

ORDINANCE NO. 13-21

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING SECTION 20-7.1 OF CHAPTER 20 ZONING BY ADDING A SPECIFIC USE PERMIT REQUIREMENTS FOR “OFF-SITE PARKING SPACES IN EXCESS OF REQUIRED SPACES FROM A DIFFERENT ZONING DISTRICT”; CORRECTING SCRIVENER’S ERROR IN NUMBERING; 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 parking has been a major issue especially at around Gulf Boulevard and observed needs for flexibilities in the regulation; 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. (B) Use Regulations of Section 20-7.1 (District “B-2” – Residential & Multi-family Dwelling District) of the Chapter 20 Zoning Ordinance is hereby amended and restated in its entirety to read as follows:

- (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 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-ofway.
- 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.

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.

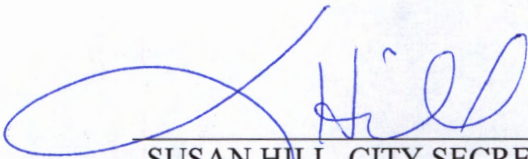
Section 5. This Ordinance shall become effective when published in caption form.

PASSED, APPROVED AND ADOPTED on First Reading, the 16th day of October 2013.

PASSED, APPROVED AND ADOPTED on Second Reading, the 6th day of November 2013.

ATTEST:

CITY OF SOUTH PADRE ISLAND,
TEXAS



SUSAN HILL, CITY SECRETARY



ROBERT N. PINKERTON, JR., MAYOR

