

ORDINANCE NO. 14-03

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, CREATING SECTION 20-16.3 OF CHAPTER 20 ZONING BY ADDING SPECIAL EXCEPTIONS PROCEDURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the City of South Padre Island has heretofore adopted Chapter 20 (Zoning) of the Code of Ordinances; and

WHEREAS, the City Council finds needs to provide purpose, intent, and procedures for Special Exception review;

WHEREAS, the City Council wants to protect public health, safety and welfare by creating Section 20-16.3 Special Exceptions; 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. Chapter 20 of the Code of Ordinances of the City of South Padre Island is hereby amended to add new Sec. 20-16.3 to read as follows:

“Sec. 20-16.3. Special Exceptions

(A) Purpose and Intent.

A special exception is a permitted land use that is allowed in a zoning district if listed as a special exception use, subject to specific conditions that may be imposed by the Board of Adjustment.

(B) Procedure.

(1) The application shall first be reviewed by City staff for compliance with City codes, regulations, and policies.

(2) After reviewing any foreseeable impacts and/or concerns raised at the hearing on the application, the Board of Adjustment may:

1) Grant the application without conditions. In this case, the Board of Adjustment shall determine and state that there is no negative impact on public health, safety and general welfare on the applicable zoning district;

2) Accept the application with conditions; or

3) Deny the application. In this case, the Board of Adjustment shall determine and state that there are negative impacts on public health, safety and general welfare on the applicable zoning district, and those negative impacts cannot be resolved by any conditions.”

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. 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.

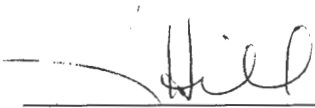
Section 4. This Ordinance shall become effective on it's Second Reading.

PASSED, APPROVED AND ADOPTED on First Reading, the 5th day of February 2014.


PASSED, APPROVED AND ADOPTED on Second Reading, the 19th day of February 2014.

ATTEST:

CITY OF SOUTH PADRE
ISLAND, TEXAS



Susan Hill, City Secretary



Robert N. Pinkerton, Jr., Mayor

