

## ORDINANCE 12-04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS AMENDING CHAPTER 20, SECTION 20-11 (D) OF THE CODE OF ORDINANCES REGARDING TEMPORARY STRUCTURES AND PROVIDING FOR PERMITTING ANY TIME; AND PROVIDING FOR SEVERABILITY; 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**, Chapter 20, Section 20-11 (d) of the Code of Ordinances regulates the placement and use of temporary structures; and

**WHEREAS**, according to said regulation, a temporary structure may only be permitted during a period of recognized events and City holidays; and

**WHEREAS**, this restriction prevents residents from placing temporary structures on private property for various social events that are not recognized events and City holidays and the city council wishes to provide for temporary structures at any time.

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

**SECTION 1:** To allow Temporary structures to be permitted year-round and not restricted to periods of recognized events and City holidays, Chapter 20 [Zoning Regulations] the first paragraph of Section 20-11(D) of the City Code of Ordinances is hereby amended to read as follows.

- “(D) Temporary Structures: Notwithstanding the requirements of the City Code of Ordinances which regulates structures and their use on a year-round basis, ~~during the period of recognized events and City holidays~~, 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

**SECTION 2:** All other restrictions regarding temporary structures remain in place and in force.

**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 this Ordinance may be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) 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 5:** 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 City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its intended purpose.

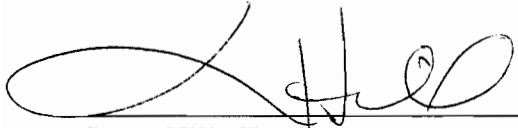
**SECTION 5:** This Ordinance shall become effective when published in caption form.

**PASSED, APPROVED AND ADOPTED on First Reading, this the 4th day of April 2012.**

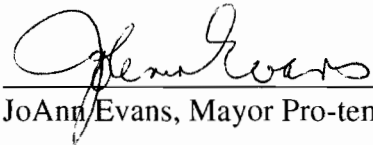
**PASSED, APPROVED AND ADOPTED on Second Reading, this the 18<sup>TH</sup> day of April 2012.**

**ATTEST:**

**CITY OF SOUTH PADRE ISLAND,  
TEXAS**



Susan Hill, City Secretary



JoAnn Evans, Mayor Pro-tem

