

ORDINANCE NO. 04-07

AN ORDINANCE OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE TOWN OF SOUTH PADRE BY ADDING A NEW ARTICLE V PROVIDING FOR A DEVELOPMENT PLAN REVIEW BOARD; PROVIDING FOR APPOINTMENT OF BOARD; PROVIDING FOR THE PURPOSE OF THE BOARD; PROVIDING FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500) FOR EACH VIOLATION; PROVIDING FOR THE EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION IN CAPTION FORM.

WHEREAS, the Town of South Padre Island has conducted extensive studies and evaluation of a comprehensive development plan for the Town of South Padre Island; and

WHEREAS, one of the requirements generated from such studies is that the Town establish a design-review Board and that all commercial applications for permit be reviewed by such Board; and

WHEREAS, the Board of Aldermen has determined that the plans for the development of all non-residential permits should first be reviewed by the Development Plan Review Board which is hereby established.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS:

SECTION 1: The Code of Ordinances of the Town of South Padre Island is hereby amended to add a new article V to Chapter 4 of the Code of Ordinances to read as follows:

“ARTICLE V Development Plan Review Board

Sec. 4-40 Appointment.

There is hereby established a Board to be called the Development Plan Review Board (hereafter “Review Board”) which will consist of five (5) members and two (2) alternates and said Board shall be appointed by the Board of Aldermen of the Town.

Sec. 4-41 Term of Office.

Each member of the Review Board shall be appointed for a term of two (2) years. Vacancies shall be filled for an unexpired term in the same manner in which the original appointments are made. Continued absences of a member of the Review Board shall, at the discretion of the Board of Aldermen, subject any such member to immediate removal from office.

Sec. 4-42 Quorum.

Four (4) members of the Review Board shall constitute a quorum. No Board member shall act in any case in which he or she has a personal interest.

Sec. 4-43 Procedure.

- A) The Review Board shall establish rules and regulations for its own procedures consistent with the provisions of this Code.
- B) The Review Board shall meet at least twice each month at a regularly established time and may hold any such additional meetings that the Chairman may call.

Sec. 4-44 Election of Chairman.

The Review Board shall elect its chairman and Vice-Chairman and such other offices as the Board may determine to be necessary to assist the Board.

Sec. 4-45 Purpose.

The purpose of the Development Plan Review Board is to develop recommended site plan and exterior design guidelines and ordinances for non-residential uses [all uses other than One (1) or Two (2) family structures] to the Board of Aldermen, as well as to review all such non-residential building site plans and specifications to insure their compliance with Town Ordinances and Town Design Guidelines. Review and approval of said site plans and specifications shall take place prior to receipt of a building permit for said structure(s).

Sec. 4-46 Appeal

Any person aggrieved by the decision of the Development Plan Review Board may appeal such decision to the Board of Aldermen. Such appeal to the Board of Aldermen must be made within ten (10) days from the date the applicant received Notice from the Development Plan Review Board. The Board of Aldermen will hear the appeal within Thirty (30) days of receipt of Notice of the Appeal. The decision of the Board of Aldermen is final."

SECTION 2: Any violation of this Ordinance may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense or for each day such offense shall continue and the penalty provisions of Section 21-1 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

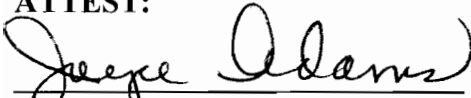
SECTION 3: If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of the Ordinance shall be held unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this Board of Aldermen that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its intended purpose.

SECTION 4: This Ordinance shall become effective when published in summary form according to law.

PASSED, APPROVED, AND ADOPTED on First Reading, this 21st day of April 2004.

PASSED, APPROVED, AND ADOPTED on Second Reading, this 5th day of May 2004.

ATTEST:


JOYCE ADAMS, City Secretary

