

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

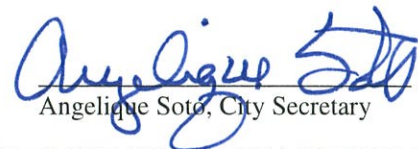
THURSDAY, FEBRUARY 23, 2023
3:00 PM AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS

1. Call to Order
2. Pledge of Allegiance
3. **Public Comments and Announcements:** *This is an opportunity for citizens to speak to the Commissioners relating to agenda or non-agenda items. Speakers are required to address the Commissioners at the podium and give their name before addressing their concerns. [Note: State law will not permit the Planning and Zoning Commission to discuss, debate or consider items that are not on the agenda. Citizen comments may be referred to City Staff or may be placed on the agenda of a future Planning and Zoning Commission meeting]*
4. Discussion and Action
 - 4.1. Discussion and action regarding forwarding recommendations to the City Council related to **ARTICLE VII - SHORT TERM RENTALS Ordinance** related to Zones B, B-2, and E (only related to Single Family Homes and Single Family Attached properties) related to the following: (Ricco/McNulty)
 - A. To possibly require 2 trashcans for properties registered as short-term rentals.
 - B. To possibly require one (1) parking space per bedroom effective (DATE) for all newly registered short-term rentals.
 - C. To possibly require a sign to be placed outside of each short-term rental unit that has the permit #, max occupancy limits, and the manager's contact information.
 - D. To possibly require a sign inside each short-term rental unit that has the permit number, max occupancy listed, noise ordinance restrictions, parking restrictions (max number of cars per permit), and any other restrictions that may be useful.
 - E. To possibly recommend any other changes to the City Council regarding Article VII – Short Term Rental Ordinance that may be related.

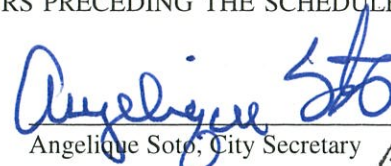
5. Adjourn

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.*

DATED THIS THE 20TH DAY OF FEBRUARY 2023


Angelique Soto, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY 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 **FEBRUARY 20, 2023**, AT/OR BEFORE 2:00 PM AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.


Angelique Soto, 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 THE CITY OFFICIAL, GEORGE MARTINEZ AT (956)761-8103.



**CITY OF SOUTH PADRE ISLAND
PLANNING AND ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: February 23, 2023

NAME & TITLE: Alex Sanchez, Public Works Director

DEPARTMENT: Planning/Parks & Rec. Department

ITEM

Discussion and action regarding forwarding recommendations to the City Council related to ARTICLE VII - SHORT TERM RENTALS Ordinance related to Zones B, B-2, and E (only related to Single Family Homes and Single Family Attached properties) related to the following: (Ricco/McNulty)

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- E. To possibly recommend any other changes to the City Council regarding Article VII – Short Term Rental Ordinance that may be related.

ITEM BACKGROUND

The City Council is requesting the Planning and Zoning Commission to review the related items as it relates to Zones B, B-2, and E (only related to Single Family Homes and Single Family Attached properties) and provide recommendations or suggestions for the City Council to consider related to Short Term Rentals.

Condominiums and Home Owners Associations already have similar restrictions and are not a part of this request.

Things to Mention:

The Hotel Parking requirement is .75 per room.

Parking requirements for STRs could be determined by the number of bedrooms.

Attached are the following:

Short-Term Rental Ordinance,

Zone B Ordinance,

Zone B-2 Ordinance,
Zone E Ordinance, and
Parking Regulations Ordinance.

BUDGET/FINANCIAL SUMMARY

N/A

COMPREHENSIVE PLAN GOAL

N/A

LEGAL REVIEW

Sent to Legal:

Approved by Legal:

RECOMMENDATIONS/COMMENTS:



Marta Martinez <mmartinez@myspi.org>

Planning & Zoning Commission Meeting

1 message

Connie Mitchell <mitconnie@gmail.com>
To: "MMartinez@myspi.org" <MMartinez@myspi.org>

Wed, Feb 15, 2023 at 11:34 AM

As a real estate company that manages several Home Owners Associations on South Padre, we often deal with negative issues and complaints short term rental tenants create. In the summer, these issues are dealt with daily.

- In reference to the listed items below, with the exception of B, I am in favor of the proposed items and **support you fully**. Such actions will assist ensuring owners and/or rental companies are communicating important rules to their guests. A well informed guest will generally abide by rules and city ordinances, ultimately creating a pleasing stay for guests as well as neighboring properties.
- B. One parking space per bedroom is unreasonable. Provide better info to the public where public parking can be utilized.

Kind regards,
Connie Mitchell

Discussion and action regarding forwarding recommendations to the City Council related to the ARTICLE VII - SHORT TERM RENTALS Ordinance related to the following:
(Ricco/McNulty)

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- E. To possibly recommend any other changes to the City Council regarding Article VII Short Term Rental Ordinance that may be related.

[Texas Real Estate Commission Information About Brokerage Services](#)
[Texas Real Estate Commission Consumer Protection Notice](#)

South Padre Realty
PH# 956-761-4853 (GULF)
Connie Mitchell - Broker/Owner
www.SouthPadreRealty.net



Marta Martinez <mmartinez@myspi.org>

Planning & Zoning Commission Meeting

1 message

Lynne Tate <lynnetate2@gmail.com>
To: MMartinez@myspi.org

Thu, Feb 16, 2023 at 10:02 AM

The Planning and Zoning Commission meeting on February 16th conflicts with a conference being held by the Vacation Rental Management Association. We respectfully request that you table agenda item 5.8 Discussion and action regarding forwarding recommendations to the City Council related to the ARTICLE VII - SHORT TERM RENTALS Ordinance to allow our industry stakeholders to attend the commission meeting at a later date. Thank you for your consideration.

→ Also, requiring a parking space for each bedroom is unfair to new rental units. That is not even a requirement for owners. I believe you would be asking for a discrimination lawsuit.

Sent from my iPhone



Marta Martinez <mmartinez@myspi.org>

SRT comments

1 message

Carol Bolstad (SIS) <carol.bolstad@1sis.com>
To: "MMartinez@MySPI.org" <MMartinez@myspi.org>

Thu, Feb 16, 2023 at 12:45 PM

SRT Comments – Sorry I cannot attend the meeting.

I don't live in a SRT rental section but some of the proposed zone rules seem excessive.

- 2 trash can for occupancy over xx (6 people or 3 bedroom). Not need for a 1 bedroom.
- 1 pk space per bedroom – vacationers have kids that use bedrooms that don't drive so excessive.
- Sign outside the house – too ugly.
- Inside rules in a book – Ok – sign in the house not needed and too ugly.

Add – All homes on Gulf blvd to be SRT zoned including Fiesta Isles. I live on one of the busiest streets in town (Gulf) but cannot do a SRT. This is only 9 homes that should be included. Plz discuss and add.

Best Regards,

Carol Bolstad

SCHEDULING AND INFORMATION SERVICES, INC



Carol Bolstad | President / Planner

carol.bolstad@1sis.com

Central Region

p 509.774.0040 | m 503.516.5858 | 1sis.com

2216 Padre Blvd. #729, South Padre Island, TX 78597

ARTICLE VII. SHORT TERM RENTALS

Sec. 11-220. Short term rentals.

- (A) The purpose of this Article is to establish regulations for the use of residential single family dwelling units ("dwelling units" herein) as short term rentals and to ensure the collection and payment of hotel/motel occupancy taxes.
- (B) For purposes of this Article a Short Term Rental (STR), is defined as a residential dwelling, including a single-family residence, apartment, residential condominium unit, or other residential real estate improvement, in which the public may obtain sleeping accommodations in exchange for compensation for a period of less than 30 consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling.
- (C) For purposes of this Article: An Owner shall designate the Owner, or an Agent or a Representative to comply with the requirements of this section on behalf of the Owner. The Owner or designated agent or representative is referred to as "Operator" herein.
- (D) The Owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a short term rental unit, regardless of whether such noncompliance was committed by the Owner's authorized agent or representative or the occupants of the Owner's short term rental unit or their guests.
- (E) This Article is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined in this section.

Sec. 11-221. Registration.

- (A) The Owner/Operator who offers for rent or advertises for rent (in any manner) a short term rental of a dwelling unit shall obtain a short term rental registration and any other required documents from the Convention Centre Department of the City of South Padre Island located at 7355 Padre Boulevard, South Padre Island, Texas, 78597. The Convention Centre Department may be contacted at phone number 956-761-3000 for additional information.
- (B) The Owner/Operator must submit and comply with the following information on a short term rental registration form:
 - (1) The name, address, email and telephone number of the Owner/Operator of the subject short term rental unit;
 - (2) The name, address, email and twenty-four hour telephone number of the local contact person. The local contact person is the person designated by the owner or the operator who shall be available twenty-four (24) hours per day, seven (7) days per week and shall respond in person within one hour (with the signed rental contract in hand) to complaints from a City Official regarding the condition, operation, or conduct of occupants of the short term rental unit; and take remedial action to resolve any such complaints;
 - (3) The name and address of the proposed short term rental unit;

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- (4) The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed short term rental unit;
 - (5) The property ID number as listed on the Cameron County Appraisal District; and
 - (6) Such other information as the City Manager, or designee, deems reasonably necessary to administer this section.
- (c) If any information on the registration form changes, the Owner/Operator must modify that information within 30 days.
- (D) Registration Fee.
- (1) The short term rental registration form shall be accompanied by a registration fee as established by the City Council.
 - a. The rental registration fee shall be fifty dollars (\$50.00) (per rental unit).
 - b. The registration fee is waived for those properties that have been properly remitting hotel occupancy tax.
 - (2) A registration is valid from the date the completed registration is filed with the City and payment of the registration fee (if applicable) has been made, and is transferrable if the ownership of the short term rental changes.
 - (3) Each property shall be issued a registration number.
- (E) The registration number must appear on any advertisement of the property available for short term rental.
- (Ord. No. 17-09, § 1, 8-16-2017)

Sec. 11-222. Compliance—Penalty provision.

- (A) The Owner or Operator shall comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short term rental unit, including, but not limited to, Chapter 12, "Noises" and Chapter 17, Article II "Hotel-Motel Occupancy Tax: of the City Code of South Padre Island. Pursuant to Section 17-20 of the city code, the Owner or Operator shall, submit a monthly report to the City, on the appropriate "Hotel Occupancy Tax Collection Report" form, even if the short term rental unit was not rented during any such month.
- (B) Any violation of this Article XII may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense, 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.

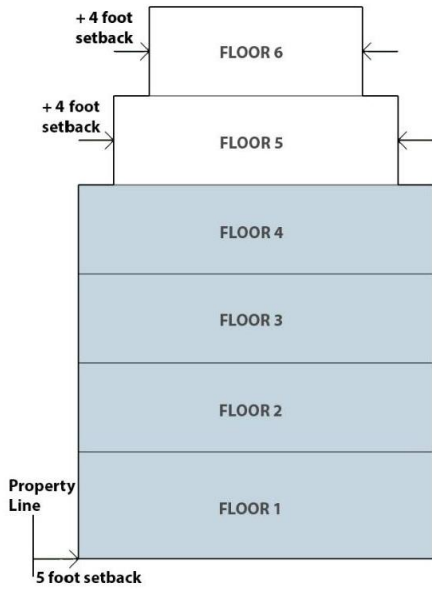
(Ord. No. 17-09, § 1, 8-16-2017)

Secs. 11-223—11-299. Reserved.

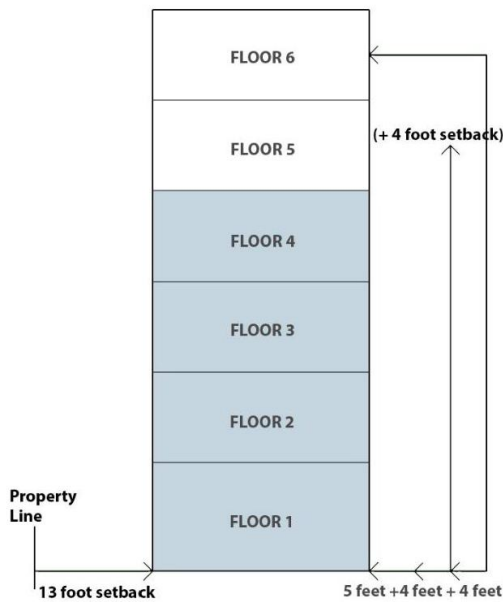
Sec. 20-7. District "B"—Multi-family dwelling, apartment, motel, hotel, condominium, townhouse district.

- (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 (100) feet; 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.
 - (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 Section 20-7(D)(2) for additional floors authorized]
- (D) Area regulations:
- (1) Front yards: Same as District "A" (minimum of 25 feet) 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:
 - (a) Same as District "A", excluding lots adjacent to beach access cul-de-sac.

- (b) 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 setback on all floors for each floor.

(3) Rear yards:

- (a) Same as District "A" (minimum of 20 feet), 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.
 - (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.

(Ord. No. 77E; Ord. No. 96-05, 10-2-1996; Ord. No. 98-04; Ord No. 16-24, 12-7-2016)

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 (100) feet; 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.
- (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 feet), 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 feet).
 - (3) *Rear yards.* Same as District "A" (minimum of 20 feet), 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 (1,200) square feet.
- (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.

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- (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. 20-10. 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; 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:*

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- (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 feet), 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) *Sanitation.* There shall be no sewage disposal without water carriage. Chemical toilets may be erected on a temporary basis during construction only.
- (8) *Special Area Requirements.* In no instance shall more than four (4) single-family attached Townhouses be connected as a single unit.
- (9) *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.

- (10) Reserved.
- (11) Any condominium building which existed on August 3, 1994 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 August 3, 1994.
- (12) Any structure which exists on August 3, 1994 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 August 3, 1994.
- (13) Any land use that exists on August 3, 1994 that does not conform to the standards of the District "E" shall be deemed a conforming use and may continue the use as it was on August 3, 1994.

Sec. 20-14. Parking Regulations.

(A) General Requirements:

- (1) No parking garage or structure shall be erected in a required front or side yard.
- (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 Section 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 (90) feet 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 (90) Feet, 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 valet 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) Amusement uses:

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- (a) Amusement parks and/or uses (especially, outdoor entertainment and recreation facilities) shall be determined by the Planning and Zoning Commission on an individual plan review basis.
 - (b) Amusement (centers, especially indoor facilities) uses shall provide one (1) parking space for each 250 square feet of gross floor area.
 - (2) Bowling alleys shall provide off-street parking space at a ratio of two (2) spaces for each alley.
 - (3) 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.
 - (4) 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.
 - (5) 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.
 - (6) 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.
 - (7) 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)
 - (8) 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.
 - (9) 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.

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- (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.
- (10) Places of assembly shall provide off-street parking space on the lot sufficient to accommodate one (1) automobile for each five (5) seats.
 - (11) 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.
 - (12) 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.
 - (13) 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.
 - (14) 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.
 - (15) 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.
 - (16) 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.
 - (17) Schools shall provide one off-street parking space for each fifteen (15) students plus one (1) each for each teacher.
 - (18) 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.
 - (19) Storage or warehousing units that are freestanding and separate from other uses (buildings) shall provide minimum 0.32 parking spaces per 1,000 square feet of gross floor area. (ITE Trip Generation Manual, 9th Edition)
 - (20) Theaters shall provide off-street parking space in a ratio of one (1) space for each five (5) seats.
- (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.

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- (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; In determining the location, valet parking will be considered as a commercial parking);
 - (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;

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- (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;
 - (g) A current title report or attorney's title opinion showing the ownership of the property: The applicant shall own properties that are related to the proposed developments including both the main development site and the off-street parking lot(s);
 - (h) A signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that off-street location: If the applicant is providing more than the parking spaces that is required by the code, the ownership of the subject off-street parking is not required;
 - (i) A signed agreement or other documentation showing that a contract has been fully executed between the owner and a valet parking service;
 - (j) An authorization letter from the land owner(s), if the application is filed by an applicant's representative; and
 - (k) 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:
 - 1. The property owner, and/or the independent contractor fails to comply with the requirements of this article or other applicable law;
 - 2. 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
 - 3. 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:
 - 1. 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;

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2. Not obstruct a pedestrian's use of a sidewalk;
 3. Place no more than one valet parking service stand on the public right-of-way;
 4. 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,
 5. 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:
1. Not occupy an area of the public right-of-way exceeding four feet in width and four feet in depth;
 2. Not be affixed to the public right-of-way in any manner;
 3. Be removed from the public right-of-way when the valet parking service is not being operated; and
 4. 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:
1. Be within ten (10) feet of a crosswalk;
 2. Be within ten (10) feet of a fire hydrant, fire call box, police or other emergency facility;
 3. Be within five (5) feet of a driveway;
 4. Be within three (3) feet in front of or fifteen (15) feet behind a sign marking a designated bus stop;
 5. Be within five (5) feet of a bus bench; or
 6. Reduce the unobstructed space for the passage of pedestrians to less than four (4) feet.

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- (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 Section 686.004)*

- (a) The minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility are:

1. \$100,000 for bodily injury to or death of one person in one accident;
2. \$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
3. \$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:

1. Comprehensive and collision coverage for physical damage;
2. Coverage for vehicle storage; and
3. 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;

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- (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.*
 - 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.

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- (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.
 - (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.
 - (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.
- (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.
- (Ord. No. 77A, 7-1-1981; Ord. No. 92, 9-2-1981; Ord. No. 07-19, 10-17-2008)