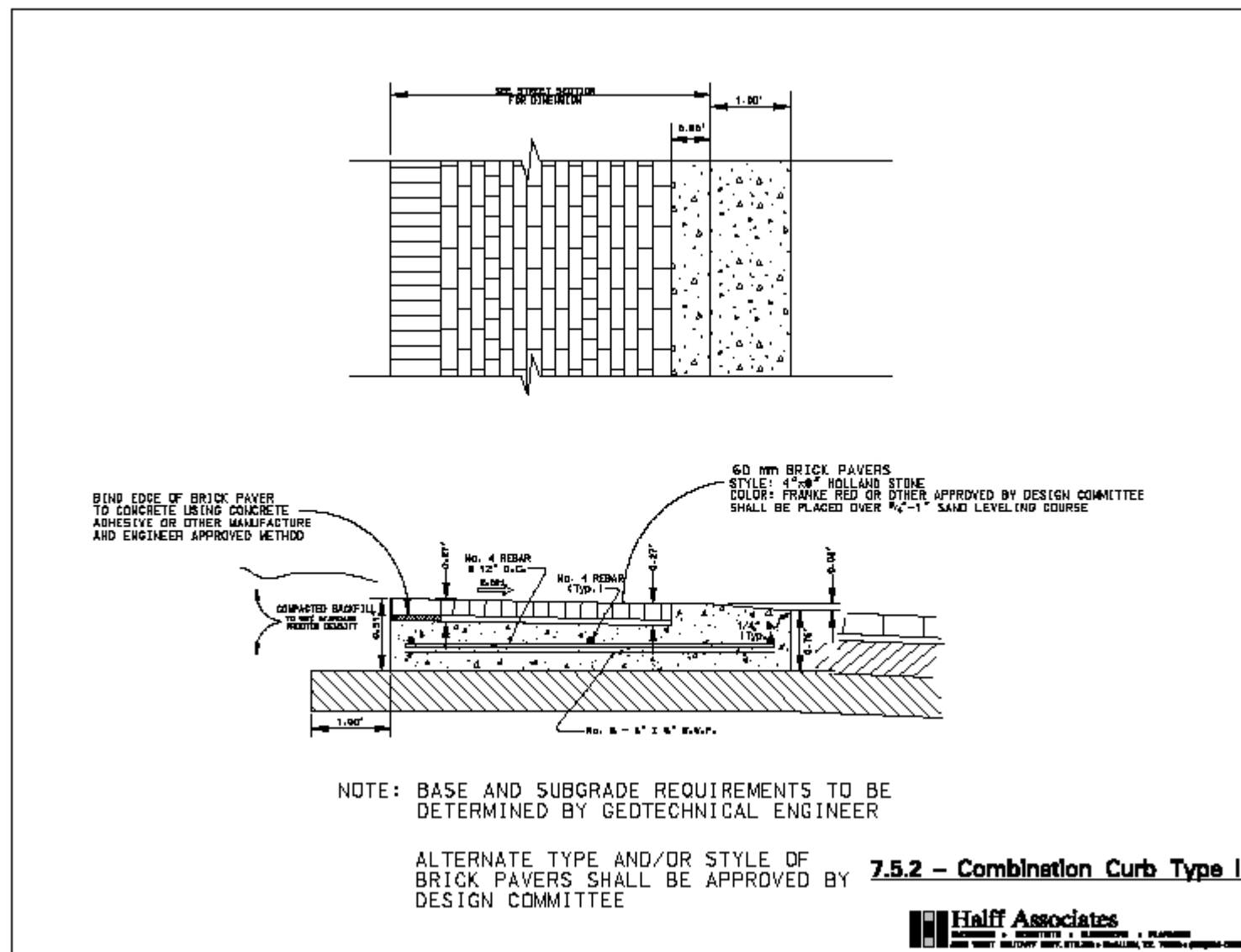


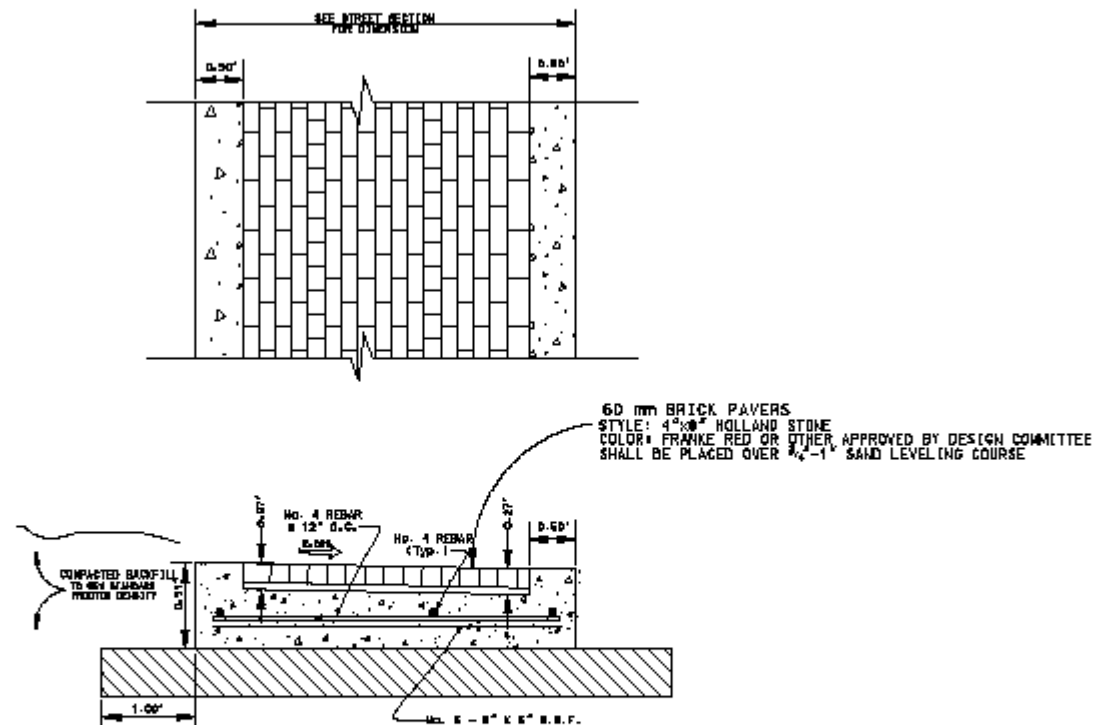
NOTE: BASE AND SUBGRADE REQUIREMENTS TO BE DETERMINED BY GEOTECHNICAL ENGINEER

ALTERNATE TYPE AND/OR STYLE OF BRICK PAVERS SHALL BE APPROVED BY DESIGN COMMITTEE

### 7.5.1- Combination Curb Type I

**Halff Associates**  
ARCHITECTS • ENGINEERS • PLANNERS  
2000 WEST BROADWAY SUITE 2000 • DALLAS, TEXAS 75201 • (214) 760-1000



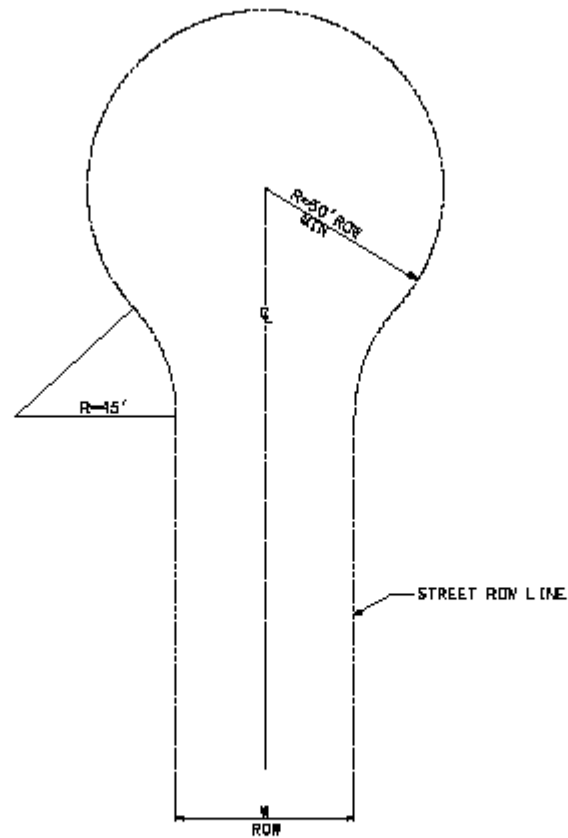


NOTE: BASE AND SUBGRADE REQUIREMENTS TO BE DETERMINED BY GEOTECHNICAL ENGINEER

ALTERNATE TYPE AND/OR STYLE OF BRICK PAVERS SHALL BE APPROVED BY DESIGN COMMITTEE

### 7.5.3 – Combination Curb Type III

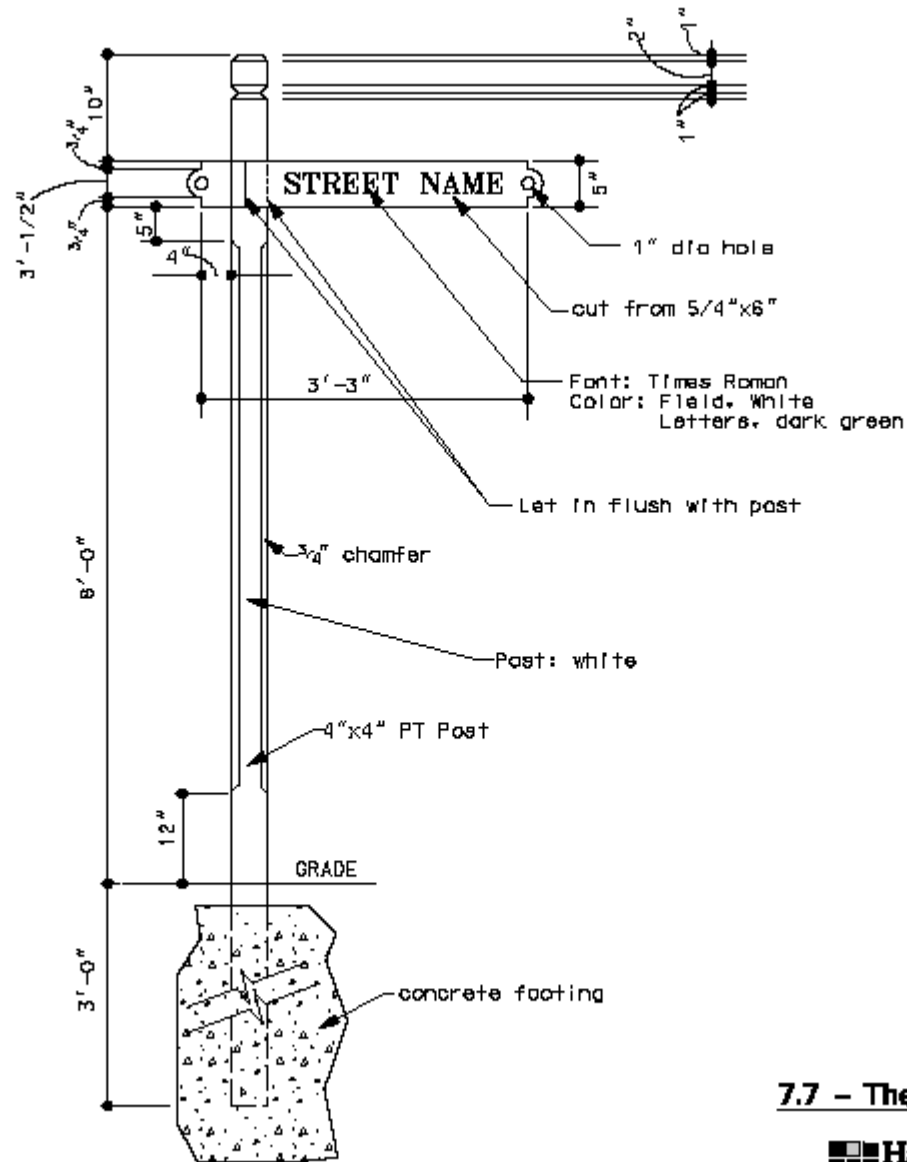
**Halff Associates**  
 ARCHITECTS • ENGINEERS • LANDSCAPE ARCHITECTS  
 1000 WEST HOLLYWOOD BLVD., SUITE 200, HOLLYWOOD, CA 90028 • (310) 981-1111



W- Varies in accordance to Street Type

## 7.6 - TYPICAL CUL-DE-SAC-DETAIL

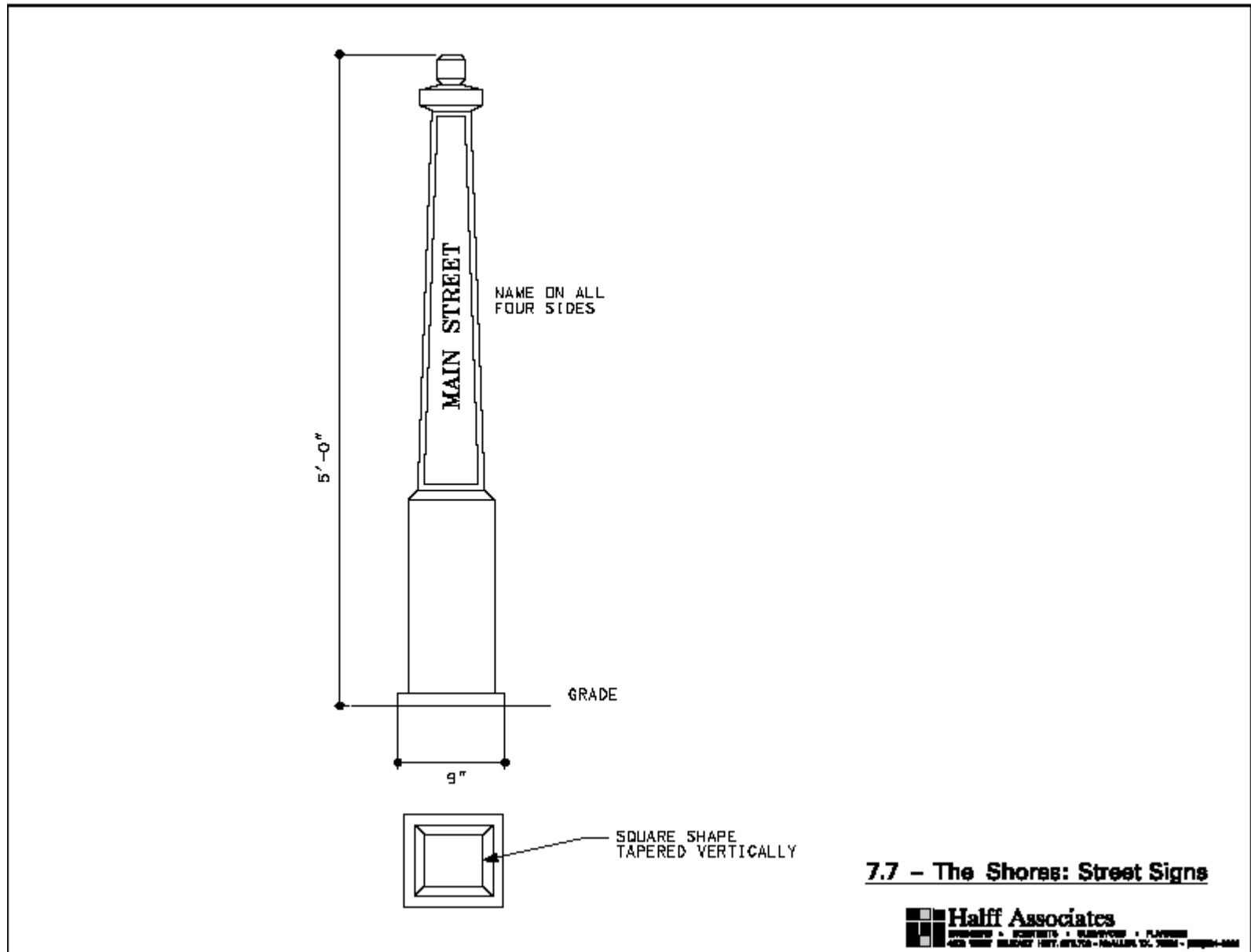
**Halff Associates**  
 ARCHITECTS • ENGINEERS • PLANNERS  
 1000 WEST HOLLYWOOD BLVD., SUITE 200, HOLLYWOOD, CA 90028 • (310) 981-1111



## 7.7 - The Shores: Street Signs









**ORDINANCE NO. 15-**

**AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 20 ZONING BY CONSOLIDATING EXISTING PARKING REGULATIONS TO PROVIDE CLEAR AND EASY UNDERSTANDING; BY ADDING VALET PARKING SERVICE PROVISIONS TO ALLOW REMOTE PARKING LOTS FOR DEVELOPMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND AUTHORIZING PUBLICATION IN CAPTION FORM.**

**WHEREAS**, the City of South Padre Island has heretofore adopted Chapter 20 (Zoning) of the Code of Ordinances; and

**WHEREAS**, the City Council finds that the parking regulations are looted into each zoning district, and yet the regulations cross-reference each other throughout the sections of entire zoning districts, creating confusions; and

**WHEREAS**, The City has complied with the requirements of Sec. 20-18 of the Code of Ordinances (Zoning) to amend Chapter 20;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:**

**Section 1.** The Chapter 20 Zoning Ordinance is amended as described and attached hereto as Exhibit "A".

**Section 2.** This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

**Section 3.** Any violation of the above mentioned section of Chapter 20 of the Code of Ordinances of the City of South Padre Island may be punished by a fine not to exceed two thousand Dollars (\$2000.00) for each offense of for each day such offense shall continue and the penalty provisions of Sections of Section 21-2 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

**Section 4.** If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**Section 5.** This Ordinance shall become effective when published in caption form.

**PASSED, APPROVED AND ADOPTED** on First Reading, the \_\_\_\_ day of \_\_\_\_ 2015.

**PASSED, APPROVED AND ADOPTED** on Second Reading, the \_\_\_\_ day of \_\_\_\_ 2015.

ATTEST:

CITY OF SOUTH PADRE ISLAND,  
TEXAS

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SUSAN HILL, CITY SECRETARY

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BHARAT R. PATEL, MAYOR

## Chapter 20

### ZONING\*

#### Sec.20.1 Short title.

These regulations shall be known and may be cited and referred to as the "City of South Padre Island Zoning Ordinance." \*Editor's Note - Ordinance No. 77, the Zoning Ordinance, adopted and effective on November 9, 1979, is herein set forth as codified, supplemented and modified

#### Sec.20-2 Same--Zoning, adoption of statute.

The provisions of Chapter 283, of the acts of the regular session of the 40th Legislature of the State of Texas (Now codified as Chapter 211 of the Local Government Code), relating to zoning in cities and Citys in the State, are hereby adopted as the law governing the zoning of the territory lying within the incorporated limits of the City.

#### Sec.20-3 Definitions.

For the purpose of this Ordinance, the following words and terms as used herein are defined to mean the following:

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.

Accessory building or use: A subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

Alley: A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration: Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building.

Amusement center: An amusement center is a business wherein there are located machines which require the deposit of money therein to be activated for an individual's entertainment, and from which said business establishment derives fifty percent (50%) or more of its gross income.

Amusement Redemption Machine: means 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.

Amusement Redemption Machine Premise or Amusement Redemption Machine Establishment: Any business location that has more than three (3) Amusement Redemption Machines is subject to their gross receipts being audited by the officials of the City to determine whether or not fifty percent (50%) or more of their income is derived from said machines, then said business shall be declared an Amusement Redemption Machine Establishment.

Amusement Redemption Machine Specific Use Permit: means a permit to operate an Amusement Redemption Machine Establishment.

Apartment: A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

Apartment house: A building or portion thereof arranged, intended or designed for three (3) or more families or housekeeping units living independently of each other.

Bar: means any commercial establishment that derives fifty-one percent (51%) or more of its annual gross sales receipts from the sale of alcoholic beverages as defined by the Texas Alcoholic Beverage Code and has a valid on-premise consumption license issued by the Texas Alcoholic Beverage Commission.

Building: An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two (2) buildings connected by a breezeway shall be deemed as one building.

Coin operated laundries: A business establishment wherein there are washing and drying machines being used by the general public by the deposit of money therein and wherein they can cause wearing apparel and other personal items to be laundered. (Ord. No. 2D, 6-16-76)

Condominium: The separate ownership of single units or apartments in a multiple unit structure or structures with common elements. (as defined by the Texas Property Code)

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.

Customary home occupations: Occupations ordinarily carried on in a home that are not detrimental or injurious to adjoining property. These may include serving meals or renting rooms to not more than five (5) persons and not members of the household, dressmaking, millinery, washing and ironing. Customary home occupations shall not include barber shop, flower shops, carpenter shops, electrician, plumbers' shops, radio shops, tanners shops, transfer or moving van offices, auto repairing or sign painting.

Dental Clinics: a facility that is involved in the study, diagnosis, prevention, and treatment of diseases, disorders and conditions of the oral cavity, maxillofacial area and the adjacent and associated structures and their impact on the human body.

Depth of Lot: The mean horizontal distance between the front and the rear lot lines.

Depth of Rear Yard: The mean horizontal distance between the rear line of a building other than an accessory building and the center line of the alley where an alley exists, otherwise the rear lot line.

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

Dwelling: A building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple family structures, boarding and lodging houses, apartment houses, but not hotels, house trailers or mobile homes.

Dwelling, Multi-Family: A building intended or designed as a residence for more than one (1) family or housekeeping units living independently of each other. (Ord 07-10, 8-1-2007)

Dwelling, One-Family: A detached building arranged, intended or designed for occupancy by one (1) family.

Dwelling, Two-Family: A building arranged, intended or designed for occupancy by two (2) families.

Family: Any number of individuals living together as a single housekeeping unit; as distinguished from a group occupying a boarding house or hotel.

Food Establishment: means a food service establishment, a retail food store, a temporary food establishment, a mobile food unit, and/or a roadside vendor. The words ‘food service establishment’ shall mean any place where food is prepared and intended for individual portion service or any site at which individual portions of food are provided, including retail restaurant, food store, , bars, night clubs, saloon, cantinas, taverns, pubs, bakeries, schools, day cares, continental breakfast (hotel/motel), catering establishments, commissary, delicatessen-type operations that prepares sandwiches intended for individual portion, group residence, bed and breakfast, or any operation that is conducted from a mobile unit. The term applies regardless of whether there is a charge for food. The term does not include private homes where food is prepared or served for individual family consumption, the location of food vending machines and supply vehicles.

Front-of-building area: That area located between the front property line and the building facade and extending from side property line to side property line.

Front Yard: A yard across the full width of the lot from the front line of the main building to the front line of the lot.

Garage: An accessory building principally for storage of motor vehicles.

Garbage, Garbage Container Locations, Garbage Container Requirements: All development over the occupancy of a four-plex and all commercial development must dedicate a space within its development plans to locate and maintain a garbage container. The space designated for the location of the garbage container cannot be located in the public right-of-way, cannot be located in the front-yard setback, and cannot diminish and/or occupy areas designated for parking. It is further required that all garbage containers and the area designated for its location must be enclosed and/or screened from the public's view.

General Hospital: The term “general hospital” means any establishment offering services, facilities, and beds for use for more than twenty-four (24) hours for two (2) or more unrelated individuals requiring diagnosis, treatment, or care for illness, injury, deformity, abnormality, or pregnancy, and regularly maintains, at a minimum, clinical laboratory services, diagnostic X-ray services, treatment facilities including surgery or obstetrical care or both, and other definitive medical or surgical treatment of similar extent.

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

Height: The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher, to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for hip or gable roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, radio towers, ornamental cupolas, domes or spires, elevator penthouses, tanks, water towers and parapet walls not exceeding four (4) feet in height.

Hotels and Motels: A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve (12) sleeping rooms, and no provisions for cooking in individual rooms.

Impound Lot: a garage, parking lot, or any other facility or area having the capacity to hold vehicles; which is owned or operated by any person other than a governmental entity; and the primary purpose of which is the involuntary storage of vehicles (i.e., towed vehicles).

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

**Landscaping/Landscaping Material:** shall consist of live plant materials that achieve a minimum of 80% coverage of the required dedicated area within one year of planting.

**Linen Cabinet:** a stand-alone structure that allows for the storage of linens and as a drop-off location for service companies to replace soiled linens for clean, pressed linens.”

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

**Lot 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.

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

**Lot Rear Line:** The boundary line which is opposite and most distant from the front lot line.

**Lot Corner:** A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the building inspector.

**Nightclub:** Any business holding a mixed beverage permit from the Texas Alcoholic Beverage Commission or the appropriate State agency.

**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.

**Open Spaces:** 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. Therefore, in determining the percent of coverage of buildings allowed on a lot, the projections of the buildings, such as eaves, cornices, porches, stairways, carports, etc., are considered as open spaces and not building space.

**Parking, Parking Requirements, Off-Street Parking.** All parking requirements of a building or premises must be provided on the same site/land for which the building permit is issued, and the same may not be located on any property that is not contiguous and joined to the building site, unless a permit for an off-premise parking lot has been approved in accordance with the requirements of Section 20-~~7(D)(5)(n) or Section 20-8(F)(5)(h)~~14. All parking areas, and access thereto must be of a concrete or asphalt surface. All parking lot construction shall conform to Article 2, Section 2.18, Parking Lots, of the Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island, Texas.

**Permitee:** means a person in whose name a Specific Use Permit to operate a Amusement Redemption Machine Premise has been issued.

**Persons:** The word "person" 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 the masculine shall embrace the feminine gender.

**Places of Worship:** A facility principally used for people to gather together for public worship, religious training, or other religious activities. This use does not include home meetings or other religious activities conducted in a privately occupied residence.

**Planned Development District:** Any separate zoning district created pursuant to the provisions of Section 20-23 of the City of South Padre Island Zoning Ordinance.

**Planned Unit Development:** Any master-planned real estate development, encompassing one or more authorized land uses, which is created pursuant to Section 20-2 of this Chapter.

**Permanent Makeup:** coloring applied to the face, or to any other part of the body to improve the appearance of birthmarks, scars, burns, or other disfiguring conditions of the skin.



Primary Care physician's Office: is a facility which provides both the first contact for a person with an undiagnosed health concern as well as continuing care of varied medical conditions, not limited by cause, organ system, or diagnosis.

Public facility: means any property owned and/or operated by the City of South Padre Island or any governmental entity.

Public Service Facility : A building, structure, or group thereof, which is intended to be used as, or perform as, a public utility, is considered to be and is defined as a PUBLIC SERVICE FACILITY. Electrical power plants, electrical power distribution substations, any form of antennas or towers twelve (12) feet or greater in height, water and sewer treatment plants or pumping stations, sewage lift stations, and other similar public service structures are examples of PUBLIC SERVICE FACILITIES. A PUBLIC SERVICE FACILITY may be publicly or privately owned, and may be regulated by the state, municipality, or other governmental agency; the primary purpose of such a facility is to provide to the public electrical, gas, transport, communications, water, sewage, and other such services. The erection, construction, alteration, operation or maintenance of a PUBLIC SERVICE FACILITY is regulated by this Ordinance; however, all underground facilities and mains or minor above ground facilities such as electrical transformers, sewer cleanouts, cable T.V. connection boxes, antennas or towers less than twelve (12) feet in height, water meters, and the like are exempt from this definition.

Recreational Center: A building which is totally enclosed, both with ceilings and walls, within which there is located facilities for the conduct of sports and other related recreational activities and there may be located outdoor swimming pools directly adjacent to said enclosed facilities and which are an integral part of the main facility. Any recreational center may also have located within the sport facilities a pro shop wherein items are sold in connection with sports and recreational activities, a nursery to care for the children of the participants, and a beauty shop for the participants located therein. (Ord. No. 2H, 10-20-76)

Rear Yard: A yard between the rear lot line and the rear line of the main building and the side lot lines.

Side-of-building-area: For corner lots, that area located between the street side property line and the building façade extended from the front of building area to the rear property line.

Side Yard: A yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard.

Special Hospital: The term "special hospital" means any establishment offering services, facilities, and beds for use for more than twenty-four (24) hours for two (2) or more unrelated individuals who are regularly admitted, treated, and discharged and who require services more intensive than room, board, personal services, and general nursing care, and has clinical laboratory facilities, diagnostic X-ray facilities, treatment facilities, or other definitive medical treatment, has a medical staff in regular attendance, and maintains records of the clinical work performed for each patient.

Street: Any public thoroughfare dedicated to the public and not designated as an alley.

Story: That portion of a building between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above.

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

Substance Abuse Treatment Facility: may be any facility that offers treatment for persons with chemical dependency and conforms to license requirements of the Texas Health and Safety Code. This definition of Substance Abuse Treatment Facility shall include faith-based chemical dependency treatment programs that are exempt from licensure by the Texas Department of

Health. This definition of Substance Abuse Treatment Facility does not include hospital narcotic drug detoxification treatment.

**Tandem Parking:** For single-family dwellings, two-family dwellings, Townhouses, and those multi-family developments of twelve (12) units or less which provide fully enclosed individual garages or carports or open uncovered parking for each dwelling unit, tandem parking spaces may be used as a design option in meeting the parking requirements of this Ordinance. The use of tandem parking shall meet the following requirements:

- (a) A tandem parking space shall be a minimum of nine (9) feet in width and thirty-six (36) feet in length, and shall count as the equivalent of two, regular parking spaces, with a minimum of nine (9) feet wide by eighteen (18) feet long per parking space.
- (b) Tandem parking spaces shall only be permitted for those multi-family projects of twelve (12) units or less in which individual fully enclosed garages or individual carports or individual open uncovered parking spaces are provided for each individual dwelling unit, and where each nine foot (9') by thirty-six foot (36') or larger tandem parking space whether covered or uncovered shall be dedicated to a specific dwelling unit by means of a restrictive covenant or condominium declaration, firmly binding the assignment of the clearly marked parking spaces to a specific dwelling unit in the project. A copy of the recorded document reflecting the book and page of the Cameron County Clerk's records where the document will be found shall be placed on file in the offices of the South Padre Island Planning and Building Department prior to the initiation of such tandem parking.
- (c) All tandem parking spaces shall be entirely located upon private property. No portion of any tandem parking space shall utilize the public right-of-way or other public property.
- (d) Tandem parking spaces shall be paved in either a concrete, asphalt, or paver block surface.

**Townhouse:** A Townhouse is a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units. (Ord. No. 77B, 7-1-81)

**Travel Trailer park:** An area designed and used for the temporary occupation by automobile trailers and providing for one (1) or more of such quarters.

**Tree:** Palm trees 5 trunk feet or greater; and evergreen trees, canopy/shade trees, ornamental trees having a minimum trunk caliper of three inches or more at planting, or a height of seven feet or more at planting as measured from the ground to the point at which the lowest branches sprout from the tree.

**Urgent Care Centers:** provide walk-in, extended hour access for acute illness and injury care that is either beyond the scope or availability of the typical primary care practice or retail clinic.

**Width of Side Yard:** The horizontal distance between the side wall of a building which includes eaves, cornices, porches, stairways, carports or any projection of the building and the side line of the lot.

**Yard:** An open space of ground between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

#### **Sec.20-4 Districts.**

For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, alteration, moving or use of buildings, structures or land, all lands within the corporate limits of the City are hereby divided into districts with their respective classification as follows:

“A”	Single family dwelling district	“TCC”	Town Center Crossing Character Zone
“E”	Low Density Residential—Single Family and Townhouse Dwelling District	“PBN”	Padre Boulevard North Character Zone
“B”	Multiple family dwellings, apartments, motel, hotel, condominium, townhouse district.	“PBS”	Padre Boulevard South Character Zone
“B-2”	Residential and Multi-Family Dwelling District	“PBC”	Padre Boulevard Central Character Zone
“C”	Business District Fire Zone	“NT”	Neighborhood Transition Character Zone
Appendix “Z”	Padre Boulevard and Entertainment District Code	“NRD”	Northern Resort District Character Zone
“BF”	Bayfront Character Zone	“PDD”	Planned Development District
“EDC”	Entertainment District Core Character Zone	“D”	Resort area district
“NC”	Neighborhood Crossing Character Zone	“D-1”	Resort Area District
		“D-2”	Park District

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. 11-15]

#### **Sect. 20-4.1 Determination of Allowed Uses within each Zoning District.**

In such instances that a land use is not specifically noted in any of the lists of allowable uses within the text of this Zoning Ordinance, the Planning and Zoning Commission shall determine the zoning district(s) most appropriate for the proposed use, based upon a similar level of use listed within each District. Any person aggrieved by the decision of the Planning and Zoning Commission may, within ten (10) days of the decision, appeal that decision to the City Council and its decision will be final. [Ord 02-13]

#### **Sec. 20-4.2 Staff Responsibility.**

(A) Assistance to Citizen Committees. The Citizen Committees include the Planning and Zoning Commission, Board of Adjustment, Development Standards Review Task Force, and any other development-related committees created by the City Council. The staff shall provide technical assistance to and be responsible for scheduling meetings, providing agendas and public notice of meetings, reviewing and providing professional recommendations, and maintaining public records of the Citizen Committees’ findings and decisions.

(B) Collection of Information. To provide assistance necessary to carry out the functions of the citizen committees, the staff may request and obtain information from all parties, including applicant(s), service providers, and other related agencies.”

#### **Sec.20-5 District map.**

- (A) Boundaries of the districts, as enumerated in Section 20-4, are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the "Zoning District Map"; and said map and all the notations, references and information shown thereon is hereby made as much a part of this ordinance as if the same were set forth in full herein. The City shall keep on file in its offices an authentic copy of said map, and all changes, amendments or additions thereto.
- (B) When definite distances in feet are not shown on the Zoning District Map, the district boundaries are intended to be along existing street, alley or platted lot

- lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the City Council, due consideration being given to location as indicated by the scale of the Zoning District Map.
- (C) When streets or alleys on the ground differ from the streets or alleys as shown on the Zoning District Map, the Board may apply the district designations on the map to the streets or alleys on the ground in such a manner as to conform to the intent and purpose of this ordinance.
  - (D) Whenever any street or alley is vacated, the particular district in which the adjacent property lies shall be automatically extended to the center line of any such street or alley. Whenever a street or alley is dedicated, the zoning district within the area dedicated shall be void.

#### **Sec.20-5.1 Initial Zoning for Annexed Lands**

Property owners have the opportunity to negotiate with the City to determine appropriate zoning of annexed land prior to annexation through discussions with the Planning and Zoning Commission, which will provide its recommendation to the City Council. In such case, the property annexed into the City of South Padre Island shall be zoned as stated within the City's Annexation Plan for the designated area effective the date of annexation. However, if negotiations of zoning do not take place prior to annexation, property annexed into the City of South Padre Island shall be zoned "A" Residential, Single Family District effective concurrently with the date of official annexation. This temporary zoning classification shall remain in effect until a change therein is approved by the City Council. Within 180 days after the date of official annexation, the Planning and Zoning Commission shall review and provide specific zoning recommendations to the City Council as to the appropriate zoning for such annexed area.

#### **Sec.20-6 District "A"- Single family dwelling district.**

- (A) Use regulations:
  - (1) Dwellings, one family.
  - (2) Accessory buildings, including a private garage and bona fide servants' quarters, not for rent. When the accessory building is directly attached to the main building it shall be considered an integral part of the building. When the accessory building is attached to the main building by a breezeway, the breezeway may be considered a part of the accessory building. The floor area of all accessory buildings on the lot shall not exceed 50% of the floor area of the principal structure.
  - (3) Temporary buildings to be used for construction purposes only and which shall be removed upon completion or abandonment of construction work.
  - (4) 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 to be used on the site only. A building permit is required for the installation of a field office and shall be valid for a one (1) year period, renewable upon expiration if sales are still active.
  - (5) Special Exceptions: Public Service Facility. (Ord 96-05. 10-2-96); Residential accessory uses in a vacant lot that is contiguous with a residential single family lot having a principal building under common ownership.
  - (6) Rentals of less than 30 days are prohibited. (Ord 00-10)

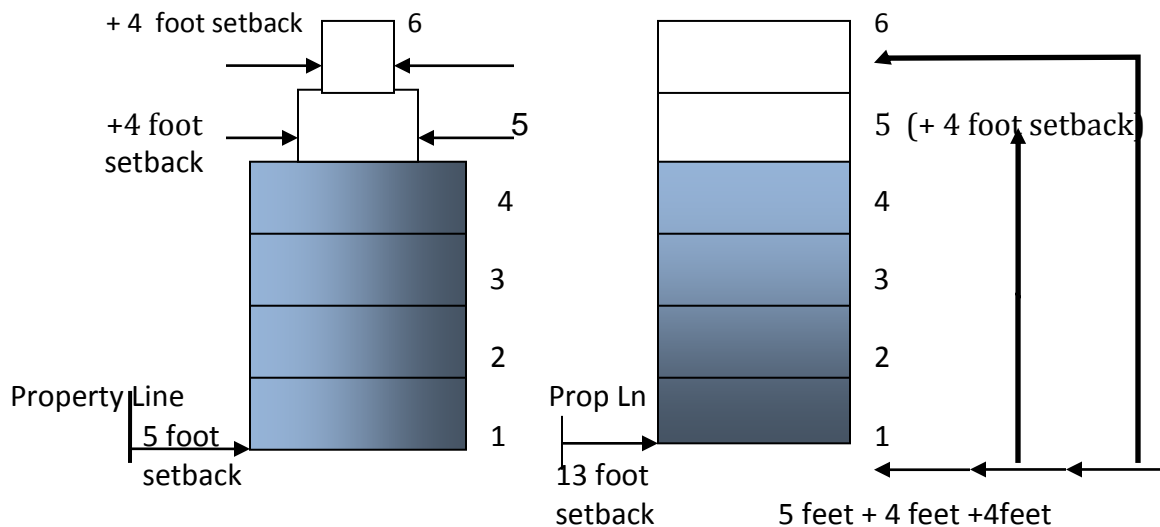
- (B) Height regulations: No building shall exceed forty-five (45) feet, when measured vertically from the center line of the street to the highest point of the building.
- (C) Area regulations:
- (1) Front yards:
    - (a) There shall be a front yard having a minimum depth of twenty-five (25) feet except all lots facing the Gulf of Mexico on the East side of Gulf Boulevard may have a front yard depth of no less than ten feet (10') from the lot line.
    - (b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
  - (2) Side yards:
    - (a) There shall be a side yard on each side of the lot having a clear width of not less than five (5) feet, including projections of the side of the building such as eaves, cornices, porches, stairways, carports, etc.
    - (b) In all cases where the side yard is adjacent to a side street, the side yard shall not be less than ten (10) feet.
    - (c) Where canals, bay front, beach front, and/or yacht basins occur at the side of lots, buildings may extend to the bulkhead abutting such canals, bay front, beach front, and/or yacht basins.
  - (3) Rear yards:
    - (a) There shall be a rear yard having a depth of not less than twenty (20) feet from the rear lot line
    - (b) Where canals, bayfront, beach front, and/or yacht basins occur at rear of lots, buildings may extend to the bulkhead.
    - (c) Where canals and yacht basins occur at rear of lots, boathouses may extend twenty feet (20') into the water provided that the structure is less than twelve feet (12') in height, is open construction, has no bathroom facilities and observes the sideyard set back as if the property lines were extended.
  - (4) Area of lot: the minimum area of a lot shall be 5,000 square feet, except no person may replat any lot within Padre Beach Subdivision, Section XII that is Single-Family Residential (District "A") to cause it to be smaller than it was platted in the original subdivision plat.
  - (5) Width of lot: The minimum width of a lot shall be fifty (50) feet.
  - (6) Depth of lot: The minimum depth of a lot shall be one hundred (100) feet.
  - (7) Area of building: The minimum area of a dwelling structure shall be 2,000 square feet in any lot in Block 192 and a minimum of 1,200 square feet in all other lots in the single family district. In the case of two or more stories, the area requirements shall apply to the ground floor.
  - ~~(8) Parking regulations: Off-street parking space shall be provided on the lot to accommodate two (2) motor cars for each dwelling unit; however, no supporting member of any garage, carport or any garage structure shall be located within the required front yard.~~
  - (98) Sanitation: There shall be no sewage disposal without water carriage. Chemical toilets may be erected on a temporary basis during construction only.

- (109) Type of construction-Padre Beach Section XII: All buildings erected on any portion of Padre Beach Section XII must be of masonry or reinforced concrete construction from the ground floor to the second floor living area. This, however, will not preclude the use of wood material for roof members, windows, doors and for decorative effects. For the purpose of this sub-section only, masonry may include the use of brick veneer.

**Sec.20-7      District "B" -Multi-family dwelling, apartment, motel, hotel, condominium, Townhouse district.**

- (A) Area, width, and depth of lots, sanitation and temporary building provisions are the same as District "A", except Townhouse lots must have a minimum frontage of twenty five (25') feet; a minimum width of twenty-five (25') feet; a minimum depth of one-hundred feet (100'); and a minimum area of two thousand five hundred square feet (2,500 sq. ft.).
- (B) Use Regulations: In District "B", no land shall be used and no buildings shall be erected for or converted to any use other than:
- (1) Single family dwellings, multi-family dwellings; apartment buildings, children's nurseries, hotels, motels, condominiums and Townhouses. Only condominiums, hotels and motels with more than twelve (12) units may have included within the premises such businesses as bars, food establishments, barber shops, beauty parlors and other similar businesses if such business is for the convenience of the occupants of the building and is definitely an integral part of the services of such hotel, condominium or motel.
  - (2) Private clubs, fraternities, sororities and lodges, that operate solely for the benefit of their members; a church; public school; a private or parochial school having a curriculum equivalent to a public elementary or high school.
  - (3) Townhouses.
  - (4) Incidental uses to any of the above specified uses include, but are not limited to, customary home occupations when engaged in by the private dwelling occupant. Examples are: a dressmaker, the office of a physician, surgeon or dentist, a musician or artist studio. 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 by the private dwelling occupant.
  - (5) Special Exceptions: Public Service Facility. (Ord. 96-05. 10-2-96; 98-04)
  - (6) Specific Use Permits: Substance Abuse Treatment Facilities, General Hospitals, Special Hospitals, Primary Care Physicians Office, Urgent Care Centers, Dental Clinics may be granted Specific Use Permits in accordance with Section 20-24 Specific Use Permits.
- (C) Height regulations: Up to four (4) standard stories. [see Sec.20-7(D)(2) for additional floors authorized]
- (D) Area regulations:

- (1) Front yards: Same as District "A" (minimum of 25') except all lots facing the Gulf of Mexico on the east side and lots fronting the west side right-of-way line of Gulf Boulevard from Section I through Section XII, Padre Beach Subdivision, and all lots in Sunny Isle and Haas Subdivision, may have a front yard depth of not less than ten (10) feet from lot line on the west Gulf Boulevard right-of-way line. The minimum front yard shall be increased one (1) foot for each two (2) feet in height if a building exceeds six (6) standard stories.
- (2) Side Yards: Additional Floors Authorized – Additional floors above four standard stories may be permitted if additional setbacks are provided as follows:



5 foot setback from property line for four standard stories. Add four feet to the setback requirement for each additional floor above four standard stories

5 foot setback from property line for four standard Stories. Add four Feet to the set back on all floors for each floor.

- (3) Rear yards:
  - (a) Same as District "A" (minimum of 20'), except that the structure may have decks and/or balconies extending within 10 feet of the rear property line, as long as said decks or balconies are not enclosed and shall only have such enclosures thereabouts as may be required as a good building practice. Any open deck or patio that undertakes to extend beyond the 20 feet rear yard setback within 10 feet of the rear property line as provided for above, shall only be erected or placed in such a manner after a permit specifically therefor is issued by the Building Inspector. The open deck allowed within said area may not in any manner be enclosed, and by way of illustration and not by limitation, such as awnings, shutters, walls or having fixtures or any other type of device other than that which is required as a safety measure under the Building Codes. Any subsequent enclosure on a lawfully extended deck hereunder shall be deemed a violation of this Ordinance. (Ord. No. 77E,)

- (b) Minimum rear yard depth shall be increased one (1) foot for each two (2) feet in height if the building exceeds six (6) standard stories.
- (4) Size of structure: The minimum size of structure is six hundred (600) square feet, except within Padre Beach Section XII, which shall be twelve hundred (1,200) square feet except Blocks 178, 191, and 192 which shall be 2,000 square feet.
- ~~(5) Parking regulations:~~
- ~~(a) Single family and Townhouse uses shall provide off street parking spaces on the lot to accommodate two (2) motor vehicles for each dwelling unit; no supporting member of any garage, carport or any garage structure shall be located within the required front yard. [amended by ordinance 07-19, 10-17-2008]~~
- ~~(b) Private clubs and lodges shall provide off street parking space in a ratio of one (1) space for each one hundred and fifty (150) square feet of gross floor area in the lodge or club.~~
- ~~(c) Places of assembly shall provide off street parking space on the lot sufficient to accommodate one (1) automobile for each five (5) seats.~~
- ~~(d) Places of Worship shall provide one (1) off street parking space for each five (5) fixed seats in the sanctuary or auditorium; OR one space for every 100 square feet of floor area within the sanctuary/auditorium, whichever is greater.~~
- ~~(e) Schools shall provide one off street parking space for each fifteen (15) students plus one (1) each for each teacher.~~
- ~~(f) Hospitals shall provide off street parking space on the lot sufficient to accommodate one (1) automobile for each five (5) beds, but in no case shall less than five (5) off street parking spaces be provided.~~
- ~~(g) Clinics shall provide off street parking at a ratio of one (1) space for each two hundred and fifty (250) square feet of gross floor area within the structures but in no case shall less than five (5) off street parking spaces be provided.~~
- ~~(h) Hotels and motels shall provide one (1) off street parking space for each guest bedroom in the building. For hotels and motels erected after August 1, 1994, the number of parking spaces required shall be one (1) off street parking space for each guest bedroom in the building plus Fifty Percent (50%) of the off street parking requirements from the various accessory uses operated upon the property, such as restaurant and retail space, computed in accordance with the requirements of Chapter 20 of the Code of Ordinances (Zoning), as if they were principal uses.~~
- ~~(i) Rooming and lodging houses shall provide off street parking space at the ratio of one (1) space for each two (2) guests for which accommodations are provided.~~
- ~~(j) Multi family dwellings shall provide two (2) off street parking spaces per unit; or, may provide parking at a ration of 1.5 spaces per unit and comply with In Lieu Parking Fee as an alternative to compliance with the parking standard established in this section.  
(Ord No. 11-09)~~
- ~~(k) Townhouses. Each dwelling unit shall provide two (2) off street parking spaces. (Ord. No. 77B, 7-1-81)~~



- ~~(l) — No parking garage or structure shall be erected in a required front or side yard. (Ord. No. 77A, 7-1-81)~~
- ~~(m) — The requirement for the provision of eight (8) stacking spaces for any use that will provide a drive through sales facet to its operation to insure that traffic will not back up onto the public right of way.~~
- ~~(n) — Required parking for a non-residential use may be located off-site under the following circumstances:~~
- ~~(1) — No more than Fifty (50) Percent of the required parking for the use may be located off site.~~
  - ~~(2) — The off-site parking location must be either a contiguous property on the same side of the street as the property upon which the principal use to be served by the off site parking is located, or a property directly across the street from the principal use, but no farther than Seventy Six Feet (76') from the nearest property line of the principal use. Notwithstanding this provision, off-site parking locations shall not be permitted on the opposite side of Padre Boulevard from the location of the principal use to be served by the off site parking.~~
  - ~~(3) — All off-site parking lots shall be located on property zoned within the same or similar zoning district.~~
  - ~~(4) — A written agreement, prepared by the applicant and drawn to the satisfaction of the City Attorney, shall be executed by all parties concerned and filed on record in the Office of the Cameron County Recorder as a covenant upon the property upon which the principal use is located, requiring the owners, heirs, or assigns to maintain the required number of off-street parking spaces.~~
- ~~(o) Compact Parking — 5 % of the required parking may be compact parking. Compact Parking is defined as parking spaces that are laid out as eight (8) feet by sixteen (16) feet.~~
- ~~(p) Bike Rack In Lieu of Required Parking. — For new development and existing uses and development, On-site Required Parking may be reduced by 1 (One) space, if the property owner elects to install a four unit bike rack. The bike racks shall meet the following conditions:~~

- ~~(1) — Required bicycle parking spaces shall be at least 2 feet by 6 feet, and~~
- ~~(2) — • An access aisle of at least 5 feet shall be provided in each bicycle parking facility • such space shall have a vertical clearance of at least 6 feet;~~
- ~~(3) — Bicycle Rack Location on Site,~~
- ~~(4) — Bicycle parking facilities shall be located in a clearly designated safe and convenient location;~~
- ~~(5) — The design and location of such facility shall be harmonious with the surrounding environment;~~
- ~~(6) — The facility location shall be at least as convenient as the majority of auto parking spaces provided;~~
- ~~(7) — Where applicable, position racks at least three feet from curb ramps to not impede pedestrian movements, especially those with vision or mobility impairments;~~
- ~~(8) — Do not position racks in loading zones;~~

- ~~(9) 20 inch minimum distance between rack and curb;~~
- ~~(10) Do not position racks within roadside bus stops;~~
- ~~(11) Ensure that a six foot long bicycle can utilize the rack without impeding pedestrians, and~~
- ~~(12) Only stainless steel or anodized aluminum bicycle parking racks may be used to satisfy the requirements of this section. Bike racks shall be maintained in a structurally sound and rust free state.~~

**Sec.20-7.1 District "B-2" – Residential & Multi-family Dwelling District.**

- (A) Area, width, and depth of lots, sanitation and temporary building provisions are the same as District "A", except townhouse lots must have a minimum frontage of twenty five (25') feet; a minimum width of twenty-five (25') feet; a minimum depth of one hundred feet (100'); and a minimum area of two thousand five hundred square feet (2,500 sq. ft.).
- (B) Use Regulations: In District "B-2", no land shall be used and no buildings shall be erected for or converted to any use other than:
  - (1) Single family dwellings, multi-family dwellings; apartment buildings, condominiums and Townhomes.
  - (2) Incidental uses to any of the above specified uses include, but are not limited to, customary home occupations when engaged in by the private dwelling occupant. 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 by the private dwelling occupant.
  - (3) Special Exceptions: Public Service Facility.
  - (4) Specific Use Permit: Off-site parking spaces in excess of required spaces from a different zoning district.
  - ~~(5) Off Site Parking — Commercial parking lots prohibited. Required parking may be located off site under the following circumstances:~~
    - ~~—(a) No more than 50% of the required parking may be located off site.~~
    - ~~—(b) The off site parking lot shall be no further than ninety feet (90') from the nearest property line of the principal use.~~
    - ~~—(c) The off site parking may be located on another street from the principal use. If the off site parking lot is located on another street from the principal use, and the principal use does not abut and have pedestrian access to the proposed off-site parking lot, pedestrian access must be created between the principal use and the off-site parking lot, by means of a private pedestrian easement agreement granted to the Property Owners Association and/or property owner of the principal use. The easement shall be recorded in Cameron County and filed with the City of South Padre Island. A public right of way shall not serve as the means for meeting the pedestrian access requirements to install an off-site parking lot established in this section.~~
    - ~~—(d) Offsite Parking Design Standards~~
      - 1. Streetscape and Perimeter Landscaping**
        - a. Provide a landscaped area at least 3 feet in width between surface parking and all property lines.
        - b. Edge treatments along streets and other public spaces should visually screen parked vehicles, but not completely obstruct views into

~~and out of the parking lot for the purpose of supporting pedestrian safety and security.~~

~~c. For parking lot edges adjacent to streets, parks or other public open space, provide the following:~~

~~▪ at least one row of shade trees, spaced evenly at 5' to 6' intervals (or as appropriate to the selected species) for the length of the parking lot edge~~

~~▪ screening, consisting of continuous planting, alone or in combination with a low decorative fence/wall or a landscaped berm. Typically, keep shrubs, fences or walls to a maximum height of thirty inches.~~

~~d. Set back screening at least 1' from the edge of public street right-of-way. Screening should not encroach into the public street right-of-way.~~

~~e. Install a permanent irrigation system in all landscaped areas. Where possible, collect rainwater from rooftops and other surfaces for plant irrigation. Identify hose bibs, sprinkler outlets, storage reservoirs, and other applicable irrigation elements on the Building Permit. Locate valves and other maintenance controls in discrete, yet accessible areas.~~

~~f. Where landscaping might impact motorist pedestrian sight distance, keep shrubs below 24" in height and prune trees so that the lowest branches will be at least 6' above ground level.~~

~~g. Ensure overhanging branches of trees or shrubs adjacent to pedestrian pathways maintain a clear headspace of at least 8'.~~

~~h. Coordinate tree planting with the location of light standards and other utilities.~~

~~**2. Legally Conforming Non-Conforming Off-Site Parking Lots**  
—Off-site parking lots in existence, at the time of the enactment of this Sec. 20-7.1(B)(4)(d)(2), that do not conform to the streetscape and perimeter landscaping requirements established in this section shall be considered legally conforming off-site parking lots.~~

(C) Height regulations: No building shall exceed three stories. The height shall be restricted to fifty (50) feet above the FEMA Base Flood Elevation.

(D) Area regulations:

(1) Front yards: Same as District "A" (minimum of 25'), except that all lots fronting the west side right-of-way line of Gulf Boulevard may have a front yard setback of ten (10) feet from the property line abutting the west Gulf Boulevard right-of-way line.

(2) Side Yards: Same as District "A" (minimum of 5').

(3) Rear yards: Same as District "A" (minimum of 20'), except that the structure may have decks and/or balconies extending within 10 feet of the rear property line, as long as said decks or balconies are not enclosed and shall only have such enclosures thereabouts as may be required as a good building practice. Any open deck or patio that undertakes to extend beyond the 20 feet rear yard setback within 10 feet of the rear property line as provided for above, shall only be erected or placed in such a manner after a permit specifically therefore is issued by the Building Inspector. The open deck allowed within said area may not in any manner be enclosed, and by way of illustration and not by limitation, such as awnings, shutters, walls or having fixtures or any other type of device other

than that which is required as a safety measure under the Building Codes. Any subsequent enclosure on a lawfully extended deck hereunder shall be deemed a violation of this Ordinance.

(4) Size of structure: The minimum size of structure is twelve hundred (1200) square feet.

~~(5) Parking regulations:~~

~~(a) Multi-family dwellings shall provide two (2) off-street parking spaces per unit; or, may provide parking at a ratio of 1.5 spaces per unit and comply with In-Lieu Parking Fee as an alternative to compliance with the parking standard established in this section.~~

~~(b) Townhouses. Each dwelling unit shall provide two (2) off-street parking spaces.~~

~~(c) No parking garage or structure shall be erected in a required front or side yard.~~

~~(d) For new and existing uses and development, On-site Required Parking may be reduced by 1 (One) space, when the property owner elects to install a four-unit bike rack which meets the provisions established in District "B" Multi-Family dwelling, apartment, hotel, condominium, townhouse District, Section 20-7 (D) (5)(p).~~

- (E) Any condominium building which exists on Feb 1, 2010 that does not conform to the height limitations of this District shall be deemed a conforming structure and may re-build to the same size and height that it was on Feb 1, 2010.
- (F) Any structure which exists on Feb 1, 2010 that does not conform to the standards of this District shall be deemed a conforming structure and may re-build to the same size and height that it was on Feb 1, 2010.
- (G) Any land use that exists on Feb 1, 2010 that does not conform to the standards of the B-2 District shall be deemed a conforming use and may continue the use as it was on Feb 1, 2010.

**~~Sec. 20-7.2 In-Lieu Parking Fee.~~**

~~Multi-Family Dwellings located in District "B" and "B-2" may reduce the required on-site parking by electing to use the In-Lieu Parking Fee Option established in this section.~~

**~~A. Fee Collection process.~~**

~~A fee may be paid for multi-family uses in lieu of complying with parking regulations established in the City of South Padre Island, Code of Ordinances, and Chapter 20 Zoning Ordinance. The collection process and the amount of fees for provision of public parking in the Parking System shall be as specified below.~~

**~~B. Amount of Fee.~~**

- ~~1. The amount of payment for each required parking space shall be fixed by resolution adopted from time to time by the City Council, but in no case shall exceed the estimated, normal, current cost to the City of providing required parking spaces to serve the contemplated use.~~

~~2. Fees paid in accordance with this article are collected to fund a general public parking program and are not intended for any specific improvement project. The fees paid shall be the most current fees as established by the City Council.~~

~~3. Any off-street parking requirement satisfied in this manner shall run with the land, and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement.~~

~~**C. Time of Collection of Fees.** Fees for all development projects for which payment of fees in lieu of on-site parking is desired shall be paid prior to the issuance of building permits. Fees for development projects which do not require building permits shall be paid before any other applicable City approval is made final.~~

~~**D. Use of Fee.** The fees collected shall be used for the following purpose: to construct or provide new public parking spaces.~~

~~**E. Current Fee Schedule.** The City Secretary shall maintain the current fee schedule. The City Secretary shall make the current fee schedule available for public review upon request.~~

~~**F. Trust Fund.** An interest-bearing trust fund shall be maintained exclusively for the development of the City of South Padre Island Parking System. These trust funds and interest earned by these trust funds shall be used solely for the development of the City of South Padre Island Parking System. Upon receipt by the City of South Padre Island, fees collected shall be deposited in the appropriate Parking trust fund.~~

~~**G. Phasing.** If a project is phased, payment of fees pursuant to this article may be similarly phased as agreed upon between the applicant and the Director of Transit and Development.~~

~~**I. Termination.** If this fee program is terminated, any excess funds collected prior to dissolution of this fee program shall be used within City of South Padre Island Parking System.~~

## **Sec.20-8 District "C" - Business district -- Fire Zone.**

- (A) Area, width and depth of lots, sanitation and temporary building provisions are the same as District "A".
- (B) **Allowed Uses:** The purpose and intent the "C" District is composed of those activities of the City whose principal use is and ought to be general business activities which provides basic and necessary goods and services for the community and its visitors and the following are the allowed uses in the district:
  - (1) Any use authorized in the "B" Zoning District.
  - (2) The following:
    - Dental Clinics, General and Special Hospitals, Primary Care Physician's Offices, Urgent Care Centers
    - Commercial Parking Facility – A vehicle parking facility that is operated as a business enterprise by charging a fee for parking which must provide Streetscape and Perimeter Landscaping for Commercial Parking Facilities (Not applicable to Temporary Commercial Parking Facilities) with the following requirements:

- a. Provide a landscaped area at least 3 feet in width between surface parking and all property lines.
- b. Edge treatments along streets and other public spaces should visually screen parked vehicles, but not completely obstruct views into and out of the parking lot for the purpose of supporting pedestrian safety and security.
- c. For parking lot edges adjacent to streets, parks or other public open space, provide the following:
  - at least one row of shade trees, spaced evenly at 5' to 6' intervals (or as appropriate to the selected species) for the length of the parking lot edge
  - screening, consisting of continuous planting, alone or in combination with a low decorative fence/wall or a landscaped berm. Typically, keep shrubs, fences or walls to a maximum height of thirty inches.
- d. Set back screening at least 1' from the edge of public street right-of-way. Screening should not encroach into the public street right-of-way.
- e. Install a permanent irrigation system in all landscaped areas. Where possible, collect rainwater from rooftops and other surfaces for plant irrigation. Identify hose bibs, sprinkler outlets, storage reservoirs, and other applicable irrigation elements on the Building Permit. Locate valves and other maintenance controls in discrete, yet accessible areas.
- f. Where landscaping might impact motorist pedestrian sight distance, keep shrubs below 24" in height and prune trees so that the lowest branches will be at least 6' above ground level.
- g. Ensure overhanging branches of trees or shrubs adjacent to pedestrian pathways maintain a clear headspace of at least 8'.
- h. Coordinate tree planting with the location of light standards and other utilities.

General Office Uses - a place of business that generally provides services instead of goods and entails, desks, files, paperwork, mail, computer, phones, etc. that would include most professional services (i.e. attorney offices; travel agencies; consultants, engineers, and architects; general building contractor and subcontractor services; title companies, banks, mortgage and other financial service companies; real estate businesses; drafting / graphic design businesses; art studios; post offices and other governmental buildings)

Retail stores - any place of business where the customer / general public can purchase goods, generally for off sight use and/or consumption. (i.e. antiques; arts and crafts & art galleries; apparel & accessories & alterations; books and curio shops; bicycle, vehicle, and water sport sales & rental; pharmacy, dry goods & general merchandise; liquor, cigarette, & cigar stores; newsstands; hardware stores; office supply & printing; photography development & supply; gasoline service stations, etc.)

Food & Beverage Service Providers - places of business where food and beverages can be purchased for on or off site consumption. (i.e. Grocery stores, restaurants, bars/nightclubs, cafés, specialty food shops / bakeries, & caterers.)

Personal Services - places of business where the general public can go to receive general body and grooming services. (i.e. Barber & beauty shops, nail grooming services; tanning, massage & spa facilities.) However, tattoo

and body piercing studios / facilities are specifically not allowed uses within this district.

Repair Services – business that provide small-scale repair services for items of the general public (i.e. watch, clock & jewelry repair; TV / VCR repair; shoe and apparel alteration facilities; bicycle and vehicle repair; household appliance & general electric repair; reupholstery & furniture repair; etc.)

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 & music schools / studios; religious places of worship; civic, social, & fraternal organizations; etc.)

Miscellaneous –businesses that serve the City 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 & coin-operated laundry facilities; car washes; indoor movie and stage theaters; convenience storage facilities; libraries; day care centers; etc.) and the following specific entertainment facilities: amusement centers, recreational centers, miniature golf, and tennis courts.

Temporary Commercial Parking Facility -- A temporary commercial parking facility that is operated as a business enterprise by charging a fee for parking and as permitted by City of South Padre Island Ordinance 10-23 (Sec.13-22.3 City of South Padre Island Code of Ordinances).

(3) Special Exceptions:

- a. Impound Lot, subject to compliance with the requirements of subsection 20-8(B)(4) of this Chapter (Ord. 02-06; 6-19-02);
- b. Permanent Makeup Application, but only when applied by an individual licensed by the Texas Department of Health or by the Texas State Board of Medical / Dental Examiners who performs such application within either an establishment which also provides “Personal Services”, or within a “Medical Facility”, as such terms are defined in subsection 20-8 (B)(2).

- c. Public Service Facility (Ord 96-05; 10-2-96)

- (4) No impound lot shall be approved nor continue to operate as a Special Exception unless, in addition to all other applicable requirements, or conditions as required by the Board of Adjustments and Appeals, such facility: 1) is enclosed by a solid wood (excluding plywood or scrap wood), masonry, block, or manufactured vinyl fence not less than seven (7') feet in height, which may not be located within the front yard setback area, and in no instance shall barbed wire or the like be used; 2) is paved to City standards for required parking; 3) prohibits the storage therein of any vehicle for more than thirty (30) consecutive days; 4) prohibits the performance therein of any mechanical work on stored vehicles; 5) is not located within 100 ft. of Padre Blvd.; 6) is not located within fifty (50') feet of Laguna Boulevard or the “A”, “B” , or “E” Zoning Districts; 7) shall provide a minimum of two (2) off-street customer parking spaces or such greater number as may be required by this code; and 8) shall be accessed by a paved access entrance no greater than eighteen ft. (18') in width.



- (5) Specific Use Permits: Substance Abuse Treatment Facilities may be granted Specific Use Permits in accordance with Section 20-24 Specific Use Permits.
- (C) Single family dwellings: If a single family dwelling is erected in the "C" District such structure shall conform to all minimum requirements of a single family dwelling in "A" District, unless the single family dwelling has been converted from previously built structure which has been used commercially, in which case the structure will not need to be modified to meet "A" District setback requirements.
- (D) Mixed Use Structure: If a residence is maintained in a structure part of which is also used for business purposes in the "C" District, such structure shall at a minimum meet the minimum front, side or rear yard setback requirements of the "C" District.
- (E) Height regulations: No building shall exceed six (6) standard stories in height, unless the setback from all street lines is one (1) foot for each two (2) feet of its height above such six (6) standard story limit. In no case shall the height of the building exceed the total of the street right-of-way width it faces, plus the depth of the front yard.
- (F) Area regulations:
- (1) Front yard: For off-street parking there shall be a front yard having a minimum depth of twenty-five (25) feet.
    - (a) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
    - (b) Minimum front yard shall be increased one (1) foot for each two (2) feet in height if building exceeds six (6) standard stories.
  - (2) Side yards: No side yard shall be required for a business use, except on a corner lot. In all cases where the side yard is adjacent to a street, the side yard shall be not less than ten (10) feet in depth. Any building exceeding three (3) standard stories shall have a side yard of four (4) feet for each additional story.
  - (3) Rear yard: No structure of any classification shall be erected any closer than ten (10) feet of the rear lot line. The minimum rear yard shall be increased one (1) foot for each two (2) feet in height if the building exceeds six (6) standard stories.
  - (4) Size of structure: The minimum size of structure shall be six hundred (600) square feet.
  - ~~(5) Parking regulations:~~
    - ~~(a) Parking regulations for all "B" District uses located in "C" District shall be the same as those outlined in "B" District.~~
    - ~~(b) Theaters shall provide off street parking space in a ratio of one (1) space for each five (5) seats.~~
    - ~~(c) Nightclubs shall provide off street parking space in a ratio of one (1) space for each one hundred and fifty (150) square feet of gross floor area. For nightclubs constructed or converted from other uses after August 1, 1994, off street parking spaces shall be provided in a ratio of one (1) space for every One Hundred Square feet (100 sq. ft.) of gross floor area.~~
    - ~~(d) Restaurants and cafes shall provide off street parking space in a ratio of one (1) space for each one hundred and fifty (150) square feet of gross floor area. For restaurants and cafes constructed or converted from~~



other uses after August 1, 1994, off-street parking spaces shall be provided in a ratio of one (1) space per One Hundred square feet (100 sq. ft.) of gross floor area.

~~(e) Retail stores and office buildings shall provide off-street parking space in a ratio of one (1) space for each two hundred fifty (250) square feet of gross floor area. (Ord. No. 77A, 7-1-81)~~

~~(f) Retail, office and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods such that no part of the truck or trailer will be in a dedicated street, alley or easement during loading or unloading or parking.~~

~~(g) The requirement for the provision of eight (8) stacking spaces for any use that will provide a drive-through sales facet to its operation to insure that traffic will not back up onto the public right-of-way.~~

~~(h) Required parking for a non-residential use may be located off-site under the following circumstances:~~

~~(1) No more than Fifty (50) Percent of the required parking for the use may be located off-site.~~

~~(2) The off-site parking location must be either a contiguous property on the same side of the street as the property upon which the principal use to be served by the off-site parking is located, or a property directly across the street from the principal use, but no farther than Seventy Six Feet (76') from the nearest property line of the principal use. Notwithstanding this provision, off-site parking locations shall not be permitted on the opposite side of Padre Boulevard from the location of the principal use to be served by the off-site parking.~~

~~(3) All off-site parking lots shall be located on property zoned within the same or similar zoning district.~~

~~(4) A written agreement, prepared by the applicant and drawn to the satisfaction of the City Attorney, shall be executed by all parties concerned and filed on record in the Office of the Cameron County Recorder as a covenant upon the property upon which the principal use is located, requiring the owners, heirs, or assigns to maintain the required number of off-street parking spaces.~~

~~(i) Off-street parking facilities:~~

~~(1) Amusement parks and/or uses shall be determined by the Planning and Zoning Commission on an individual plan review basis.~~

~~(2) Amusement (centers) uses shall provide one (1) parking space for each 250 square feet of gross floor area.~~

~~(j) Mixed Use Developments:~~

~~(i) for the purposes of this section on parking, Mixed Use Developments must contain only: residential uses and retail, office and/or restaurant uses.~~

~~(ii) Parking for residential units will be consistent with the residential and multifamily parking requirements currently in existence; however, each residential unit shall be required to have at least one assigned parking space.~~

~~(iii) Retail and office space shall use a ratio of one (1) parking space for every 250 ft of gross floor area, including storage rooms and bathrooms.~~

~~(iv) A restaurant use will be required to provide one (1) parking space for every 225 ft of gross floor area; in no case shall the restaurant floor area equal more than 40% of the total commercial floor area of the development.~~

~~(v) Off Street parking for Mixed Use Developments (projects/developments that contain both residential and commercial uses within the same structure) that have uses other than those mentioned in (i) above shall be determined by the Planning and Zoning Commission on a case-by-case basis if the developers wish to propose a Shared Parking arrangement. The Commission may include conditions to these permits and should consider the mix of businesses and uses, the hours of operation, participation and use of the public transportation system, and the condition and use of pedestrian and other mobility infrastructure in the area.~~

~~(k) Compact Parking — 10 % of the required parking may be compact parking. Compact Parking is defined as parking spaces that are laid out as eight (8) feet by sixteen (16) feet.~~

~~(l) For new and existing uses and development, On-site Required Parking may be reduced by 1 (One) space, when the property owner elects to install a four unit bike rack which meets the provisions established in District “B” Multi Family dwelling, apartment, hotel, condominium, townhouse District, Section 20-7 (D)-(5)(p).~~

**(65) Amusement centers:**

(a) No amusement center shall have any machine which projects photographic or film imagery.

(b) No amusement center, as that term is herein defined, shall serve alcoholic beverages of any nature, nor shall alcoholic beverages be consumed upon the premises.

(c) All amusement centers shall be required to locate their machines at least eighteen inches (18") apart and provide proper and adequate passageways, so that the public may pass behind the person using said machines without interfering with the person playing or utilizing said machine.

(d) Any business that has more than three (3) machines which require the deposit of money to be activated for an individual's entertainment, is subject to their gross receipts being audited by the officials of the City to determine whether or not fifty percent (50%) or more of their income is derived from said machines, then said business shall be declared an amusement center, as herein defined, and subject to all the rules and regulations of the City. (Ord. No. 2E, 7-21-76)

**Sec. 20- 8.1 Appendix “Z” Padre Boulevard and Entertainment District Code.**

- (a) Authority – This Padre Boulevard and Entertainment District Code (hereinafter, “PBED Code”) is enacted as one of the instruments for implementing the public purposes and

objectives of the adopted City of South Padre Island 2008 Comprehensive Plan and the Padre Boulevard and Entertainment District Plan. This code is declared to be consistent with the 2008 Comprehensive Plan, and except as noted herein, supplants the application of all provisions of the City of South Padre Island City Code of Ordinances as it applies to land with the boundaries of the Padre Boulevard Corridor and Entertainment District, (hereinafter, “the corridor”) prior to the effective date of this PBED Code.

- (b) Purpose & Intent – The purpose of the PBED Code is to support economic development and reinvestment along this commercial corridor and within this dedicated entertainment district. Along Padre Boulevard, the PEDC implements specific development nodes with a pedestrian-oriented mix of uses with convenient access between area neighborhoods, beachfront, housing and neighborhood retail services. The intent is to revitalize Padre Boulevard to be an attractive, vibrant commercial corridor in the community, and to develop the Entertainment District into a walkable, mixed use regional destination. Therefore, the goals of the PBED Code are to promote and provide a more functional and attractive community through the use of recognized principals of urban design and allow property owners flexibility in land use, while prescribing a higher level of detail in building design and form.

**Sections from 20-8.2 to 20-8.9 (Ordinance No. 11-15 was rescinded by Ordinance No. 15-08)**

**Sec. 20-8.10. Northern Resort District “NRD” Character Zone**

Intent: The Northern Resort District “NRD” Character Zone building form and development standards are intended to provide for more flexible, market-based development vision that balances pedestrian orientation with auto oriented development. Development standards in this district are intended to focus on establishing specific criteria under which developers could propose alternative and unique standards to implement a more market-responsive project, which contributes to and enhances the general seaside resort character of the district.

Generally, this district may accommodate a wide range of commercial (retail, entertainment, restaurant and office), lodging, and residential uses. Given the availability of undeveloped land along this section, there is more flexibility within this Character Zone for applicants to propose alternative development options.

The code governing the development of projects within this zone is incorporated herein as Appendix “Z” Padre Boulevard and Entertainment District Code, heretofore adopted and hereby amended to add section 6.8 to Article VI. (A true and correct copy is hereby attached as Exhibit “A,” entitled Northern Resort District.)

**Sec.20-9        District "D" - Resort area district.**

- (A) Area, width and depth of lots, sanitation and temporary building provisions are the same as District "A". Front yard, rear yard, height and size of structure requirements are the same as District "C". Side yard requirements are the same as District "B".
- (B) Use regulations: In a "D" District, no land shall be used and no building shall be used and no building shall be erected or converted for any other use than:
  - (1) Any use permitted in "C" District (business).

- (2) Weekend cottages, yacht club, boat docks, marine repairs, trailer parks (travel trailers), indoor skating rinks, miniature golf, bowling alleys, retail bait stands, second-hand stores, beer taverns and dance halls, and Permanent Makeup Application, but only when applied by an individual licensed by the Texas Department of Health or by the Texas State Board of Medical / Dental Examiners who performs such application within either an establishment which also provides "Personal Services", or within a "Medical Facility", as such terms are defined in subsection 20-8 (B)(2).
- (3) Special Exceptions:
  - a. Permanent Makeup Application, but only when applied by an individual licensed by the Texas Department of Health or by the Texas State Board of Medical / Dental Examiners who performs such application within either an establishment which also provides "Personal Services", or within a "Medical Facility", as such terms are defined in subsection 20-8 (B)(2).
  - b. Public Service Facility (Ord 96-05; 10-2-96)
- (C) If a single family or multi-family dwelling is erected in "D" District, such structure shall conform to all minimum requirements of the "B" District.
- (D) If a residence is maintained in a structure that is also used for business or resort in "D" District, such structure shall conform to all minimum requirements of the "B" District.
- (E) Area regulations:
  - (1) Side yards adjacent to a street shall be not less than ten (10) feet.
  - (2) Rear yards: Same as District "C" except decks or balconies may extend within ten (10) feet of the rear lot line as in District "B".
  - ~~(3) Parking regulations:~~
    - ~~(a) Parking regulations for all uses permitted in "D" District are the same as those outlined in "C" District regulations.~~
    - ~~(b) Dwelling units shall provide one and one half (1 1/2) off street parking spaces for [Ord 07-19, 10-17-2007]~~
    - ~~(c) Bowling alleys shall provide off street parking space at a ratio of two (2) spaces for each alley.~~
    - ~~(d) Dance halls, commercial amusement establishments and skating rinks shall provide off street parking space at a ratio of one (1) space for each one hundred fifty (150) square feet of gross floor area.~~
    - ~~(e) For new and existing uses and development, On-site Required Parking may be reduced by 1 (One) space, when the property owner elects to install a four unit bike rack which meets the provisions established in District "B" Multi Family dwelling, apartment, hotel, condominium, townhouse District, Section 20-7 (D)-(5)(p).~~
- (43) Travel Trailer parks: A recreational vehicles building permit is required prior to construction. The park area must encompass a minimum of two (2) acres, with density not to exceed fifteen (15) units per acre.
  - (a) Private streets: Private streets shall be provided and shall extend continuously from public street right-of-way. Minimum pavement

widths shall be eighteen (18) feet and streets shall have a base of at least six (6) inches of caliche and two (2) inches of asphalt.

- (b) Lots: Lots must have sanitary sewer, water and electric power and must be 75 feet long and 35 feet wide or 2,625 square feet. The front yard setback shall be 10 feet.
- (c) Parking: Parking space must be a minimum of one off-street space per lot, each space shall have a permanent all-weather surface, and shall have dimensions of not less than 8'6" x 18'0", or 300 square feet.
- (d) Accessory uses: All accessory uses shall be located a minimum of ten (10) feet from the lot line.
- (e) Lighting: The private streets, parking lots, walks and service areas shall be kept properly and adequately lighted at all times so that the park area will be safe for occupants and visitors. All entrances and exits shall be lighted and all lighting shall be at the expense of the park owner.

#### **Sec.20-9.1 "D-1" RESORT AREA DISTRICT**

(A) Purpose and Intent:

This district is composed of those areas of the City whose principal use is and ought to be a combination of residential and business uses in a resort setting. This district has been located within the City to permit the development of these residential and business activities, to protect adjacent areas against the encroachment of incompatible uses, and to lessen congestion on the public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these residential and business activities, and the purposes of this district, have been excluded.

(B) Use Regulations:

- (1) Permitted Uses: The following uses shall be permitted as-of-right within the "D-1" District:

Apartments  
Condominiums  
Hotels/Motels  
Transportation/Communication  
    radio broadcasting  
    television broadcasting  
    travel arrangement services  
    transportation ticket services  
Retail Trade

antiques  
apparel and accessories  
arts and crafts  
bicycles -- sales and rental  
books  
cameras and photographic supplies  
candy, nut, and confectionery

china, glassware, and metalware  
cigars and cigarettes  
convenience food stores  
custom tailoring  
florists  
fruit and vegetables  
furs and furriers

gasoline service stations  
gifts, novelties, and souvenirs  
ice cream and frozen deserts  
jewelry  
liquor store  
meat, fish, and seafood  
music supplies  
newspapers and magazines

pharmacy/drug store  
radios and televisions  
restaurant, cafe, or delicatessen  
specialty food shops/bakeries  
sporting goods -- sales and rental  
stationery  
taverns, bars, nightclubs, saloons, or dance hall

#### Finance, Insurance, and Real Estate Services

bank  
commercial credit institutions  
commodity contracts brokers and dealers  
services  
credit unions  
holding and investment services  
insurance agents, brokers, and services  
insurance carriers  
real estate agents, brokers, and management  
services

real estate operators and lessors  
real estate subdividing and developing  
services  
savings and loan association  
security brokers, dealers, and flotation  
services  
security and commodity exchanges  
security and commodity allied services  
title abstracting services

#### Personal Services

apparel repair and alterations  
artist's studio  
beauty and barber shops  
catering services  
diaper services

dry cleaning pick-up station  
laundry -- coin operated, self-service  
linen supply  
photographic services  
shoe repair and shoe shining services

#### Business Services

adjustment and collection services  
advertising services  
business management consulting services  
consumer and mercantile credit reporting  
services  
detective and protective services  
duplicating, mailing, and stenographic  
services

employment services  
motion picture distribution services  
news syndicate services  
photofinishing services  
printing and publishing services  
research, development, and testing services

#### Repair Services

automobile wash services, bicycle repair  
watch, clock, and jewelry repair

#### Professional Services

accounting, auditing, and bookkeeping  
services  
chiropractor services  
Dental Clinics  
General and Special Hospitals  
Primary Care Physician's Offices

Urgent Care Centers  
educational and scientific research services  
engineering and architectural services  
legal services  
licensed therapeutic massage

Governmental Services

governmental functions, facilities, and buildings  
postal services

Educational Services

art and music school  
dancing school

day care centers  
nursery schools

Miscellaneous Services

civic, social, and fraternal organizations  
professional membership organizations

Cultural, Entertainment, and Recreational

auditorium  
art galleries  
banquet hall  
billiard hall  
bingo parlor  
boat ramp  
botanical gardens and arboretums  
bowling center  
dinner theater  
exhibition hall  
gymnasium and health club  
historic and monument sites  
libraries  
miniature golf  
museums  
planetaria  
public parks  
reception hall  
recreational center  
skating rink  
theater -- stage play -- indoor  
theater -- motion picture -- indoor

- (2) Special Exceptions: Within the "D-1" District, the following uses may be permitted as special exceptions upon review and approval by the Board of Adjustment. Any property located within the "D-1" District may be approved for any of the following listed uses, provided the Board of Adjustment shall first make a positive finding that any proposed use or change in use shall have no negative impact upon surrounding properties or upon the character of the District, as required by Section 20-16, to wit;

Transportation/Communications

heliport landing/take-off pads

Governmental Services

public service facility

Business Services

outdoor storage and long-term vehicle parking areas

Cultural, Entertainment, and Recreational

go-cart track, golf driving range

theater -- stage play -- outdoor

theater -- motion picture -- outdoor

- (3) Accessory Uses: Within the "D-1" District, any use that is clearly incidental and subordinate to the principal use of the property, is definitely an integral part of the services of such principal use, and is intended for the convenience of the customers of the principal use of the property may be permitted as an accessory use (unless otherwise listed as a special exception). Such accessory uses shall meet the following requirements:

- (a) The sum of all accessory uses shall not constitute a total area larger than twenty (20) percent of the total building area of the principal use.
- (b) No accessory use shall be constructed or used until the principal use is established on the same lot.
- (c) No accessory use shall continue after the termination of the principal use upon the lot.

The City Manager, or designee, shall determine if a proposed use qualifies as an accessory use under these regulations. In cases of doubt, or on specific questions raised, as to whether a proposed use qualifies as an accessory use under the requirements of this Ordinance, the matter may be appealed to the Board of Adjustment, in accordance with Section 20-16, and shall be decided by the Board as a question of fact.

- (C) Area Regulations: The following regulations shall apply in all "D-1" Districts:

- (1) Minimum Lot Area: The minimum lot area shall be five thousand (5,000) square feet.
- (2) Minimum Lot Width and Depth: The minimum lot width shall be fifty (50) feet. The minimum lot depth shall be one hundred (100) feet.



- (3) Maximum Lot Coverage: The maximum lot coverage shall be as dictated by the other area and performance standards, such as yard setbacks, landscaping, and parking.
- (4) Minimum Structure Size: The minimum size of a structure shall be six hundred (600) square feet.
- (5) Minimum Height: No building or structure shall exceed six (6) standard stories in height, unless the setback from all street lines is one (1) foot for each two (2) feet of its height above such six (6) standard story limit. In no case shall the height of any building or structure exceed the total of the street right-of-way width it faces, plus the depth of the front yard.
- (6) Yard and Setback Requirements:
  - (a) Front Yard: There shall be a front yard having a minimum depth of twenty-five (25) feet.
    - (1) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
    - (2) The minimum front yard shall be increased one (1) foot for each two (2) feet in height if a building exceeds six (6) standard stories.
  - (b) Side Yards: A minimum side yard of five (5) feet shall be provided on each side of the structure, **except** under the following circumstances:
    - (1) Where commercial buildings are constructed at the side property line with fire walls complying with the requirements of the Building Code for zero property line clearance, no sideyard will be required.
    - (2) Where a side line of a lot in this district abuts the side line of a lot in a residential district (Districts "A," "B," or "E"), a side yard shall be provided the same as required in the residential district it abuts.
    - (3) Where the side yard is adjacent to a street, the side yard shall be not less than ten (10) feet.
    - (4) Any building exceeding three (3) standard stories shall have a sideyard of four (4) feet for each additional story.
  - (c) Rear Yard: A minimum rear yard of ten (10) feet shall be provided. The minimum rear yard shall be increased one (1) foot for each two (2) feet in height if the building exceeds six (6) standard stories.

~~(7) — Parking Regulations:~~

- ~~(a) — Parking regulations for all "B" District uses located in the "D-1" District shall be the same as those outlined in Section 20-7(D)(5).~~
- ~~(b) — Parking regulations for all "C" District uses located in the "D-1" District shall be the same as those outlined in Section 20-8(F)(5).~~
- ~~(c) — Off Site parking facility is allowed (i) for uses that do not have specific parking requirements or (ii) when they have met all specific parking requirements at the site and plan to provide additional off-site parking and said off-site parking plan shall be reviewed and recommended by City staff and reviewed by the Planning and Zoning Commission on an individual plan basis and~~

~~said recommendations will be sent to the City Council for final approval.~~

~~(d) For new and existing uses and development, On-site Required Parking may be reduced by 1 (One) space, when the property owner elects to install a four unit bike rack which meets the provisions established in District "B" Multi-Family dwelling, apartment, hotel, condominium, townhouse District, Section 20-7 (D) (5)(p).~~

~~(87)~~ Required Screening Device: Where off-street parking and/or loading areas within the "D-1" District are located adjacent to residentially-zoned property within Districts "A," "B," and/or "E," or lies directly across the street from such residentially-zoned property, there shall be located along all common property lines a screening device consisting of a continuous solid wooden fence, masonry wall, or landscaped earthen berm with a minimum height of six (6) feet, except that the height of such fence, wall, or earthen berm shall not exceed thirty (30) inches within any front yard setback area adjacent to a public or private street, when placed perpendicular to that street. In the instance of a masonry wall or wooden fence, the finished side of the wall or fence shall be to the adjacent property.

~~(98)~~ Exterior Lighting: The standards required for all exterior lighting in the "D-1" District shall be the same as those outlined in Section 20-8.1(C)(9).

~~(109)~~ Outside Storage: The standards required for all outside storage of materials, equipment, and the storage of fleet vehicles or the long-term storage vehicles for others shall be the same as those outlined in Section 20-8.1(C)(10).

## **SEC. 20-9.2 "D-2" PARK DISTRICT**

(A) Purpose and intent: This "D-2" Park District is composed of property owned by a governmental entity.

(B) Use Regulations: Any use that the governmental entity may legally make of the property and any use permitted by the governmental entity to third parties pursuant to a concession/lease agreement.

(C) Height Regulations: Shall be that as provided by the concession/lease agreement.

(D) Area Regulations: Shall be that as provided by the concession/lease agreement except that no structure may be built within twenty-five (25) feet of any other zoning district within the City.

(E) Parking: Shall be that as provided by the concession/lease agreement.

(F) Signage: Shall be that as provided by the concession/lease agreement.

(G) Any third party will be required to file a copy of the concession/lease agreement with the City of South Padre Island, Public Works Department, which shall control that party's use of the property.

## **Sec. 20-10 District "E" - Low Density Residential--Single-Family and Townhouse Dwelling District.**

(A) Purpose--This district is composed of those areas of the City whose principal use is and ought to be single-family dwellings and single-family attached Townhouse dwellings. This district is characterized by dwelling units with separate and distinct owners who own and reside within the dwelling units or rent these units.

This district is intended to create and preserve areas of essentially single-family residential character, and promote a single-family residential neighborhood environment.

(B) Use Regulations:

- (1) Dwellings, one family.
- (2) Townhouses.
- (3) Accessory buildings, including private garage and bona fide servants' quarters, not for rent. When the accessory building is directly attached to the main building it shall be considered an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway may be considered a part of the accessory building. The floor area of all accessory buildings on the lot shall not exceed fifty percent (50%) of the gross floor area of the principal structure.
- (4) Temporary buildings to be used for construction purposes only, and which shall be removed upon the completion or abandonment of the construction work.
- (5) 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 to be used on the site only. A building permit is required for the installation of a field office and shall be valid for a one (1) year period, renewable upon expiration if sales are still active.
- (6) Special Exceptions: Public Service Facility. (Ord 96-05. 10-2-96); Residential accessory uses in a vacant lot that is contiguous with a residential single family lot having a principal building under common ownership.

(C) Height Regulations: No building shall exceed forty-five (45) feet, when measured vertically from the center line of the street to the highest point of the building.

(D) Area Regulations:

- (1) Front yards:
  - (a) There shall be a frontyard having a depth of twenty-five (25) feet.
  - (b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided upon both streets.
  - (c) Corner lots shall provide the minimum frontyard setback along both streets, with the exception of corner lots on Laguna and Gulf Boulevards. The frontyard setback for both the Laguna and Gulf Boulevard frontages or corner lots shall be ten (10) feet.
- (2) Side yards:
  - (a) There shall be a side yard on each side of the lot having a clear width of not less than five (5) feet, including projections of the side of the building such as eaves, cornices, porches, stairways, carports, etc.
  - (b) In all cases where the side yard is adjacent to a side street, the side yard shall not be less than ten (10) feet.
  - (c) Where canals, bay front, beach front, and/or yacht basins occur at the side of lots, buildings may extend to the bulkhead abutting such canals, bay front, beach front, and/or yacht basins.
- (3) Rear yards: Same as District "A" (minimum of 20'), except:

- (a) The structure may have decks and/or balconies extending within 10 feet of the rear property line, as long as said decks or balconies are not enclosed and shall only have enclosures thereabouts as may be required as a good building practice. Any open deck or patio that undertakes to extend beyond the twenty (20) feet rear yard setback within ten (10) feet of the rear property line as provided for herein, shall be erected or placed in such a manner after a permit specifically therefore is issued by the Building Inspector. The open deck allowed within said area may not in any manner be enclosed, and by way of illustration and not by limitation, such as awnings, shutters, walls or having fixtures or any other type of device other than that which is required as a safety measure under the Building Codes. Any subsequent enclosure on a lawfully extended deck hereunder shall be deemed a violation of this Ordinance.
- (b) Where canals, bay front, beach front, and/or yacht basins occur at the rear of lots, buildings may extend to the bulkhead abutting such canals, bay front, beach front, and/or yacht basins.
- (4) Area of lot:
  - (a) For a single-family dwellings the minimum area of a lot shall be 5,000 square feet, or as recorded in the County Courthouse as of November 7, 1979.
  - (b) For attached single-family Townhouse dwellings, the minimum area of a lot shall be 2,500 square feet per dwelling unit.
- (5) Width of lot:
  - (a) For a single-family dwelling, the minimum width of a lot shall be fifty (50) feet.
  - (b) For attached single-family Townhouse dwellings, the minimum width of a lot shall be twenty-five (25) feet.
- (6) Depth of lot: The minimum depth of a lot shall be one hundred (100) feet.
- ~~(7) Parking Regulations: Off street parking spaces shall be provided on the lot to accommodate two (2) vehicles for each dwelling unit; however, no supporting member of any garage structure shall be located within the required front yard.~~
- ~~(87)~~ Sanitation: There shall be no sewage disposal without water carriage. Chemical toilets may be erected on a temporary basis during construction only.
- ~~(98)~~ Special Area Requirements: In no instance shall more than four (4) single-family attached Townhouses be connected as a single unit.
- ~~(109)~~ Driveways: All driveways shall be limited to a maximum of twenty-six (26) lineal feet in width. No driveway shall extend beyond the required five (5) foot sideyard setback on either side of the residence. For Townhouse uses, an additional minimum open space area of one (1') foot on each Townhouse lot shall be required between the driveways of each adjoining Townhouse along the length of the common, interior property line for the length of the driveway.

**Sec.20-11 Special area regulations.**

- (A) Front, side and rear yard fences, walls, etc.

(1) Any fence, wall, or other structure higher than thirty inches (30") above walk grade and located within any front yard setback is hereby declared to be an obstruction; except that a fence, wall, or other structure higher than 30" may be erected within any front yard setback provided that it is not higher than six (6') feet in height as measured from walk grade, does not obstruct the right of way, and that the portion located above 30" has a 2 open : 1 obstructed ratio that can be seen through.

(2) On any lot on which a side or rear yard is required by this Chapter, no wall or fence shall be erected that exceeds seven (7) feet above grade. The facing and backing of solid or hollow masonry walls shall have the grouting "finished" in accordance with good construction practice. Surface improvements such as the application of stucco, surewall, or paint, etc. shall appear on both sides and top of the masonry wall.

(B) Drilling prohibited within 1,000 feet of structure. It shall be unlawful for any person, corporation or other legal entity to conduct any type of drilling operations within the City for the exploration and/or recovery of oil or gas or other minerals within one thousand (1,000) feet of any type or kind of building or structure that is at any time habitated or used by people.

(C) Recreational Vehicles/Mobile Equipment

(1) Recreational Vehicles - Definitions

(a) Motor Homes - A qualifying vehicle is a self-propelled completely self-contained vehicle which contains some or all of the conveniences of a home including cooking, sleeping, and/or permanent sanitary facilities, and in which the driver's seat is accessible in a walking position from the living quarters, and designed for temporary recreation, camping, or travel use.

(b) Travel Trailers, Camping Trailers, and Fifth Wheel Trailers - Vehicles designed as living quarters for temporary recreation, camping, or travel use, which do not have their own motor power, but are designed to be drawn by another vehicle.

(c) Truck Camper - Any unit primarily designed as temporary living quarters for recreation, camping, or travel use, which is capable of being occupied and designed to be temporarily attached to the bed or frame of a truck.

(d) Mobile or Manufactured Home - A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code, and so designed and constructed as to permit its transport on wheels, temporarily or permanently attached to its own chassis, from the place of its manufacture to the location of which it is intended to be occupied, connected to utilities, for year-round occupancy, as a permanent dwelling unit. A mobile or manufactured home shall not be considered a recreational vehicle.

(2) Regulations for Recreational Vehicles within the City of South Padre Island, Texas.

- (a) Recreational Vehicles are prohibited from being used as rental properties or as permanent living quarters.
- (b) Recreational Vehicles, whether occupied or unoccupied, shall not be parked for more than ten (10) hours or overnight along any street right-of-way.
- (c) Recreational Vehicles, whether occupied or unoccupied, shall not be parked on any unimproved lot or upon any improved lot where the permanent residence is unoccupied. The only exception to this provision shall be after a major storm or other similar community-wide event in which a homeowner is using the recreational vehicle as temporary housing (upwards of 120 days – with a one-time 60 day permit extension available) while awaiting the completion of repairs to the residential property damaged in the event. As soon as electricity becomes available, it is expected that the recreational vehicle will be connected with the electricity of the residential property and not to generators.
- (d) Recreational Vehicles, shall be kept in good repair and in working condition, with a current license plate, unless stored in a parking garage or other permitted parking area.
- (e) The storage of recreational vehicles upon non-commercial property is permitted, provided all of the following conditions are met:
  - (i) The subject property shall be improved residential property with a permanent dwelling unit, not an unimproved, vacant property.
  - (ii) The stored Recreational Vehicle shall not, at any time, be used as living quarters upon the subject property.
  - (iii) Such vehicles shall be limited to those owned by the occupant of the permanent dwelling.
  - (iv) Recreational Vehicles shall not be stored where such parking or storing constitutes a vehicular traffic hazard or a threat to public health or safety.
  - (v) The stored Recreational Vehicle shall be maintained with monthly cleanup of weeds, tall grass, trash.
  - (vi) The Recreational Vehicle shall not be stored within the frontyard and sideyard setbacks.
  - (vii) Overnight parking of a recreational vehicle, belonging to the resident of the permanent dwelling unit, upon the driveway of the permanent dwelling unit, in preparation for a trip or the return from a trip, for a period not to exceed seven (7) days, shall not be considered "storage," and shall be permitted.
- (f) Commercial storage facilities for Recreational Vehicles shall:
  - (i) Be surfaced with a permanent, all-weather surfacing.
  - (ii) Be maintained with a monthly cleanup of weeds, tall grass and trash.
  - (iii) Be enclosed with a minimum of six (6) feet tall solid wood fence or masonry wall.
  - (iv) The overnight parking of a recreational vehicle upon private property and within the designated off-street parking area of a hotel or motel, by a guest of that hotel or motel, for the duration of the guest's stay, shall not be considered "storage," and shall be

permitted, provided that the recreational vehicle is simply parked, and is not occupied, or otherwise used for residential purposes.

- (g) Overnight visitor parking of a Recreational Vehicle on private property may be permitted under the following circumstances:
    - (i) The Recreational Vehicle must be parked upon an improved residential property.
    - (ii) The occupant of the permanent dwelling unit upon the property must be in residence at the time of the visit.
    - (iii) The visit shall be limited to a maximum duration of not more than seven (7) consecutive days.
    - (iv) The total number of visits to any individual property shall not exceed a maximum of six (6) visits per calendar year.
    - (v) A permit authorizing the visit has been issued by the City of South Padre Island. The permit application shall be filed by the occupant of the permanent dwelling unit, and shall contain the specific duration of the stay and a copy of the vehicle registration reflecting the ownership of the subject Recreational Vehicle. The issued permit shall be placed in a window of the visiting Recreational Vehicle such that it is visible at all times from the adjacent street.
  - (3) Mobile Equipment - Definition
    - (a) Livestock trailers, tractor trailers, dump trucks, trucks licensed for over one (1) ton, which are used for commercial or industrial purposes, and such other vehicles not defined as recreational vehicles.
  - (4) Regulations for Mobile Equipment within the City of South Padre Island.
    - (a) No one may reside in, or occupy overnight, any Mobile Equipment.
    - (b) No Mobile Equipment may be parked along any street right-of-way or front yard setback for more than ten (10) consecutive hours, or overnight. [Ord 09-04]
  - (5) Commercial sales activities shall be prohibited from Recreational Vehicles and/or Mobile Equipment. (added by Ord 02-01)
- (D) Temporary Structures: Notwithstanding the requirements of the City Code of Ordinances which regulates structures and their use on a year-round basis, the City Manager, or designee, may grant permits for temporary structures to be located in any zoning district except as outlined in paragraphs 2 & 3 below. To qualify for a permit, the proposed temporary structure must comply with the following requirements:
- (1) Temporary structure permits may be issued to the owner or tenant of the permanent business structure located upon the same property where the temporary structure is proposed. No permits will be issued to second parties who will operate a business activity from the temporary structure independent of that conducted in the permanent structure.
  - (2) Temporary structures are prohibited within one-hundred and fifty (150') feet of Padre Boulevard.
  - (3) Commercial sales activities of any kind are not allowed in temporary structures regardless of their location.
  - (4) Temporary structures shall not be deemed to include motorized vehicles such as, automobiles, trucks, buses, or recreational vehicles.

- (5) Depending upon the nature of the business to be conducted from the temporary structure, all other relevant City codes and ordinances shall be met; i.e., the Zoning Ordinance, the Sign Ordinance, Health Codes.
- (6) Generally, all unattended temporary structures shall be secured against high wind and intrusion. However, because the community can be subject to high winds and severe weather on a random basis, the City reserves the right to suspend all temporary structure permits at any time, and require the immediate removal of all such temporary structures.
- (7) The permit application materials for a temporary structure shall include:
  - (a) A statement of the proposed use of the temporary structure.
  - (b) A statement of the time period during which the temporary structure will be located upon the site. (Maximum of thirty (30) days in a calendar year, starting January 1 – December 31.)
  - (c) The name, address, telephone number, fax number (if applicable), and driver's license number or employer identification number of the applicant.
  - (d) A site plan reflecting the location of the proposed temporary structure upon the property, its distance from the permanent structure, the areas of ingress and egress from the permanent structure, the gross square footage of the permanent structure, location of any vehicle access points to the property, and the location and number of any parking spaces upon the property.
  - (e) Payment of a One Hundred Dollar (\$100.00) application fee.
- (8) Temporary structures shall not block or otherwise obstruct a fire exit or other form of safety ingress/egress..
- (9) City Exemption: Notwithstanding the requirements of this City Code of Ordinances relating to open display and the use of temporary structures, the City of South Padre Island shall be exempt from all provisions herein, and is expressly permitted to authorize the use of public property and the public right-of-way for the purposes of outdoor display and temporary structures for the purpose of publicly sponsored events, as well as recognized events sponsored by other agencies authorized by the City.(amended by Ord 02-01, 12-04)

**Sec. 20-11.1 Outdoor displays--Regulations and Requirements. [Ord No. 01-03]**

It shall be unlawful for any person to set up outdoor display facilities for merchandise upon any property within the City of South Padre Island, unless the same owner, operator or concessionaire is also the owner, lessee, or tenant of a permanent structure located on the same property and in full compliance with the Zoning and Building Codes of the City. Any person desiring to set up outdoor display facilities shall comply with the following:

- (A) No displays of merchandise on top or side of buildings or in any manner hanging on or from the building with the exception of windsocks and spinners;
- (B) No storage of merchandise or inventory in vehicle(s), trailers or outside of the building;
- (C) All outdoor display facilities or fixtures must be secured and/or anchored so that they will not become detached in winds up to 75 miles per hour and must be



- removed daily at the close of business and brought into the place of business or placed in a fenced-in area on the property that is secure and windproof;
- (D) All outdoor display(s) shall only be permitted during the hours the business is open and staffed of each day;
  - (E) All outdoor display facilities, except for windsocks and spinners, must be located within an area not to exceed Five (5) feet from the front wall of the main structure. The total maximum area may not exceed one hundred (100) square feet and may include two (2) displays, but no single display area can exceed fifty (50) square feet;
  - (F) Windsocks and spinners will be allowed to display outside up to a maximum of Fifteen (15) items and these must be attached to the front structure of the business;
  - (G) No outdoor display may eliminate any existing parking, block sidewalks in any way, and may not cause patrons to park or encroach on the City's right of way;
  - (H) Up to a maximum of six (6) periods (dates) per calendar year as designated by the City Manager merchants will be allowed to display merchandise normally sold by the merchant. No tents will be allowed in any outdoor display facility;
  - (I) Kite stores may continue to display pursuant to (F) above which has no limitation for time period except for (D) above.
  - (J) Beach floats only can be displayed outside for the summer months beginning the weekend before Memorial Day and ending the weekend after Labor Day as specified in (E) above.

**Sec.20-12      Certain non-conforming uses.**

- (A) Uses existing prior to passage of ordinance deemed conforming or non-conforming. Any lawful use of property existing prior to zoning or re-zoning of said property that does not conform to the regulations of Chapter 20 of the Code of Ordinances shall be deemed a non-conforming use; except that any duplex or apartment use existing prior to November 9, 1979 shall be thereafter deemed a conforming use.
- (B) Future non-conforming uses prohibited. The lawful use of land existing prior to zoning or re-zoning of said property, although such does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued for six (6) months, any future use of said premises shall be in conformity with the provisions of this ordinance. 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.
- (C) Reverter of non-conforming use to lower classification prohibited. The lawful use of a building existing prior to zoning or re-zoning of said property 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 is 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.

- (D) Continuance of non-conforming use subject to regulations. The right of any 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.
- (E) Restoration of damaged building permitted. Nothing in this order shall be taken to prevent restoration of a building destroyed to the extent of not more than fifty-one percent (51%) of its reasonable value by fire, explosion or other casualty or act of God or public enemy, nor the continued occupancy or use of such building, or part thereof, which existed at the time of such partial destruction.
- (F) Improvements and additions to existing non-conforming uses. The Board of Adjustment may grant the right to improve or make additions to existing non-conforming uses, after a public hearing, and subject to the following limitations and requirements, to wit:
  - (1) Additions or improvements shall only be considered for the same non-conforming use.
  - (2) Any additions or improvements shall not increase the original non - conforming use (being the size of the structure(s) at the time it became a non-conforming use) by more than 100%.
  - (3) All property owners within 200 feet of any application to expand a non-conforming use shall be notified of the hearing before the Board of Adjustment at least 15 days prior to the date of the hearing.
  - (4) Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in the City's official newspaper.
  - (5) The Applicant hereunder shall be responsible for all costs incurred for the hearing and permit process along with a \$100 fee.
  - (6) The Applicant must demonstrate to the Board of Adjustment that the proposed addition or improvements will have no or minimal negative impact upon surrounding properties or upon the character of the neighborhood or the application will be denied."

**Sec.20-13      Setback area -- Special regulations and uses.**

- (A) Setbacks--Area Not To Be Used. No vertical structures or manufacture of any kind, temporary or permanent, or any types of goods, wares or merchandise of any kind, nor other property of any kind, will be placed within the setback requirements required by this code, except for fences, signs, trash pads, walks, linen cabinets as detailed in Section 20-13(E) below and retaining walls and the sideyard setback may have placed in it swimming pool equipment, trash pads, walks, shower pads and air conditioning equipment not to exceed first floor level. The setback area shall be that portion of the property between a public right-of-way or lot line and the permissible building line for that piece of property. [Ord 98-03; Jan 1998]
- (B) Determining Setback Requirements. When determining the setback requirements for this Chapter, the setback lines for a structure will vary for different portions of that structure as it increases in height, thereby allowing stair stepping in determining the setback requirements. Each time a building reaches a height that requires an additional setback, only that portion of the building at that height must meet the additional setback, and the lower portions must only comply with the setback as applied to it.

~~(C)~~—[Repealed Ord 09-12, Nov 2009]

- (D) Beach Lots--Rear Yard. All buildings located East of Gulf Blvd. are not required to maintain a rear yard regardless of any provision in this Chapter to the contrary and may build the rear of their structure to the building line as established by the Attorney General of the State of Texas.
- (E) Linen Cabinets: Linen cabinets may be placed in the side and rear-yard setback areas with an approved Building Permit for such installation, under the following conditions:
- Only within the “C”, “C-2”, “D” and “D-1” zoning districts.
  - A minimum of a five (5') foot separation must exist between the linen cabinet and any structure, excluding fences.
  - The receptacle must be anchored at or above the six (6') foot elevation and must be built and anchored to meet FEMA and windstorm standards for permanent structures.”

## **Sec.20-14      Parking Regulations.**

### **(A) General Requirements:**

- (1) No parking garage or structure shall be erected in a required front or side yard. (Ord. No. 77A, 7-1-81)
- (2) The requirement for the provision of eight (8) stacking spaces for any use that will provide a drive through sales facet to its operation to insure that traffic will not back-up onto the public right-of-way.
- (3) Parking lot shall be landscaped in accordance with Sec.20-21 Required Landscaping.
- (4) Compact Parking – 10 % of the required parking may be compact parking. Compact Parking is defined as parking spaces that are laid out as eight (8) feet by sixteen (16) feet.
- (5) Commercial parking lots are prohibited within Districts “A”, “B-2” and “E”.
- (6) Required parking for a non-residential use may be located off-site under the following circumstances:
  - (a) No more than Fifty (50) Percent of the required parking for the use may be located off-site.
  - (b) The off-site parking location must be ① a contiguous property on the same side of the street as the property upon which the principal use to be served by the off-site parking is located; ② a property directly across the street from the principal use, but no farther than Ninety Feet (90') from the nearest property line of the principal use; or ③ a remote property when valet parking is utilized.
  - (c) If the off-site parking lot is located on another street, within Ninety Feet (90'), from the principal use, and the principal use does not abut and have pedestrian access to the proposed off-site parking lot, pedestrian access must be created between the principal use and the off-site parking lot, by means of a private pedestrian easement agreement granted to the Property Owners Association and/or property owner of the principal use. The easement shall be recorded in Cameron County and filed with the City of South Padre Island. A public right-of-way shall not serve as the means for meeting the pedestrian access requirements to install an off-site parking lot established in this section.
  - (d) A written agreement, prepared by the applicant and drawn to the satisfaction of the City Attorney, shall be executed by all parties concerned and filed on record

in the Office of the Cameron County Recorder as a covenant upon the property upon which the principal use is located, requiring the owners, heirs, or assigns to maintain the required number of off-street parking spaces.

- (e) As a conditional use permit application, said off-site parking plan shall be reviewed and recommended by City staff and reviewed by the Planning and Zoning Commission on an individual plan basis and said recommendations will be sent to the City Council for final approval.

**(B) Number of Parking Required:**

- (1) Single family and Townhouse uses shall provide off-street parking spaces on the lot to accommodate two (2) motor vehicles for each dwelling unit; no supporting member of any garage, carport or any garage structure shall be located within the required front yard. [Amended by ordinance 07-19, 10-17-2008]
- (2) Multi-family dwellings shall provide two (2) off-street parking spaces per unit; or, may provide parking at a ratio of 1.5 spaces per unit and comply with In-Lieu Parking Fee as an alternative to compliance with the parking standard established in this section. (Ord No. 11-09)
- (3) Rooming and lodging houses shall provide off-street parking space at the ratio of one (1) space for each two (2) guests for which accommodations are provided.
- (4) Hotels and motels shall provide one (1) off-street parking space for each guest bedroom in the building. For hotels and motels erected after August 1, 1994, the number of parking spaces required shall be one (1) off-street parking space for each guest bedroom in the building plus Fifty Percent (50%) of the off-street parking requirements from the various accessory uses operated upon the property, such as restaurant and retail space, computed in accordance with the requirements of Chapter 20 of the Code of Ordinances (Zoning), as if they were principal uses.
- (5) Private clubs and lodges shall provide off-street parking space in a ratio of one (1) space for each one hundred and fifty (150) square feet of gross floor area in the lodge or club.
- (6) Places of assembly shall provide off-street parking space on the lot sufficient to accommodate one (1) automobile for each five (5) seats.
- (7) Places of Worship shall provide one (1) off-street parking space for each five (5) fixed seats in the sanctuary or auditorium; OR one space for every 100 square feet of floor area within the sanctuary/auditorium, whichever is greater.
- (8) Schools shall provide one off-street parking space for each fifteen (15) students plus one (1) each for each teacher.
- (9) Hospitals shall provide off-street parking space on the lot sufficient to accommodate one (1) automobile for each five (5) beds, but in no case shall less than five (5) off-street parking spaces be provided.
- (10) Clinics shall provide off-street parking at a ratio of one (1) space for each two hundred and fifty (250) square feet of gross floor area within the structures but in no case shall less than five (5) off-street parking spaces be provided.
- (11) Theaters shall provide off-street parking space in a ratio of one (1) space for each five (5) seats.
- (12) Nightclubs shall provide off-street parking space in a ratio of one (1) space for each one hundred and fifty (150) square feet of gross floor area. For nightclubs constructed or converted from other uses after August 1, 1994, off-street parking spaces shall be

- provided in a ratio of one (1) space for every One Hundred Square feet (100 sq. ft.) of gross floor area.
- (13) Bowling alleys shall provide off-street parking space at a ratio of two (2) spaces for each alley.
- (14) Dance halls, commercial amusement establishments and skating rinks shall provide off-street parking space at a ratio of one (1) space for each one hundred fifty (150) square feet of gross floor area.
- (15) Restaurants and cafes shall provide off-street parking space in a ratio of one (1) space for each one hundred and fifty (150) square feet of gross floor area. For restaurants and cafes constructed or converted from other uses after August 1, 1994, off-street parking spaces shall be provided in a ratio of one (1) space per One Hundred square feet (100 sq. ft.) of gross floor area.
- (16) Retail stores and office buildings shall provide off-street parking space in a ratio of one (1) space for each two hundred fifty (250) square feet of gross floor area. (Ord. No. 77A, 7-1-81)
- (17) Retail, office and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods such that no part of the truck or trailer will be in a dedicated street, alley or easement during loading or unloading or parking.
- (18) Amusement uses:
- (a) Amusement parks and/or uses shall be determined by the Planning and Zoning Commission on an individual plan review basis.
  - (b) Amusement (centers) uses shall provide one (1) parking space for each 250 square feet of gross floor area.
- (19) Mixed Use Developments:
- (a) For the purposes of this section on parking, Mixed Use Developments must contain only: residential uses and retail, office and/or restaurant uses.
  - (b) Parking for residential units will be consistent with the residential and multifamily parking requirements currently in existence; however, each residential unit shall be required to have at least one assigned parking space.
  - (c) Retail and office space shall use a ratio of one (1) parking space for every 250 ft of gross floor area, including storage rooms and bathrooms.
  - (d) A restaurant use will be required to provide one (1) parking space for every 225 ft of gross floor area; in no case shall the restaurant floor area equal more than 40% of the total commercial floor area of the development.
  - (e) Off-Street parking for Mixed Use Developments (projects/developments that contain both residential and commercial uses within the same structure) that have uses other than those mentioned in (a) above shall be determined by the Planning and Zoning Commission on a case-by-case basis if the developers wish to propose a Shared Parking arrangement. The Commission may include conditions to these permits and should consider the mix of businesses and uses, the hours of operation, participation and use of the public transportation system, and the condition and use of pedestrian and other mobility infrastructure in the area.

### **(C) Offsite Parking Design Standards**

- (1) Streetscape and Perimeter Landscaping

- (a) Provide a landscaped area at least 3 feet in width between surface parking and all property lines.
- (b) Edge treatments along streets and other public spaces should visually screen parked vehicles, but not completely obstruct views into and out of the parking lot for the purpose of supporting pedestrian safety and security.
- (c) For parking lot edges adjacent to streets, parks or other public open space, provide the following:
  - at least one row of shade trees, spaced evenly at intervals ,appropriate to the selected species, for the length of the parking lot edge; and
  - screening, consisting of continuous planting, alone or in combination with a low decorative fence/wall or a landscaped berm. Typically, keep shrubs, fences or walls to a maximum height of thirty inches.
- (d) Set back screening at least 1' from the edge of public street right-of-way. Screening should not encroach into the public street right-of-way.
- (e) Install a permanent irrigation system in all landscaped areas. Where possible, collect rainwater from rooftops and other surfaces for plant irrigation. Identify hose bibs, sprinkler outlets, storage reservoirs, and other applicable irrigation elements on the Building Permit. Locate valves and other maintenance controls in discrete, yet accessible areas.
- (f) Where landscaping might impact motorist pedestrian sight distance, keep shrubs below 24" in height and prune trees so that the lowest branches will be at least 6' above ground level.
- (g) Ensure overhanging branches of trees or shrubs adjacent to pedestrian pathways maintain a clear headspace of at least 8'.
- (h) Coordinate tree planting with the location of light standards and other utilities.

(2) Legally Conforming Non-Conforming Off-Site Parking Lots – Off- site parking lots in existence, at the time of the enactment of this section, that do not conform to the streetscape and perimeter landscaping requirements established in this section shall be considered legally conforming off- site parking lots.

#### **(D) Valet Parking**

- (1) Conditional Use Permit. The conditional use permit application shall include a parking plan and program providing the following minimum information:
  - (a) The names, addresses, and telephone numbers of the applicant, the property owner, and/or the independent contractor, as applicable;
  - (b) The location, parking space layout, dimension of spaces, number of spaces, drive aisles, valet parking service stands and valet routes (This shall also include the placement of any traffic cones to be used);
  - (c) The proposed hours and days of operation of the valet parking service;
  - (d) A plan to minimize noise, loitering and trash within and adjacent to the off-site valet parking lot;
  - (e) The drop-off and pick-up areas must be safe from traffic hazards and be adequately posted;
  - (f) Valet parking must be off-street, and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that off-street location; and
  - (g) Proof of insurance.

(2) Violations

- (a) It shall be an offense to operate a valet parking service within the city on a public right-of-way for maneuvering vehicles without a conditional use permit issued by the city.
- (b) It shall be an offense if, at a time other than the hours and days of operation authorized in a conditional use permit, anyone operates a valet parking service within the city on a public right-of-way.

(3) Denial or Revocation of a Conditional Use Permit; Temporary Suspension.

- (a) The conditional use permit shall become null and void if:
  - a. The property owner, and/or the independent contractor fails to comply with the requirements of this article or other applicable law;
  - b. The property owner, and/or the independent contractor makes a false statement of material fact or omission on an application for a conditional use permit; or
  - c. The City Council determines that the operation of the valet parking service would endanger the public health, safety and/or welfare.
- (b) The City Council, the City Manager, Public Works Director, Police Chief, Fire Chief or their designated representatives may temporarily suspend the operations of a valet parking service if the public right-of-way used by the valet parking service is needed for maintenance, emergency use and/or special events.

(4) Standards for Operation of a Valet Parking Services

- (a) The applicant shall:
  - a. Allow only employees and independent contractors who hold a valid state driver's license, and who are covered by the insurance required by this article, to operate any vehicle in connection with the valet parking service;
  - b. Not obstruct a pedestrian's use of a sidewalk;
  - c. Place no more than one valet parking service stand on the public right-of-way;
  - d. Not place nor allow the placement of a sign advertising the valet parking service in the public right-of-way, except as provided in this article; and,
  - e. Not park a vehicle on the public right-of-way and shall only an off-street parking location to park a vehicle accepted for valet parking service.
- (b) Except for the authorized hours of operation of a valet parking services, spaces reserved by the valet parking service shall be available for use by the general public on a first-come, first served basis in accordance with posted signs and/or other traffic control devices, except where parking is restricted or prohibited.

(5) Valet Parking Service Stands

- (a) The applicant may place one valet parking service stand on the public right-of-way at a location approved. The valet parking service stand must be necessary to the general conduct of the valet parking service and shall be used for such purposes, including, but not limited to, the dispatch of valets and the storage of keys, umbrellas and other necessary items.
- (b) A valet parking service stand shall:



- a. Not occupy an area of the public right-of-way exceeding four feet in width and four feet in depth;
  - b. Not be affixed to the public right-of-way in any manner;
  - c. Be removed from the public right-of-way when the valet parking service is not being operated; and
  - d. Not unreasonably interfere with pedestrian or vehicular traffic.
- (c) A name and/or logo may be placed on a valet parking service stand for the sole purpose of identifying the valet parking service. The identification of the valet parking service shall be limited to 12 sq. ft.

(6) Location of a Valet Parking Service

- (a) Spaces and stands for a valet parking service may not:
  - a. Be within ten (10) feet of a crosswalk;
  - b. Be within ten (10) feet of a fire hydrant, fire call box, police or other emergency facility;
  - c. Be within five (5) feet of a driveway;
  - d. Be within three (3) feet in front of or fifteen (15) feet behind a sign marking a designated bus stop;
  - e. Be within five (5) feet of a bus bench; or
  - f. Reduce the unobstructed space for the passage of pedestrians to less than four (4) feet.
- (b) The City Manager or his/her designee may require greater distances than those prescribed in this subsection (a) when warranted by special vehicular or pedestrian traffic conditions.

(7) Insurance. (Texas Transportation Code Sec. 686.004)

- (a) The minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility are:
  - a. \$100,000 for bodily injury to or death of one person in one accident;
  - b. \$300,000 for bodily injury to or death of two or more persons in one accident, subject to the amount provided by Subdivision (1) for bodily injury to or death of one of the persons; and
  - c. \$50,000 for damage to or destruction of property of others in one accident.
- (b) The comprehensive general liability insurance must be on a broad form and provide limits of liability for bodily injury and property damage of not less than \$300,000 combined single limit or the equivalent.
- (c) The garage insurance must provide limits of liability for bodily injury and property damage of not less than \$300,000 combined single limit, or the equivalent, and must provide the following coverages:
  - a. Comprehensive and collision coverage for physical damage;
  - b. Coverage for vehicle storage; and
  - c. Coverage for a vehicle driven by or at the direction of the valet parking service.

(8) Indemnification and Hold Harmless

The applicant, and any independent contractor used by the applicant must execute a written agreement to indemnify and hold harmless the City and its officers and



employees against all claims or injury or damage to persona or property arising out of the operation of the valet parking service.

**(9) Sign and Markings**

The City Manager and/or his/her designee is authorized to place city signs or curb markings at a location permitted for a valet parking service pursuant to this article.

The signs and markings shall:

- (a) Indicate that the location is restricted for use by a valet parking service;
- (b) State the days and hours of operation of the valet parking service; and
- (c) Include a tow away sign.

**(E) In-Lieu of Required Parking**

(1) Bike Rack In-Lieu of Required Parking. For new development and existing uses and development, On-site Required Parking may be reduced by 1 (One) space, if the property owner elects to install a four unit bike rack. The bike racks shall meet the following conditions:

- (a) Required bicycle parking spaces shall be at least 2 feet by 6 feet, and an access aisle of at least 5 feet shall be provided in each bicycle parking facility. Such space shall have a vertical clearance of at least 6 feet;
- (b) Bicycle parking facilities shall be located in a clearly designated safe and convenient location on site;
- (c)The design and location of such facility shall be harmonious with the surrounding environment;
- (d) The facility location shall be at least as convenient as the majority of auto parking spaces provided;
- (e) Where applicable, position racks at least three feet from curb ramps to not impede pedestrian movements, especially those with vision or mobility impairments;
- (f) Do not position racks in loading zones;
- (g) 20 inch minimum distance between rack and curb;
- (h) Do not position racks within roadside bus stops;
- (i) Ensure that a six foot long bicycle can utilize the rack without impeding pedestrians; and
- (j) Only stainless steel or anodized aluminum bicycle parking racks may be used to satisfy the requirements of this section. Bike racks shall be maintained in a structurally sound and rust free state.

(2) In-Lieu Parking Fee. Multi-Family Dwellings located in District “B” and “B-2” may reduce the required on-site parking by electing to use the In-Lieu Parking Fee Option established in this section.

- (a) Fee Collection process. A fee may be paid for multi-family uses in lieu of complying with parking regulations established in the City of South Padre Island, Code of Ordinances, and Chapter 20 Zoning Ordinance. The collection process and the amount of fees for provision of public parking in the Parking System shall be as specified below.
- (b) Amount of Fee.

- (i) The amount of payment for each required parking space shall be fixed by resolution adopted from time to time by the City Council, but in no case shall exceed the estimated, normal, current cost to the City of providing required parking spaces to serve the contemplated use.
  - (ii) Fees paid in accordance with this article are collected to fund a general public parking program and are not intended for any specific improvement project. The fees paid shall be the most current fees as established by the City Council.
  - (iii) Any off-street parking requirement satisfied in this manner shall run with the land, and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement.
- (c) Time of Collection of Fees. Fees for all development projects for which payment of fees in lieu of on-site parking is desired shall be paid prior to the issuance of building permits. Fees for development projects which do not require building permits shall be paid before any other applicable City approval is made final.
- (d) Use of Fee. The fees collected shall be used for the following purpose: to construct or provide new public parking spaces.
- (e) Current Fee Schedule. The City Secretary shall maintain the current fee schedule. The City Secretary shall make the current fee schedule available for public review upon request.
- (f) Trust Fund. An interest-bearing trust fund shall be maintained exclusively for the development of the City of South Padre Island Parking System. These trust funds and interest earned by these trust funds shall be used solely for the development of the City of South Padre Island Parking System. Upon receipt by the City of South Padre Island, fees collected shall be deposited in the appropriate Parking trust fund.
- (g) Phasing. If a project is phased, payment of fees pursuant to this article may be similarly phased as agreed upon between the applicant and the Director of Transit and Development.
- (h) Termination. If this fee program is terminated, any excess funds collected prior to dissolution of this fee program shall be used within City of South Padre Island Parking System.

#### **(F) Uses Affecting Parking Areas.**

- (a) Parking areas--diminishing by commercial display, etc. prohibited. No person, party or entity may display any wares or merchandise or make any other use of the parking area located upon their property, if said display or use will cause the number of parking spaces to be less than those currently required. In no event may any person make use of the parking area which would effectively cause said property to have less than the minimum legally required parking spaces for the particular property use as is currently required by other ordinances and codes of the City. (Ord. No. 92, 9-2-81)
- (b) No conversion of use unless parking requirements met. No person, party or entity shall convert or change the use of property without also meeting the current required parking requirements for that particular use. (Ord. No. 92, 9-2-81)

(c) No expansion unless parking requirements met. No person, party or entity may expand, convert or add to any existing use of property without the same meeting the current requirements of parking spaces for the property. (Ord. No. 92, 9-2-81)

**(G) Reduction of Required Parking.**

Commercial use properties for which a Building Permit has been granted prior to August 26, 2003, may substitute up to twenty percent (20%) of their required parking spaces for landscaping.

**Sec.20-15      Certificate of occupancy and compliance.**

- (A) Building permit required for change in use. No building erected or structurally altered shall be used, occupied or changed in use until a building permit shall have been issued by the Building Inspector stating that the building or proposed use of a building or premises complies with the building laws and the provisions of this ordinance.
- (B) Certificate of occupancy and compliance required. Certificates of occupancy and compliance shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection and structural alterations of such buildings shall have been completed in conformity with the provisions of this ordinance. A record of all certificates shall be kept on file in the office of the City and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
- (C) Excavation prohibited without permit. No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy and compliance.
- (D) Architect or engineer to be legally registered. Before a permit shall issue for a building of three (3) stories or more in height or 5,000 square feet in area, except one and two-family dwellings, the designer of such building shall be an architect or engineer legally registered under the laws of this State and he shall affix his official seal to the drawings and specifications for the building.

**Sec.20-16      Board of adjustment; Appeals.**

(a) **Creation of Board of Adjustment.** There is hereby created a board of adjustment consisting of five (5) members and three (3) alternate members to be appointed by the City Council. All members, including alternates, must be residents of the City of South Padre Island. Said board shall have all powers vested by the Texas Local Government Code Ch. 211.

(b) **Terms, Removal of Members.** All members of the board shall be appointed for two year terms and shall serve until their successors are appointed and qualified and shall be removable for cause by the City Council upon written charges and after public hearing.

(c) **Vacancies.** Vacancies in the regular membership of the board of adjustment shall be filled by the city council. Vacancies of the alternate board of adjustment member(s) shall be appointed at large by the city council, and determined by majority vote, for the unexpired term of

vacancy. The alternate members serve for the same period and are subject to removal the same as regular members.

(d) **Minimum of four (4) Members at Hearings.** The alternate members of the board of adjustment shall serve in the absence of one (1) or more regular members when requested by the Mayor or City Manager so that all cases heard by the board of adjustment will always be heard by a minimum of four (4) members, in conformity with state law requiring that seventy-five (75) percent of the members of the board hear each case. Alternates may participate in meetings on a rotating basis subject to availability.

(e) **Minutes/Records.** The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the City Secretary and shall be a public record.

(f) **Meetings and Rules.** The board shall have monthly meetings or at the call of the chairman or in his absence the acting chairman, and at such other times as the board may determine. All board meetings shall be open to the public. The board may adopt rules consistent with this chapter or state law to govern its proceedings.

(g) **Powers of Board.** The board of adjustment shall have the following powers and duties which must be exercised in accordance with this chapter and state law:

- To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance.
- To authorize upon appeal in specific cases, and subject to appropriate conditions and safeguards, such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done. A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons. In exercising its authority, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official. The concurrent vote of seventy-five (75) percent of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official; decide in favor of an applicant on a matter on which the board is required to pass under the zoning ordinance; or authorize a variation from the terms of a zoning ordinance.

(h) **Compensation of Members.** None

(i) **Notice of Hearings.** Public notice of hearings before the board of adjustment shall be given for each separate appeal thereby by publication one (1) time in a paper of general circulation in the city, stating the time and place of such hearing which shall not be earlier than ten (10) days from the first date of such publication, and in addition thereto, the board of adjustment shall mail notice of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation, or exception, is desired and to all other persons deemed by the board of adjustment to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city.

## **Sec. 20-16.1 VARIANCES AND APPEALS, SPECIAL EXCEPTIONS**

### **Sec. 20-16.1. Generally.**

(a) **Notice of Hearings.** Public notice of hearings before the board of adjustment shall be given for each separate appeal thereby by mailing notice of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation, or exception, is desired and to all other persons deemed by the board of adjustment to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city.

(b) **Powers Strictly Construed.** Nothing herein contained shall be construed to empower the board of adjustment to change the terms of the Zoning Ordinance, to effect changes in the official map or to add to the specific uses permitted in any district.

(c) **Findings of Fact.** Every decision of the board of adjustment shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the board is required to pass under this article or to affect any variance in this chapter shall be construed as limitations on the power of the board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed in compliance with this article.

(d) **Recommendation From Other Public Agencies.** The board of adjustment shall receive and consider recommendations from public and semipublic agencies before rendering a decision in any case before the board. To this end, the board shall, in addition to the other requirements of this chapter, notify all agencies deemed to have an interest in the case.

(e) **Postponement of a Case.**

(1) Prior to the city publishing the board of adjustment case in the newspaper, an applicant may request in writing for the city to postpone the case. In such cases, the applicant shall have six (6) months from the date of the written request for postponement to reactivate the case. After expiration of the six-month period the fees paid shall be non-refundable and the applicant will have to submit a new application with new fees for further consideration of the request.

(2) If a written request for postponement is submitted by the applicant after the city has published the case in the newspaper, the fees paid shall be non-refundable and the hearing will not be rescheduled until the postponement fee has been paid by the applicant. In such cases, the applicant shall have six (6) months from the date of the written request for postponement to reactivate the case; after expiration of the six-month period, the applicant will have to submit a new application with new fees for further consideration of the request.

(3) If a written request for postponement is submitted by the applicant after the agenda has been posted (seventy-two (72) hours prior to the public hearing), the postponement will be considered by the board of adjustment. If approved by the board, the fees paid shall be non-refundable and the hearing will not be rescheduled until the postponement fee has been paid by the applicant. In such cases, the applicant shall have six (6) months from the date of the board's decision to grant the postponement, to reactivate the case; after expiration of the six-month period, the applicant will have to submit a new application with new fees for further consideration of the request.

### **Sec. 20-16.2. Appeals to Board of Adjustment.**

**(a) Applicability.**

(1) Generally. Any of the following persons may appeal to the board of adjustment a decision made by an administrative official: A person aggrieved by the decision; or Any officer, department, board, or bureau of the city affected by the decision.

**(b) Initiation.**

(1) Application. Such appeal shall be taken by filing with the Planning Department and with the board of adjustment, within the time provided by this chapter, a notice of appeal specifying the particular grounds upon which the appeal is taken and the payment of the fee. Upon receipt of a notice of appeal, the Planning Department shall transmit to the board of adjustment all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed from was based.

(2) Automatic Stay. An appeal from an order of the Public Works Director or Planning Director to the board of adjustment shall stay all proceedings unless the City Planner certifies that, by reason of the facts stated in the certificate, a stay in his opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by the board of adjustment or a court of proper jurisdiction.

(3) Time Limit for Appeal. The board of adjustment shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. Appeals to the zoning board of adjustment from any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter shall be made within thirty (30) days after such order, requirement, decision or determination by filing with the director of the department of development services and with the board of adjustment a notice of appeal.

**(c) Completeness Review.** The Planning Director shall review the notice of appeal for completeness within five (5) working days. The appellate agency for purposes of completeness shall be the board of adjustment.

**(d) Decision.**

(1) Appearance. A party may appear at the appeal hearing in person or by agent or attorney.

(2) Hearing. The board of adjustment shall consider the appeal at a quasi-judicial public hearing pursuant to Texas Local Government Code § 211.009(b), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official Pursuant to Texas Local Government Code § 211.009(b), the concurring vote of seventy-five (75) percent of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official.

(3) **Time Limit for Decision.** The board shall decide the appeal within a reasonable time.

**(e) Appeal from Board of Adjustment.** An appeal from a board of adjustment decision shall be filed pursuant to Texas Local Government Code § 211.011(b) with the District Court or County Court at Law.

### **Sec. 20-16.3. Special Exceptions**

(A) Purpose and Intent.

A special exception is a permitted land use that is allowed in a zoning district if listed as a special exception use, subject to specific conditions that may be imposed by the Board of Adjustment.

(B) Procedure.

(1) The application shall first be reviewed by City staff for compliance with City codes, regulations, and policies.

(2) After reviewing any foreseeable impacts and/or concerns raised at the hearing on the application, the Board of Adjustment may:

1) Grant the application without conditions. In this case, the Board of Adjustment shall determine and state that there is no negative impact on public health, safety and general welfare on the applicable zoning district;

2) Accept the application with conditions; or

3) Deny the application. In this case, the Board of Adjustment shall determine and state that there are negative impacts on public health, safety and general welfare on the applicable zoning district, and those negative impacts cannot be resolved by any conditions.”

### **Sec.20-17 Penalty for violation to apply to owner, architect, builder, etc.**

The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, and/or 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.

### **Sec.20-18 Changes and amendments.**

(A) City Council may change district boundaries. The City Council may from time to time amend, supplement or change by order the boundaries of the Districts or the regulations herein established.

(B) Submission of changes to the Development Standards Review Task Force. Any proposed changes/revisions/amendments to the Form Based Code (Padre Boulevard and Entertainment District Code) shall be reviewed by the Development Standards Review Task Force prior to being submitted to the Planning and Zoning Commission. The Development Standards Review Task Force shall make recommendations to the Planning and Zoning Commission.

(C) Submission of changes to Planning and Zoning Commission. Before taking action on any proposed amendment, supplement or change, the City Council shall submit same to the Planning and Zoning Commission for its recommendation and report in the event there is a Planning and Zoning Commission, and if there is no Planning and Zoning Commission then the City Council may amend this ordinance as provided by law.

(D) Public hearing required. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be published at least once fifteen (15) days prior to the hearing in the newspaper, stating the time and place of such hearing.

## **Sec.20-19      Variances.**

No variance of the provisions of this Chapter may be granted by any official of the City, and may be only granted by the Board of Adjustment, and if there be no Board of Adjustment, by the City Council. (Ord. No. 2A, 8-7-74)

## **Sec.20-20      Designation of Public Parks, Beaches, etc.**

Notwithstanding any provision to the contrary contained within this Zoning Ordinance, the City Council may designate public parks, beach areas, rest areas and other public facilities within any zone in the City.

## **Sec. 20-21      Required Landscaping.**

### **(A)      Applicability:**

- (1) All properties for which a Building Permit is granted after the effective date of this Section 20-21 shall be required to comply with these regulations.
- (2) Properties for which a Building Permit dated prior to the effective date of this Section 20-21 (August 26, 2003) has been issued will be required to comply with these landscaping regulations if/when:
  - a) additions or renovations of the property change the square footage of the property by 50% or more; and/or
  - b) the Certificate of Occupancy is modified.
- (3) Under no circumstance may an owner of any property reduce the amount of landscaping to less than the amount required by this section regardless of the time they were issued a building permit or certificate of occupancy.

### **(B)      Maintenance:**

- (1) All landscaping required by these ordinances shall be maintained in a neat and healthy condition. Such maintenance shall be an ongoing obligation of the owner of the property and prompt replacement shall be made of diseased or dead plant materials. The owner shall also be responsible for containing mulch, soil, bark, aggregate, etc. on his or her own property and preventing this debris from washing out of the planting bed and onto the public or private right-of-way.
- (2) City's right to trim and remove. City reserves the right to prune and remove trees, plants and shrubs within the rights of way of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary for construction, to ensure public safety, or to protect utility facilities thereon.
- (3) Dangerous trees and unsafe conditions. City may remove, or cause or order to remove, any tree, shrub or other vegetation or part thereof which is in an unsafe condition or which by reason of its nature is injurious to or threatens to injure sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect or other pest.



- (C) Minimum Area, and Location of Landscaping: Except as and to the extent otherwise provided herein, all required landscaping shall be placed within the front-of-building area, except that for corner lots such landscaping shall also be placed within the side-of-building-area as well, and shall be distributed fairly equally within such area. For the purpose of calculating the minimum required landscaping area, parking garages, private streets/roads, swimming pools, and those areas enclosed by a visually impenetrable fence/wall having a height of six feet (6') or greater as measured from walking grade will be excluded if located within the front-of-building area or required setback area. In no case shall a property have less than twenty-five (25) square feet of landscaping planted visible from the street.
- (1) Single Family Use: The area of required landscaping shall not be less than 30% of the minimum front yard setback area in accordance with the requirements of this Section 20-21.
  - (2) Townhouse Use: The area of required landscaping shall not be less than 15% of the minimum front yard setback area in accordance with the requirements of this Section 20-21.
  - (3) Commercial / Multifamily Uses (Hotel, Motel, Condominium, Duplex, etc.): The area of required landscaping shall not be less than 20% of the front-of-building area in accordance with the requirements of this Section 20-21. Commercial properties may substitute up to 20% of their required parking spaces only for additional landscaped areas (above and beyond these minimum requirements) if the owner can reasonably justify that the parking is not needed for the business.
  - (4) Corner Lots: An additional 10% of the side-of-building-area shall be landscaped in accordance with the requirements of this Section 20-21.
  - (5) For those developed properties that have no building by which to determine "front-of-building area" (e.g. parking lots), the area of required landscaping shall not be less than 10% of the entire lot in accordance with the requirements of this Section 20-21, also distributed fairly equally within the lot.
  - (6) Other materials such as planters, bark mulch, brick, stone, natural forms, water forms, and aggregate (but not concrete or asphalt) may be used provided the 80% coverage of live plant materials will be achieved. Plant material will be measured at a point no higher than 3 feet above grade.
- (D) Tree Requirements: For the purposes of this section, trees shall be planted within the required landscaped area at a ratio of one tree per 300 square feet of required landscaped area; provided, however, that no less than one (1) tree shall be planted on each lot.
- (E) Lines of Sight: To minimize traffic hazards at street or driveway intersections, all landscape installations must provide unobstructed views in accordance with sight triangle requirements as denoted within Article 2.22 of the *Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island, Texas*.
- (F) Trees in Public Easements:
- (1) Existing trees shall be maintained wherever possible.
  - (2) Tree planting shall be avoided within public easements.

(3) When planting is required by the City Ordinance or landscaping plan, no trees other than shrubs (not listed in the table) and those species listed in the table below may be planted under or within fifteen (15) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground public utility line.

(4) The table below should be used in selecting tree species. When specific tree species cannot be found from the table, Director of Development Services or his/her designee shall decide those appropriateness.

Scientific Name	Common Name	Secondary Name	Leaf Type	Texas Native	Firewise	Height (ft)
<i>Vitex agnus-castus</i>	Lilac Chastetree	Vitex	Deciduous	No	Yes	15
<i>Cephalanthus occidentalis</i>	Common Buttonbush		Deciduous	Yes	Yes	18
<i>Acacia farnesiana</i>	Huisache	Sweet Acacia	Semi-evergreen	Yes	Yes	20
<i>Acer palmatum</i>	Japanese Maple		Deciduous	No	Yes	20
<i>Aesculus pavia</i> var. <i>pavia</i>	Red Buckeye		Deciduous	Yes	Yes	20
<i>Cercis canadensis</i> var. <i>mexicana</i>	Mexican Redbud		Deciduous	Yes	Yes	20
<i>Cordia boissieri</i>	Wild Olive	Maxican-Olive	Evergreen	Yes	Yes	20
<i>Crataegus</i> spp.	Hawthorn		Deciduous	Yes	Yes	20
<i>Frangula caroliniana</i>	Carolina Buckthorn	Indian Cherry	Deciduous	Yes	Yes	20
<i>Hamamelis virginiana</i>	American Witchhazel	Witch Hazel	Deciduous	Yes	Yes	20
<i>Helietta parvifolia</i>	Baretta		Evergreen	Yes	Yes	20
<i>Ilex decidua</i>	Deciduous Holly	Possumhaw	Deciduous	Yes	Yes	20
<i>Lagerstromia indica</i>	Crapemyrtle	Crape Myrtle	Deciduous	No	Yes	20
<i>Morella cerifera</i>	Southern Bayberry	Waxmyrtle	Evergreen	Yes	Yes	20
<i>Pyrus calleryana</i>	Callery Pear	Ornamental Pear	Deciduous	No	Yes	20
<i>Rhus copallinum</i>	Shining Sumac	Winged Sumac	Deciduous	Yes	Yes	20
<i>Rhus lanceolata</i>	Prairie Sumac	Flameleaf Sumac	Deciduous	Yes	Yes	20
<i>Sophora affinis</i>	Eve's Necklace	Texas Sophora	Deciduous	Yes	Yes	20
<i>Sophora secundiflora</i>	Mescalbean	Texas Mountain Laurel	Evergreen	Yes	Yes	20
<i>Ungnadia spexiosa</i>	Mexican Buckeye		Deciduous	Yes	Yes	20
<i>Viburnum rufidulum</i>	Rusty Blackhaw	Rusty Blackhaw Viburnum	Deciduous	Yes	Yes	20
<i>Zanthoxylum fagara</i>	Colima	Lime Pickly Ash	Evergreen	Yes	Yes	20
<i>Chilopsis linearis</i>	Desert Willow		Deciduous	Yes	Yes	25
<i>Chionanthus virginicus</i>	White Fringetree	Grancy Graybeard	Deciduous	Yes	Yes	25
<i>Condalia hookeri</i>	Brazilian Bluewood	Brasil	Evergreen	Yes	Yes	25
<i>Ilex vomitoria</i>	Yaupon Holly	Yaupon	Evergreen	Yes	No	25
<i>Prosopis pubescens</i>	Screwbean Mesquite	Tornillo	Deciduous	Yes	Yes	25
<i>Prunus mexicana</i>	Mexican Plum		Deciduous	Yes	Yes	25
<i>Quercus incana</i>	Bluejack Oak	Sandjack Oak	Deciduous	Yes	Yes	25

(G) Landscape Plan submission and validity:

(1) The location and square footage of all landscaping required by this ordinance shall be shown on a site plan submitted with any application for a building permit. Square footages of all landscaping areas and

number and location of trees shall be shown on the site plan. A Certificate of Occupancy will not be issued until the applicant has installed all required landscaping.

- (2) The Building Inspector may at his/her discretion issue a temporary Certificate of Occupancy, not to exceed 60 days, in the event of inclement weather, natural disasters, or for other good cause shown.
- (3) Approved landscaping plans shall be valid as long as the building permit for the project is valid.
- (H) Enforcement: Should any person fail to comply with the requirements of this chapter, such failure shall constitute a violation as set forth in Section 20-17 and 21-2 of these City Ordinances.

**Sec. 20-22     (Reserved) Reduction of Required Parking.**

~~Commercial use properties for which a Building Permit has been granted prior to the effective date of Section 20-21 above (August 26, 2003), may substitute up to twenty percent (20%) of their required parking spaces for landscaping.~~

**Sec. 20-23.     PLANNED DEVELOPMENT DISTRICTS (PDD DISTRICT).**

(A)     Purpose and Intent.

The purpose of each and every Planned Development District is and shall be to:

- 1) Provide flexibility in planning for the development of medium and large tracts of land (and, in appropriate circumstances as set forth herein below, small tracts of land) incorporating one or more types of residential or commercial development and related uses which are planned and developed as a unit;
- 2) Establish a procedure for the development of one or more tracts of land under unified control in order to reduce or eliminate the inflexibility that would otherwise result from strict application of land use standards and procedures which are designed primarily for individual lots;
- 3) Ensure orderly and thorough planning and review procedures that will result in quality design and the creation and improvement of common open space and pedestrian circulation;
- 4) Encourage mixed uses and avoid monotony in large developments by allowing greater freedom and flexibility in selecting the means to provide access, light, open space, and amenities; and
- 5) Provide for flexibility in the strict application of certain land use regulations, development regulations, and design standards as set forth elsewhere in the City of South Padre Island Zoning Ordinance.

- (B)     Creation of Planned Development District. The City Council of the City of South Padre Island, after public hearing and proper notice to the public generally (via publication) and to all landowners individually whose property (or any portion thereof) lies within two hundred feet (200') of any portion of the proposed planned development district (via certified mail), may authorize a Planned Development District upon and in accordance with the provisions of the Section 20-23.

- (C) Authorized Land Uses. Land located within any authorized Planned Development District may be used:
- 1) for any residential or commercial use which is permitted in any other district authorized by the City of South Padre Island Zoning Ordinance, and/or
  - 2) for any combination of one or more of such authorized uses.

(D) Minimum District Size.

- 1) General Rule. Except as otherwise authorized by this Section 20-23, no Planned Development District shall be authorized, created or permitted which is less than five (5) acres in gross area. Notwithstanding anything contained in the City of South Padre Island Zoning Ordinance or otherwise to the contrary, the perimeter boundaries of the proposed district (without any deduction whatsoever of or for any areas within the proposed district) shall be used in determining the gross area of any proposed planned development district. No such district may surround, encompass or incorporate any land which is not a part of such district.
- 2) Exception. Notwithstanding the general rule set forth in Section 20-23 (D)(1) above, the City Council may (but are not required to) authorize the creation of a planned development district encompassing one or more discrete parcels of land which are under unified control, but which total less than five (5) acres in gross area, if the Board finds:
  - i. That specific, identifiable circumstances [e.g., geographic or other features which adequately differentiate such parcels(s) from adjoining properties] make application of the purposes of planned development districts to such parcels(s) appropriate;
  - ii. That the land uses proposed to be incorporated within such sub-sized district are not incompatible with the existing land uses surrounding such proposed district; and
  - iii. That the creation of such sub-sized districts will not result in an instance of “spot zoning”.

All other requirements and provisions of this Section 20-23(D)(2) to the contrary, no special development district shall be authorized, created or permitted which does not include all of the land located within any block within which any part of the proposed district exists.

(E) Requirements; Procedures. Any person or entity who desires to develop property located within the jurisdiction of this ordinance and who desires to have such property approved as a PDD (the “applicant” shall comply with the following:

- 1) The applicant shall first submit to the Planning and Zoning Commission of the City of South Padre Island (the “Commission”) a written request for the approval of such property as a PDD, on such form as may be prescribed for such purpose by the City’s Director of Public Works. Such application shall be accompanied by a full legal description of the property together with a title report, power of attorney, or other satisfactory evidence confirming that the property proposed for inclusion in the PDD is under the unified control of the applicant.
- 2) Prior to any consideration of such application by the Commission, the applicant shall first submit to the Commission a comprehensive site plan of the proposed development (provided, however, that an applicant may submit a

“concept plan” containing less than the full information required hereunder, as a means for obtaining Commission reaction and input to the applicant’s project). Such site plan shall show building footprints, locations uses, height limitation, public or private streets, drives or other means of ingress and egress, sidewalks, utilities, on-site drainage, parking spaces, lot coverage, yards and open spaces, common areas, landscaping, screening walls and/or fences, and any other development and protective requirements considered necessary to create a reasonable transition onto, as well as adequate protection for, adjacent property. The site plan shall be accompanied by a statement from the applicant specifying the unique characteristics of the proposed project, special design standards, if any (including a schedule of proposed building materials, and physical samples thereof if desired by the applicant or required by the Commission), special features, and the applicant’s vision for the project. If the contemplated development is intended to proceed in separate phases, the separate phases shall be identified and a projected schedule of the order in which the phases will be completed shall also be included.

- 3) The Commission shall consider the application, the comprehensive site plan, and related statements submitted by the applicant. In so doing, the Commission shall provide guidance to the applicant as to those features of the submissions, if any, which the Commission deems unacceptable or inadvisable, and shall afford the applicant reasonable opportunity to modify or amend its submissions so as to address any such unacceptable or inappropriate items. At such time thereafter as the applicant requests, or when the Commission determines that further modification of the submissions is not forthcoming, the Commission shall vote to approve or disapprove the proposed district. In approving any PDD, the Commission may also recommend imposing specifically. Variation from City requirements may be allowed in order to create the character and nature of the project, but except as and to the extent otherwise expressly approved by the Commission, City standards for subdivision and construction shall apply.
- 4) If the Commission votes to approve the proposed district, such approval shall be deemed an affirmative recommendation to the City Council, and such approval, including any recommended conditions and any approved variations from City standards, together with the application, the site plans as approved by the Commission, and any related statements of the applicant, shall be forwarded to the City Council for approval or disapproval. If the Commission votes to disapprove the proposed district, such disapproval shall be deemed a negative recommendation to the City Council, and the reasons for the Commission’s disapproval shall be set forth in the minutes of the Commission’s proceedings and furnished to the City Council (together with the application, the site plan, as dis-approved by the Commission, and any related statements of the applicant). The applicant may appeal any such disapproval to the City Council upon giving the Commission notice of such intent within fifteen (15) days after the date of the Commission’s vote of disapproval.
- 5) Upon receipt of an affirmative recommendation from the Commission, or upon any appeal by an applicant of a negative recommendation from the Commission, the City Council shall approve or disapprove the creation of the

proposed PDD. In approving any such PDD, the City Council may impose such conditions relative to the standard of development generally, or relative to particular aspects of the plan specifically, as the Board deems in the best interests of the City of South Padre Island. Such conditions shall not be construed as conditions precedent to approval of the zoning amendment, but shall be construed solely as conditions precedent to the granting of a Certificate of Occupancy for any building, other structure or improvement located within such district.

- 6) Upon approval of any proposed PDD by the City Council, the final site plan as approved, together with any standards, conditions or requirements imposed in connection therewith, shall be automatically incorporated within, and shall thereafter comprise a part of the City of South Padre Island Zoning Ordinance, and shall be applicable within the boundaries of such approved PDD.

**Editors Note:** The Shores Subdivision depicted on the City zoning map is the only Planned Development District approved by the City with an extensive set of standards and specification that are on file in the Planning Department of the City.

## **Sec. 20-24 Specific Use Permits, as follows:**

### **(A) Purpose and Intent**

(1) The City Council of the City of South Padre Island, Texas, after a public hearing and proper notice to all parties affected and after recommendations by the Planning & Zoning Commission may authorize the issuance of Specific Use Permits.

(2) The purpose and intent of a Specific Use Permit is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of a Specific Use Permit application.

### **(B) Procedure**

(1) The Planning & Zoning Commission in considering and determining its recommendations to the City Council on any request for a Specific Use Permit may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function, and design characteristics of any building or use proposed.

(2) The City Council may, in the interest of the public welfare and to insure compliance with this ordinance, establish conditions of operation, location, arrangement, and type and manner of construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions.

(3) All Specific Use Permits approved in accordance with the provisions of this ordinance in its original form or as hereafter amended shall be referenced on the Zoning Map.

### **(C) Supplementary Regulations for Amusement Redemption Machine Establishments**

(1) Prior to formally requesting a Amusement Redemption Machine Establishment Specific Use Permit application the applicant(s) and owners shall secure a criminal background check from the City's Police Department and submit the report as an attachment to the application for the Special Use Permit.

(2) Applicant's, an applicant's spouse, or an employee convicted of any of the following offenses as described in Chapter 43 of the Texas Penal Code within a period of five years preceding the application, are ineligible to submit a Specific Use Permit. An applicant, an applicant's spouse or an employee has been convicted of a felony as defined in section 1.07 of the Texas Penal Code within a period of five years preceding the application; an applicant, an applicant's spouse or an employee has been convicted any of the gambling offenses as described in Chapter 47 of the Texas Penal Code within a period of five years preceding the application; an applicant, an applicant's spouse or an employee has been convicted any of the following offenses as described in Chapter 21 of the Texas Penal Code within a period of five years preceding the application:

a. public lewdness; b. indecent exposure; or c. indecency with a child.

(3) Amusement Redemption Machine Establishment shall be prohibited within 300 feet of the following: a. church; b. school; or c.. hospital

(4) The sale, distribution and possession of alcoholic beverages are prohibited in an Amusement Redemption Machine Establishment Uses.

(5) PERSONS UNDER 18 PROHIBITED; SIGN TO BE DISPLAYED

a. No person under the age of 18 years shall be permitted on the premises of any Amusement Redemption Machine establishment unless accompanied by a parent or adult guardian.

b. Any person holding a Specific Use Permit to operate an Amusement Redemption Machine permit shall prominently display on the premises a sign reading as follows:

“PLAY BY MINORS UNDER EIGHTEEN YEARS OF AGE NOT ALLOWED UNLESS ACCOMPANIED BY PARENT OR ADULT GUARDIAN”.

(6) A person who operates Amusement Redemption Machine establishment commits an offense if he knowingly permits a person under 18 years of age to enter or remain on the premises unless accompanied by a parent or adult guardian.

(7) Doors to access the Amusement Redemption Machine Establishment shall be limited to the front of the building.

(8) The City Council shall establish a fee required to capture the cost of administering the Specific Use Permit.

(9) No Specific Use Permits shall be issued to operate Amusement Redemption Machine Establishments in the “A”, “E”, “B” and “B-2” Zoning District. Specific Use Permits may be granted for Amusement Redemption Machine Establishments in “C”, “C-2” “D”, “D-1” and “D-2”.

## **Sec. 20-25 Urban Design Model Projects.**

a) Purpose. The purpose and intent of Urban Design Model Project is to allow the City to authorize the implementation of model projects which through urban design enhance the City's built environment by improving safety and mobility for vehicles, pedestrians, and bicyclist.

The City Council may approve “Urban Design Model Project” which through urban design, public-private partnerships, and multi-modal transportation alternatives results in a superior urban form than realized through our current development regulations. Demonstration projects must clearly contribute to greater safety through design for pedestrians, bicyclist and motorist.

Approval of Urban Design Model Projects shall authorize the applicant to develop a project with:

- 1) Alternate front, side, rear yard setback
- 2) Reduced parking requirements

- 3) Encroachments in pedestrian easements for building awnings and tables
- 4) Outdoor dining
- 5) Alternate Floor heights
- 6) Alternative signage requirements
- 7) Alternative parking layouts

b) Procedure: An applicant for an Urban Design Model Project must submit an application to be placed on the agenda for the Planning and Zoning Commission for review and recommendation of the proposed project. The Planning and Zoning Commission shall prepare a report for the City Council prior to the City Council considering the request for designation of an Urban Design Model Project. The application must describe the proposed project including, variations from Zoning Regulations and enhanced elements of urban design achieved through the proposed Urban Design Model Project. [Ord 09-16, 11/18/09]

**Editors Note**The following eight pages have Appendix A of the Padre Boulevard and Entertainment District Code that was adopted as Appendix “Z”. The entire Appendix “Z” is on file with the City Planner



**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**MEETING DATE:** September 17, 2015

**ITEM:** 11 & 12

**TO:** Planning and Zoning Commission

**FROM:** Sungman Kim, Director of Development Services

**ITEM DESCRIPTION:**

Discussion and action regarding rezoning of Veranda Condominium from **District "E"** (Low Density Residential – Single Family and Townhouse Dwelling District) to **District "B"** (Multiple family dwellings, apartments, motel, hotel, condominium, townhouse district).

**DISCUSSION:**

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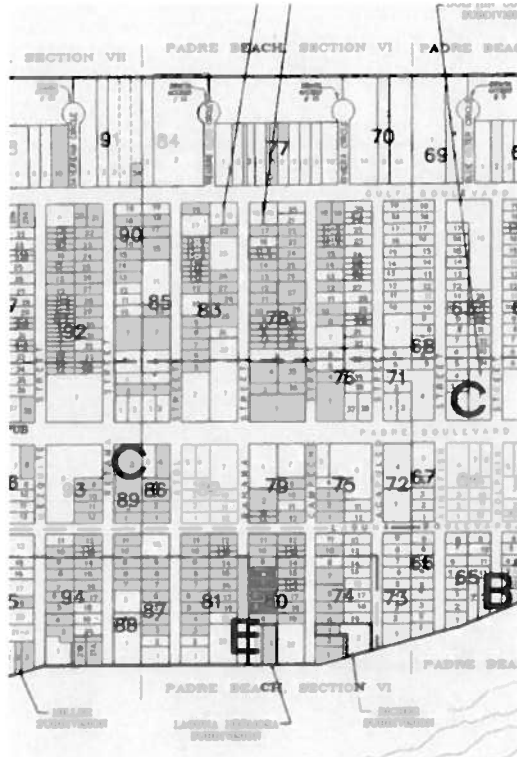
**The Ownership**

Multiple owners

**Legal Description and the Location**

Legal Description: PADRE BEACH SECTION VI, LOTS 5-8 BLOCK 80, DEC 15-887,  
6/24/1982

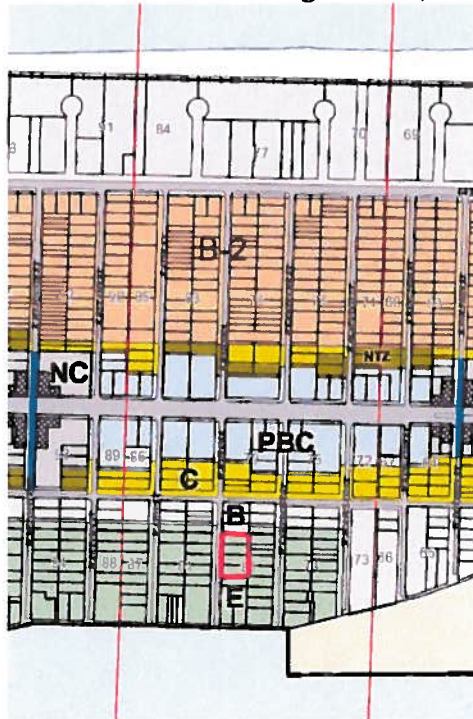
The Location: 211 West Bahama



**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**Current Zoning**

Veranda Condominium, with 16 rental units, has been zoned under District “E” (Low Density Residential – Single Family and Townhouse Dwelling District) and currently nonconforming.



**Technical Issues**

1. Zoning Ordinance was adopted by Ordinance No. 77 and effective on November 9, **1979**;
2. The Veranda Condominium was built in **1982** and was under District “B” designation;
3. The condominium (lots 5-8) was then rezoned, by Ordinance No. 172, into District “E” along with other neighboring properties in **1994** without a reason (“extremely poor” planning performance);
4. The lot 9, which was in between the Veranda Condominium and the District “B”, was rezoned back into District “B” in **1997**;
5. Staff found any reason that this condominium property should be categorized into a low density residential;
6. No compatibility issue arise due to this change; and
7. The change will not contribute to a spot zoning.

<p style="text-align: center;"><b>PLANNING &amp; ZONING COMMISSION</b> <b>AGENDA REQUEST FORM</b></p>
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### Theoretical Issues

While complying with statutory zoning enabling act requirements, there are three basic requirements that a zoning ordinance must meet to withstand constitutional attack<sup>1</sup>:

1. It must bear a rational relationship to the health, safety, morals or general welfare of the community, so as to **comply with the due process requirements** of the fourteenth amendment<sup>2</sup>;
2. It must **not reduce the value of the land** so as to constitute a taking without compensation, in violation of the fifth amendment<sup>3</sup>; and
3. It must **not be so arbitrary and discriminatory** that its restrictions are a denial of the equal protection of the laws<sup>4</sup>.

A test of this item on constitutionality says that the case is vulnerable to the second (a taking without compensation) and the third (arbitrary and discriminatory) basic requirements.

### Staff Recommendation

Staff strongly recommends the Planning and Zoning Commission approve the proposed rezoning of the Veranda Condominium properties from District "E" to District "B" so that the properties can be under a conforming status and the owners can get their by-rights back.

### COMMISSION ACTION:

#### MOTION:

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BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_

McNulty	Huffman	Vance	Bujanos	Judah	Marra	Olle
Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

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<sup>1</sup> Environment-Environmental Considerations: New Arguments for Large-Lot Zoning, 7 Urban Law Annual, 370 (1974), Available at: [http://openscholarship.wustl.edu/law\\_urbanlaw/vol7/iss1/24](http://openscholarship.wustl.edu/law_urbanlaw/vol7/iss1/24)

<sup>2</sup> Village of Euclid v. Ambler Realty Co., 272 U.S. 365, 395 (1926).

<sup>3</sup> Becker, the Police Power and Minimum Lot Size Zoning, 1969 Wash. U.L.Q. 263, 273.

<sup>4</sup> Traditional racial and economic exclusionary zoning is often invalidated on equal protection grounds. A candid view of exclusionary motives in zoning is provided in Large Lot Zoning, supra note 2, at 1420.

**ORDINANCE NO. 15-**

**AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, BY REZONING LOTS 5 THROUGH 8, BLOCK 80, PADRE BEACH SECTION VI (A.K.A. VERANDA CONDOMINIUM) FROM DISTRICT "E" (LOW DENSITY RESIDENTIAL) TO DISTRICT "B" (MULTI-FAMILY DWELLING, APARTMENT, MOTEL, HOTEL, CONDOMINIUM, TOWNHOUSE DISTRICT); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH VIOLATION; PROVIDING FOR THE EFFECTIVE DATE; AND AUTHORIZING PUBLICATION IN CAPTION FORM.**

**WHEREAS**, the City of South Padre Island has heretofore adopted Chapter 20 (Zoning) of the Code of Ordinances and subsequently adopted Section 20-5 District Map to designate the "Zoning District Map";

**WHEREAS**, the City Council of South Padre Island found that the Veranda Condominium that was built in 1982 had been under non-conforming status;

**WHEREAS**, It is intent of the City Council of South Padre Island to remove any undue hardships that have been imposed to the owners; and

**WHEREAS**, The City has complied with the requirements of Sec. 20-18 of the Code of Ordinances (Zoning) to amend Chapter 20;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:**

**Section 1.** That the Zoning District Map of the City of South Padre Island, Texas, be and the same is hereby designated as follows:

**PADRE BEACH SECTION VI, LOTS 5-8 BLOCK 80, DEC 15-887, 6/24/1982**

Be and the same is hereby rezoned and assigned the zoning designation of District "B" (Multi-family dwelling, apartment, motel, hotel, condominium, townhouse district) as this allowed use is defined in the Chapter 20 (Zoning) of the Code of the City of South Padre Island, Texas.

**Also identified on the Zoning District Map that is attached as Exhibit "A".**

**Section 2.** This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

**Section 3.** Any violation of the above mentioned section of Chapter 20 of the Code of Ordinances of the City of South Padre Island may be punished by a fine not to exceed two thousand Dollars (\$2000.00) for each offense of for each day such offense shall continue and the penalty provisions of Sections of Section 21-2 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

**Section 4.** If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**Section 5.** This Ordinance shall become effective when published in caption form.

PASSED, APPROVED AND ADOPTED on First Reading, the \_\_\_\_ day of \_\_\_\_ 2015.

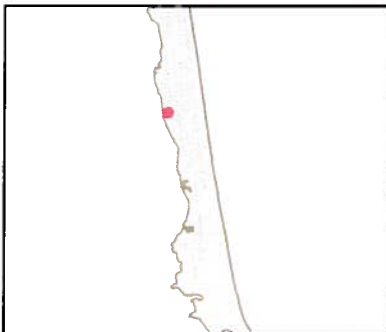
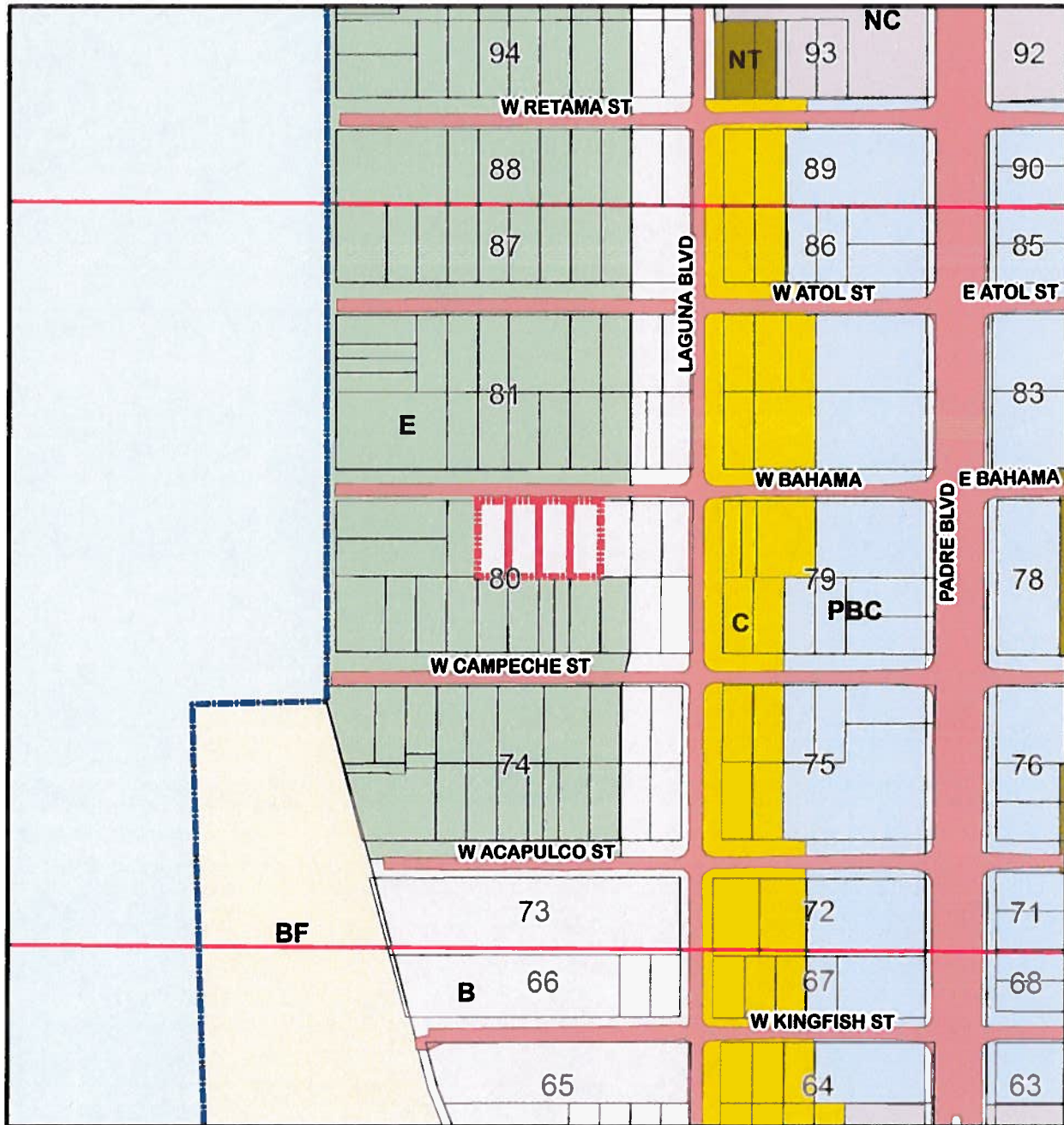
PASSED, APPROVED AND ADOPTED on Second Reading, the \_\_\_\_ day of \_\_\_\_ 2015.

ATTEST:

CITY OF SOUTH PADRE ISLAND,  
TEXAS

\_\_\_\_\_  
SUSAN HILL, CITY SECRETARY

\_\_\_\_\_  
BHARAT R. PATEL, MAYOR



## EXHIBIT "A" REZONING

From: District "E" (Low Density Residential  
-Single Family and Townhouse Dwelling District)  
To: District "B" (Multi-family Dwelling, Apartment,  
Motel, Hotel, Condominium, Townhouse District)

September 3, 2015  
Sungman Kim, PhD, GISP  
Department of Development Services



0 100 200 400 Feet

# Veranda Homeowners Association

211 West Bahama  
South Padre Island, TX 78597  
956-761-5633

City of South Padre Island  
4601 Padre Blvd.  
South Padre Island, TX 78597

September 10, 2015

Atn: Dr. Kim, Director of Development

Ref: Rezoning of Veranda Homeowners Association from District E to District B

Dear Dr. Kim,

I want to thank you for taking the time to speak with us about our current zoning problem at The Veranda Homeowners Association on Bahama St.


From your discussion with our Management Agent, Chacon Realty, LLC, this is causing a problem with the HOA and with our owners trying to sell their properties. That is the reason this issue has come to light. It creates a problem for the HOA in case The Veranda needs to be a rebuilt by source of its zoning. If there is a catastrophic event, the present zoning will not allow the HOA to rebuild because of the fact the property is currently under nonconforming use. As for the owners, the mortgage companies are refusing to lend buyers because of its present zoning.

The Veranda Condominium was built in 1982 and was under District B designation. In 1996, the zoning was changed to District E along with other properties for no logical reason.

We ask the zoning commission to allow the HOA be rezoned to its original zoning- District B. We are not asking for anything that was not part of the original permits and zoning. We are just asking to correct a problem that occurred while the city rezoned several areas in the city of South Padre in 1996.

Dr. Kim, we appreciate your diligent work on this matter and ask the zoning commission to properly zone our complex lots.

Thanks in advance and will see you on September 17, 2015.



Alys Camille Felgner  
Board President- Veranda Homeowners Association

C: Homeowners of Veranda Association