

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 20th day of March, 2013.

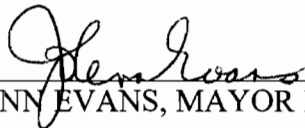
PASSED, APPROVED AND ADOPTED on Second Reading, the 3rd day of April, 2013.

ATTEST:

CITY OF SOUTH PADRE ISLAND, TEXAS



SUSAN HILL, CITY SECRETARY



JO ANNE 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.

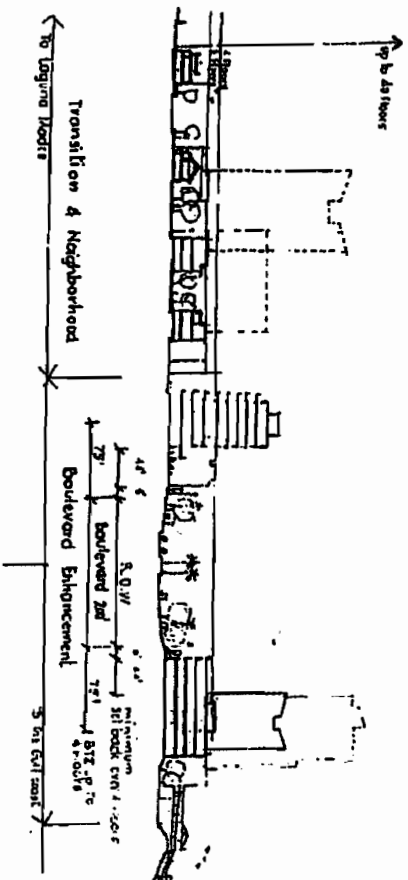
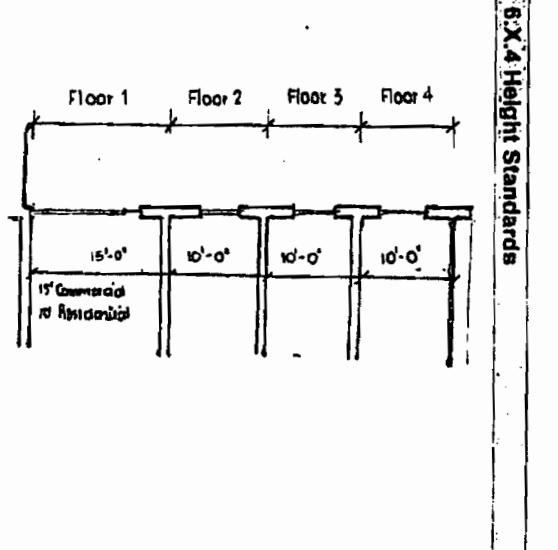
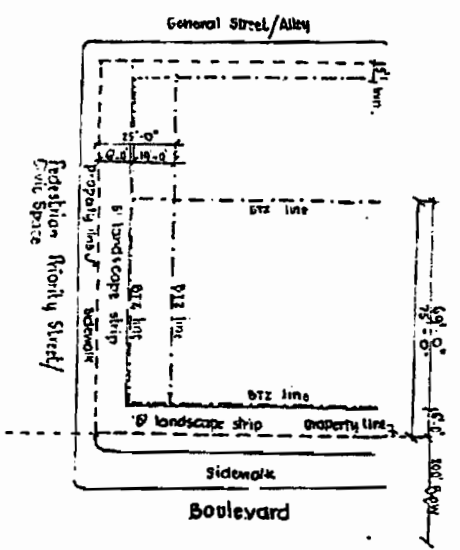


Exhibit "A"

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

6.X.2 Building Placement (see #8)



6.X.4 Height Standards

| | | |
|--|--|--------------------------------|
| (i) Build-To-Zone (see #8) | 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 |
| (ii) Setback (from the property line/ROW) | 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) |

6.X.3 Block Standards

On the West side of the Boulevard: 250' min – 1200' max between secondary streets
On the East side of the Boulevard: None

Principal Building Standards

| | |
|------------------------------------|---|
| Building Max | 4 stories (max) (see #3, #5 and #8) |
| First Floor to Floor height | 15' (min) 10' (min) |
| Commercial 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 |

6.X.5 Frontage Requirements

- (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.
- (ii) Main Street Frontage Standards – standards in section 4.3.1 shall apply.
- (iii) No less than 40% of building frontage is to be located in applicable BTZ.

Notes

- #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 facade along each street frontage. Species of appropriate street trees or shrubs shall be selected from the planting List in Appendix B of the PBED Code.
- #2- side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
- #3- Attics and mezzanines less than 7ft (average) in height shall not be counted as stories.
- #4- Floor to floor heights shall not apply to parking structures.
- #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 facade. See Section 8.1.(v) of PBED Code.
- #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.
- #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 B of the PBED Code
- #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 facade 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.
- #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.

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

| 6.X.6 Parking and Service Access | | Notes |
|--|--|--|
| | | <p>#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 facade along Pedestrian Priority Streets or the Boulevard</p> <p>6.X.7 Other Standards</p> <p>(i) Encroachments: Canopies, signs, awnings, balconies and similar overhangs may encroach over any required setbacks as long as the vertical clearance is a minimum of 8 feet. In a case shall an encroachment be located over any side or rear property or over an on-street parking or travel lane.</p> <p>(ii) Arcades and Colonnades: 1. Arcades and Colonnades are permitted within the build-to zone and shall be a minimum of 8' in depth 2. The minimum interior clearance height within an arcade or colonnade shall be 12'.</p> <p>(iii) Neighborhood Transitions: 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. 2. Building height within this Neighborhood Transition Zone shall not exceed 3 floors. This standard shall apply to all 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.</p> |
| <p>(i) Parking Location</p> <p>Surface / At Grade Parking Pedestrian Priority Street / Civic Space / Boulevard setback General Street Setback Side and Rear setback Property line</p> <p>Min. of 10 feet behind the property line along that street (See #7 and #10) Min. of 3 feet behind the property line along the property line 0' min (see #2 and 6.X.7(iii)) Property line</p> | | |
| <p>(ii) Required Off Street Parking Spaces</p> <p>Non- residential uses Residential Uses Lodging Uses</p> <p>Min. 1 space / 300 SF (gross) 1.5 spaces / unit 0.75 spaces / lodging room</p> | | |
| <p>(ii) Driveways and Service Areas</p> <p>Parking Driveway width</p> <p>TXDOT standards on Boulevard and 24 feet max on all other streets</p> | | |
| <p>6.X.8 Facade Elements</p> <p>(i) Doors and Windows</p> <ol style="list-style-type: none"> 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 Doors and windows on the ground floor of any building shall comprise a minimum of 20% of the facade. Primary entrance doors of all buildings shall be facing civic spaces, the Boulevard or Pedestrian Priority Streets 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. 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. | | |