

NOTICE OF MEETING
CITY OF SOUTH PADRE ISLAND
DEVELOPMENT STANDARDS REVIEW TASK FORCE

NOTE: One of 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.

NOTICE IS HEREBY GIVEN THAT THE DEVELOPMENT STANDARDS REVIEW TASK FORCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, WILL HOLD A MEETING ON:

TUESDAY, JULY 14, 2015
10:00 A.M. AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TX

1. Call to Order.
2. Pledge of Allegiance.
3. **Public Comments and Announcements:** *This is an opportunity for citizens to speak to Commissioners relating to agenda or non-agenda items. Speakers are required to address the Task Force at the podium and give their name before addressing their concerns. [Note: State law will not permit the Development Standards Review Task Force 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 Development Standards Review Task Force meeting.]*
4. Approval of the June 9, 2015 Regular Meeting Minutes.
5. Discussion and action regarding text amendments to Table 5.1 – Schedule of Uses and Table 5.2 – Use Criteria of the form-based code, so that “Auto-related Sales or Service Establishment” are allowed within Town Center Crossing Zone. *(Lots 2 – 6 Block 136 Town Center Crossing Character Zone)*
6. Discussion and action on Segway (Electric Personal Assistive Mobility Devices) regulations. *(Task Force Member; Gabby Vanounou)*
7. Discussion and possible action regarding Section 20-11.1 Outdoor displays-Regulations and Requirements. *(Task Force Member; Gabby Vanounou)*
8. Adjournment.


DATED THIS THE 9TH DAY OF JULY 2015.



Susan Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFIED THAT THE ABOVE NOTICE OF MEETING OF THE DEVELOPMENT STANDARDS REVIEW TASK FORCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRENT 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 JULY 9, 2015 AT/OR BEFORE 4:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.





Susan Hill, 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 BUILDING OFFICIAL, JAY MITCHIM; ADA DESIGNATED RESPONSIBLE PARTY AT (956)761-8103

<p style="text-align: center;">DEVELOPMENT STANDARDS REVIEW TASK FORCE MEETING MINUTES JUNE 9, 2015</p>
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1. Call to Order.

Gardner Treharne called the meeting to order at 10:00 a.m. in the City Council Chambers on the Second Floor of the Municipal Complex Building: 4601 Padre Boulevard and declared a quorum of members present. Task Force members in attendance were: Gardner Treharne, Gary Olle, Joe Logan, and Gabby Vanounou. Member with excused absence was George Shelley. Staff members present were: Sungman Kim, Development Director and Marta Martinez. Also present was Mayor Barry Patel.

2. Pledge of Allegiance.

Gardner Treharne led those present in the Pledge of Allegiance.

3. Public Comments and Announcements.

None.

4. Approval of Minutes of the May 12, 2015 Regular Meeting.

Mr. Treharne announced the item from the agenda and asked the Task Force Members if they had any corrections to the May 12, 2015 regular Meeting Minutes. Mr. Olle made a motion to approve as submitted. Mr. Treharne seconded the motion. The motion carried unanimously.

5. Discussion and action regarding a Special Development Plan for the Courtyard by Marriott. (7010 Padre Boulevard)

Mr. Treharne announced the item from the agenda and asked for a staff report. Dr. Kim gave a brief presentation regarding the special development plan for the courtyard by Marriott. Staff recommends approval.

Mr. Treharne then opened it up for discussion by the Task Force. The Task Force expressed their comments/concerns regarding the Special Development Plan. After some discussion Mr. Treharne made a motion to approve as submitted. Mr. Olle seconded the motion. The motion carried unanimously.

6. Discussion and action regarding the designation of Lot 1, Block 1 Padre Island Inn Subdivision (aka Ocean Tower Property) into a District "PBN" Padre Boulevard North Character Zone.

Mr. Treharne announced the item from the agenda and asked for a staff report. Dr. Kim gave a brief presentation regarding the designation of Lot 1, Block 1 Padre Island Inn Subdivision (aka Ocean Tower Property) into a District "PBN" Padre Boulevard North Character Zone.

Mr. Treharne then opened it up for discussion by the Task Force. The Task Force expressed their comments/concerns regarding the designation of Lot 1, Block 1 Padre Island Inn Subdivision (aka Ocean Tower Property) into a District "PBN" Padre Boulevard North Character Zone. After some discussion Mr. Logan made a motion to approve and send recommendation to the Planning and Zoning Commission. Mr. Vanounou seconded the motion. The motion carried unanimously.

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7. Adjournment.

Since there was no further business to discuss, Mr. Logan adjourned the meeting at 10:32 a.m.

Marta Martinez, Secretary

Gardner Treharne, Chairman

DEVELOPMENT STANDARDS REVIEW TASK FORCE AGENDA REQUEST FORM
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MEETING DATE: July 14, 2015

ITEM: 5

TO: Development Standards Review Task Force

FROM: Sungman Kim, Development Director

SPONSOR / ORIGINATOR: Dr. Gerald Sher

ITEM DESCRIPTION:

Discussion and action regarding text amendments to Table 5.1 – Schedule of Uses and Table 5.2 – Use Criteria of the form-based code, so that “Auto-related Sales or Service Establishment” are allowed within Town Center Crossing Zone.

DISCUSSION:

Background:

Dr. Gerald Sher and Susan Sher own a car wash facility (Isle Wash) and it is currently non-conforming. The owners want to make it a conforming structure so that he can add automatic wash systems and is also seeking ways to build a mechanic shop behind the car wash facility.

The Request:

An amendment to Table 5.1 – Schedule of Uses to accommodate Auto-related Sales or Service Establishments in Town Center Crossing Zone.

Issues:

1. Creating a non-conforming use through planning (initiation of the form-based code) would not be a good exercise.
2. “Auto-related Sales or Service Establishments” are permitted with design criteria in the Neighborhood Crossing Zone, which is a smaller scale and a commercial version (activity nodes) of Town Center Crossing Zone (a civic node).
3. The Town Center Crossing Zone is intended to create a development node centered on major civic and public uses. Development standards will emphasize the creation and preservation of a strong public/civic identity at this crossing. (PBEDC 4.2.4).
4. To help establish public/civic identity with the “Auto-related Sales or Service Establishments”, the following design criteria are recommended to add to Table 5.2:
 - The building design shall conform to the requirements of the Padre Boulevard and Entertainment District Design Guidelines.
 - Accessory structures, including canopies, kiosks, and car wash buildings, shall conform to or compliment the project architectural theme. This includes similar roof styles, column types, materials, textures, and colors.

<p style="text-align: center;">DEVELOPMENT STANDARDS REVIEW TASK FORCE AGENDA REQUEST FORM</p>

- Service bays and car wash tunnel openings shall be oriented away from street view and screened from adjacent sites. If service bays and car wash openings toward street view are necessary, dense landscaping and/or architectural treatments shall be provided to screen and/or mitigate unattractive views and features from the street.
- Building colors should emphasize earth tones. The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.
- Such uses shall be designed so as to mitigate any negative impact on residential uses, including orientation and buffers.
- Where adjacent to residential zoning or residential uses, self-service or automatic car washes shall have sound attenuation devices, such as doors or screen walls, located at the entrances and/or exits of the car wash.
- All equipment within car wash tunnels shall be contained within the building.
- Canopy lighting shall be recessed and flush with its underside (ceiling).
- Full-service car washes shall provide shaded plazas and/or indoor waiting areas for customers.



STAFF RECOMMENDATIONS / COMMENTS:

Staff recommends the Development Standards Review Task Force approve the proposed text amendments to Tables 5.1 and 5.2.

Table 5.1 – Schedule of Uses (Land Use)

Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition
Commercial Uses (Office, Retail, Restaurant, Sales and Service Uses)							
Retail Sales with no drive through facility (includes alcohol sales; bicycle, vehicle, and water sport sales & rental; general merchandise; pharmacy; cigarette & cigar sales; hardware stores, etc.) <i>Excluded from this category are retail sales and service establishments geared towards the automobile.</i>	P	P	P	P	P	P	NP
Head Shop (a retail outlet with the sale of paraphernalia related to the consumption of cannabis, other recreational drugs and/or new age herbs. Products typically include but are not limited to, water pipes, bongs, roach clips, pipes, rolling papers, rolling machines, and whipped cream chargers containing nitrous oxide.)	NP	NP	NP	NP	NP	SE	NP
Auto-related Sales or Service establishments (includes gasoline sales)	NP	NP	P/C	NPP/C	P/C	P/C	NP
Marine repairs	NP	NP	NP	NP	NP	NP	NP
Finance, Insurance, and Real Estate establishments (with no drive through facility)	P	P	P	P	P	P	NP
Offices for business, professional, administrative, and technical services	P	P	P	P	P	P	P
Research laboratory headquarters, laboratories and associated facilities	NP	NP	NP	NP	P	P	NP
Food Service Uses such (includes seating on a sidewalk areas with no pedestrian obstruction; includes alcohol sales; with no drive through facility)	P	P	P	P	P	P	NP
Bar or drinking place	P	P	P	P	P	P	NP
Personal Services such as laundry, dry cleaners, hair care, etc.	P	P	P	P	P	P	NP
Tattoo and body piercing (with a state license)	NP	NP	NP	NP	NP	P	NP
Permanent Makeup Application (with a state license)	NP	NP	NP	NP	NP	P	NP
Retail bait stands	P	P	NP	NP	P	NP	NP
Pet and animal sales or service	P	P	P	P	P	P	NP
Any permitted use with a drive through facility	NP	NP	P/C	NP	P/C	P/C	NP
Arts, Entertainment, and Recreation Uses							
Indoor amusement or theme park establishment including bowling alleys, bingo parlor, games arcades, skating, etc.	P	P	P	P	P	P	NP
Outdoor amusement or theme park establishment including miniature golf, go-cart tracks, etc.	P/SUP	P/SUP	NP	NP	P/SUP	P/SUP	NP
Art galleries	P	P	P	P	P	P	P
Art, antique, apparel, appliance, furniture or electronics studio (includes retail, repair or fabrication uses)	P	P	P	P	P	P	NP
Fitness, recreational sports, gym, or athletic club	P	P	P	P	P	P	NP
Private clubs, fraternities, sororities and lodges that operate solely for the benefit of their members only	P	P	P	P	P	P	NP
Art, dance & music schools	P	P	P	P	P	P	NP
Marina or yachting club facility	P/SUP	NP	NP	NP	P/SUP	P/SUP	NP
Boat docks	P	NP	P	NP	P	P	NP
Museums and other special purpose recreational institutions	P	P	NP	P	P	P	NP
Parks, greens, plazas, squares, and playgrounds	P	P	P	P	P	P	P
Performing arts, theater, cinema, dance or music establishment	P	P	P	P	P	P	NP
Educational, Public Administration, Health Care and Other Institutional Uses							
Business associations and professional membership organizations	P	P	P	P	P	P	NP
Child day care and preschools	P	P	P	P	P	P	P

Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition
Schools, libraries, and community halls	P	P	P	P	P	P	NP
Universities and Colleges	P	P	P	P	P	P	NP
Technical, trade, and specialty schools	P	P	P	P	P	P	NP
Hospitals (General and Special), primary care office, urgent care centers, and dental clinics	NP	NP	P	P	P	P	NP
Nursing, supervision, and other rehabilitation services (including Substance Abuse Clinics)	NP	NP	P/SUP	P/SUP	P/SUP	P/SUP	NP
Civic uses	P	P	P	P	P	P	NP
Social and fraternal organizations	P	P	P	P	P	P	NP
Social services and philanthropic organizations	P	P	P	P	P	P	NP
Public administration uses (including government uses, public safety, health and human services)	P	P	P	P	P	P	NP
Religious Institutions	P	P	P	P	P	P	P
Funeral homes	P	P	P	P	P	P	NP
Residential Uses							
Home Occupations such as a dressmaker, physician/surgeon/dentist offices, a musician/artist studio etc.	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Single family	SE	SE	SE	SE	SE	SE	SE
Multi-family residential (including apartment and condominiums)							
Ground floor	P/C	P/C	P/C	P/C	P/C	P/C	P
Upper floors	P	P	P	P	P	P	P
Residential Lofts	P	P	P	P	P	P	P
Weekend cottages	NP	NP	NP	NP	NP	NP	NP
Single-family residential attached dwelling unit (Townhomes)	SE	SE	P/⚡	P/⚡	P/⚡	P/⚡	P
Accessory residential unit (accessory building not exceed 50% of the floor area of the principal structure)	SE	SE	P/A	P/A	P/A	P/A	P/A
Residential accessory uses in a vacant lot that is contiguous with a residential single family lot having a principal building under common ownership	NA	NA	NA	NA	NA	NA	NA
Short-term (less than 30 days) rentals	P	P	P	P	P	P	P
Mixed use structure (with uses allowed in the district)	P	P	P	P	P	P	P
Trailer parks (travel trailers)	NP	NP	NP	NP	NP	NP	NP
Live-work unit	P	P	P	P	P	P	P
Other Uses							
Accessory uses (the sum of all accessory uses shall not constitute a total area larger than twenty (20) percent of the total building area of the principal use)	NP	NP	NP	NP	NP	NP	NP
Publishing (newspaper, books, periodicals, software)	P/C	P/C	P	P	P	P	NP
Motion picture and sound recording	P/C	P/C	P	P	P	P	NP
Telecommunications and broadcasting	P/C	P/C	P	P	P	P	NP
Information services and data processing	P/C	P/C	P	P	P	P	NP
Model homes or field offices for sales and promotion (until all the homes are sold; building permit is required and shall be valid for a one (1) year period; renewable if sales are still active)	P	P	P	P	P	P	P
Bed and Breakfast Establishments	NP	NP	NP	NP	P	P	P
Hotels and motels	P	P	P	P	P	P	NP
Hotels, motels and condominiums with more than twelve (12) units may include within the premises such businesses as bars, food establishments, barber shops, beauty parlors and other similar businesses	P	P	P	P	P	P	NP
Commercial parking	P/C	P/C	P/C	P/C	P/C	P/C	NP
Temporary commercial parking*	P	P	P	P	P	P	NP
Parking, surface (primary use of property)	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Parking, surface (accessory use of property)	P	P	P	P	P	P	P

Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition
Parking, structured	P	P	P	P	P	P	NP
Private attached garage	P/A	P/A	NP	NP	NP	NP	P/A
Private detached garage	P/A	P/A	NP	NP	NP	NP	P/A
Impound lot	NP	NP	NP	NP	NP	NP	NP
Outdoor storage	NP	NP	NP	NP	NP	NP	NP
Heliport landing/take-off pads	NP	NP	NP	NP	NP	NP	NP
Community garden	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Antennas including cell, accessory, and mounted on top of buildings.	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C
Utility equipment (includes electrical transformers, gas meters, etc)	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C
Wind energy equipment	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Rain harvesting equipment	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C
Solar energy equipment	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Special Event	P/SUP	P/SUP	P/SUP	P/SUP	P/SUP	P/SUP	NP
Temporary buildings for construction (shall be removed upon completion or abandonment of construction work)	P	P	P	P	P	P	P

P: Permitted by right

P/C: Permitted with design criteria per Table 5.2

P/A: Permitted accessory use

P/A/C: Permitted as an accessory use with design criteria per Table 5.2

P/SUP: Permitted with a Specific Use Permit

SUP shall meet standards in Chapter 20-24 of the City Code of Ordinances

A: Accessory use to not exceed 25% of the primary use building square footage

SE: Special Exception

NA: Not applicable

NP: Not permitted

*All parking and maneuvering areas on a non-residential lot shall have dustproof paving or vegetative coverage. (Usage of Caliche or similar materials that may cause clogs in drainage system or create dust in the area are not allowed.

5.2 Use Criteria: All uses listed as P/C in Table 5.1 shall also meet the following standards in Table 5.2

Table 5.2 – Use Criteria	
<i>Use</i>	<i>Location & Design Criteria</i>
Non-Residential Uses	
Auto-related Sales and Service	<ul style="list-style-type: none"> • <u>The building design shall conform to the requirements of the Padre Boulevard and Entertainment District Design Guidelines.</u> • <u>Accessory structures, including canopies, kiosks, and car wash buildings, shall conform to or compliment the project architectural theme. This includes similar roof styles, column types, materials, textures, and colors.</u> • <u>Service bays and car wash tunnel openings shall be oriented away from street view and screened from adjacent sites. If service bays and car wash openings toward street view are necessary, dense landscaping and/or architectural treatments shall be provided to screen and/or mitigate unattractive views and features from the street.</u> • <u>Building colors should emphasize earth tones. The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.</u> • <u>Such uses shall be designed so as to mitigate any negative impact on residential uses, including orientation and buffers.</u> • <u>Where adjacent to residential zoning or residential uses, self-service or automatic car washes shall have sound attenuation devices, such as doors or screen walls, located at the entrances and/or exits of the car wash.</u> • <u>All equipment within car wash tunnels shall be contained within the building.</u> • <u>Canopy lighting shall be recessed and flush with its underside (ceiling).</u> • <u>Full-service car washes shall provide shaded plazas and/or indoor waiting areas for customers.</u> • Gas pumps, canopies, and/or service bays shall not be located along any Pedestrian Priority Street frontage. • No more than 50% of a lot's frontage along the Boulevard shall be occupied by gas pumps, canopies, and/or service bays. • Any buildings associated with the use shall also have a pedestrian entrance at a Pedestrian Priority Street and/or the Boulevard. • No outdoor storage of vehicles or other products sold shall be permitted. All auto-related sales display shall be inside storefronts.
Any permitted use with a drive through facility	<ul style="list-style-type: none"> • All drive through access (driveways) shall be from a street with a higher hierarchy. • Drive through lanes and/or canopies shall not have frontage along any Pedestrian Priority Streets.
Residential Uses	
Multi-family residential Ground Floor	<ul style="list-style-type: none"> • All ground floors along all Pedestrian Priority and Boulevard Frontages shall be built to Commercial Ready standards. Ground floors may be occupied by residential uses.
Other Uses	
Publishing (newspaper, books, periodicals, software)	<ul style="list-style-type: none"> • Shall only be permitted on the upper floors of buildings
Motion Picture and sound recording	
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc)	
Information services and data processing	
Parking, surface (primary use of property)	<ul style="list-style-type: none"> • Shall be permitted as an interim use of property (3 year increments) • New surface parking shall be set back a minimum of 30' from the edge of the right-of-way of Pedestrian Priority Streets. • New surface parking shall not be located at a street intersection for minimum of 30' along each street.
Sales from Kiosks	<ul style="list-style-type: none"> • Kiosks shall only be permitted on civic/open spaces. • Kiosks shall be no larger than 150 sq.ft. in area and no taller than 18' in height. • Kiosk locations shall not impede pedestrian pathways or entrances to buildings • Kiosks from which merchandise or food is sold shall be attended when open for business. • Kiosks shall be constructed of similar materials or given a similar finish as adjacent buildings. • All sides of a kiosk shall have a finished look with no externally visible utility equipment.
Community Garden	<ul style="list-style-type: none"> • Shall be no larger than 0.5 acres • Gardens shall be enclosed by a fence on all open sides.

Table 5.2 – Use Criteria	
<i>Use</i>	<i>Location & Design Criteria</i>
	<ul style="list-style-type: none"> Fences should be installed straight and plumb, with vertical supports at a minimum of 8' on center. Chicken wire, if used, should be continuously supported along all edges. Fencing Materials: <ul style="list-style-type: none"> <u>Permitted</u>: pressure treated wood (must be painted or stained medium to dark color), chicken wire, wrought iron, painted galvanized steel <u>Not permitted</u>: chain link, bobbed wire, vinyl, un-painted/stained pressure treated wood, plywood
Antennas including cell, accessory and mounted (Excluded from this category are freestanding and commercial antennas and equipment buildings)	<ul style="list-style-type: none"> Antennas shall be permitted on rooftops. Antennas shall be screened entirely with a screen of same color as the principal building. Antennas shall not be visible from adjacent Pedestrian Priority Street.
Rain water harvesting equipment	<ul style="list-style-type: none"> Rain water harvesting equipment may not be installed along Pedestrian Priority Streets. On all other frontages, they shall be screened with a Street Screen at least as high as the equipment being screened.
Utility equipment (includes electrical transformers, gas meters, etc)	<ul style="list-style-type: none"> Utility equipment shall not be installed with frontage on Pedestrian Priority Streets. On all other frontages, they shall be screened with a Street Screen at least as high as the equipment being screened.
Commercial Parking	<ul style="list-style-type: none"> New surface parking shall be set back a minimum of 30' from the edge of the right-of-way of Pedestrian Priority Streets. New surface parking shall not be located at a street intersection for minimum of 30' along each street. Commercial parking shall not be allowed along any pedestrian priority street frontage.

TRANSPORTATION CODE
TITLE 7. VEHICLES AND TRAFFIC
SUBTITLE C. RULES OF THE ROAD
CHAPTER 551. OPERATION OF BICYCLES, MOPEDS, AND PLAY VEHICLES

SUBCHAPTER A. APPLICATION OF CHAPTER

Sec. 551.001. PERSONS AFFECTED. Except as provided by Subchapter C, this chapter applies only to a person operating a bicycle on:

- (1) a highway; or
- (2) a path set aside for the exclusive operation of bicycles.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1318, Sec. 4, eff. Sept. 1, 2003.

Sec. 551.002. MOPED AND ELECTRIC BICYCLE INCLUDED. A provision of this subtitle applicable to a bicycle also applies to:

- (1) a moped, other than a provision that by its nature cannot apply to a moped; and
- (2) an electric bicycle, other than a provision that by its nature cannot apply to an electric bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 9, eff. Sept. 1, 2001.

SUBCHAPTER B. REGULATION OF OPERATION

Sec. 551.101. RIGHTS AND DUTIES. (a) A person operating a bicycle has the rights and duties applicable to a driver operating a vehicle under this subtitle, unless:

- (1) a provision of this chapter alters a right or duty;
- or
- (2) a right or duty applicable to a driver operating a vehicle cannot by its nature apply to a person operating a bicycle.

(b) A parent of a child or a guardian of a ward may not knowingly permit the child or ward to violate this subtitle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.102. GENERAL OPERATION. (a) A person operating a bicycle shall ride only on or astride a permanent and regular seat attached to the bicycle.

(b) A person may not use a bicycle to carry more persons than the bicycle is designed or equipped to carry.

(c) A person operating a bicycle may not use the bicycle to carry an object that prevents the person from operating the bicycle with at least one hand on the handlebars of the bicycle.

(d) A person operating a bicycle, coaster, sled, or toy vehicle or using roller skates may not attach either the person or the bicycle, coaster, sled, toy vehicle, or roller skates to a streetcar or vehicle on a roadway.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.103. OPERATION ON ROADWAY. (a) Except as provided by Subsection (b), a person operating a bicycle on a roadway who is moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:

(1) the person is passing another vehicle moving in the same direction;

(2) the person is preparing to turn left at an intersection or onto a private road or driveway;

(3) a condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to the right curb or edge of the roadway; or

(4) the person is operating a bicycle in an outside lane that is:

(A) less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or

(B) too narrow for a bicycle and a motor vehicle to safely travel side by side.

(b) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.

(c) Persons operating bicycles on a roadway may ride two abreast. Persons riding two abreast on a laned roadway shall ride in a single lane. Persons riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Persons may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles.

(d) Repealed by Acts 2001, 77th Leg., ch. 1085, Sec. 13, eff. Sept. 1, 2001.
Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 10, 13, eff. Sept. 1, 2001.

Sec. 551.104. SAFETY EQUIPMENT. (a) A person may not operate a bicycle unless the bicycle is equipped with a brake capable of making a braked wheel skid on dry, level, clean pavement.

(b) A person may not operate a bicycle at nighttime unless the bicycle is equipped with:

(1) a lamp on the front of the bicycle that emits a white light visible from a distance of at least 500 feet in front of the bicycle; and

(2) on the rear of the bicycle:

(A) a red reflector that is:

(i) of a type approved by the department;
and

(ii) visible when directly in front of lawful upper beams of motor vehicle headlamps from all distances from 50 to 300 feet to the rear of the bicycle; or

(B) a lamp that emits a red light visible from a distance of 500 feet to the rear of the bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 11, eff. Sept. 1, 2001.

Sec. 551.105. COMPETITIVE RACING. (a) In this section, "bicycle" means a nonmotorized vehicle propelled by human power.

(b) A sponsoring organization may hold a competitive bicycle race on a public road only with the approval of the appropriate local law enforcement agencies.

(c) The local law enforcement agencies and the sponsoring

organization may agree on safety regulations governing the movement of bicycles during a competitive race or during training for a competitive race, including the permission for bicycle operators to ride abreast.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.106. REGULATION OF ELECTRIC BICYCLES. (a) The department or a local authority may not prohibit the use of an electric bicycle on a highway that is used primarily by motor vehicles. The department or a local authority may prohibit the use of an electric bicycle on a highway used primarily by pedestrians.

(b) The department shall establish rules for the administration of this section.

Added by Acts 2001, 77th Leg., ch. 1085, Sec. 12, eff. Sept. 1, 2001.

SUBCHAPTER C. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Sec. 551.201. DEFINITION. In this subchapter, "electric personal assistive mobility device" means a two non-tandem wheeled device designed for transporting one person that is:

- (1) self-balancing; and
- (2) propelled by an electric propulsion system with an average power of 750 watts or one horsepower.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

Sec. 551.202. OPERATION ON ROADWAY. (a) A person may operate an electric personal assistive mobility device on a residential street, roadway, or public highway with a speed limit of 30 miles per hour or less only:

- (1) while making a direct crossing of a highway in a marked or unmarked crosswalk;
- (2) where no sidewalk is available; or
- (3) when so directed by a traffic control device or by a law enforcement officer.

(b) A person may operate an electric personal assistive mobility device on a path set aside for the exclusive operation of

bicycles.

(c) Any person operating an electric personal assistive mobility device on a residential street, roadway, or public highway shall ride as close as practicable to the right-hand edge.

(d) Except as otherwise provided by this section, provisions of this title applicable to the operation of bicycles apply to the operation of electric personal assistive mobility devices.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

Sec. 551.203. SIDEWALKS. A person may operate an electric personal assistive mobility device on a sidewalk.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

SUBCHAPTER D. NEIGHBORHOOD ELECTRIC VEHICLES

Sec. 551.301. DEFINITION. In this subchapter, "neighborhood electric vehicle" means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1325, Sec. 19.07, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 281 (H.B. 2702), Sec. 2.86, eff. June 14, 2005.

Acts 2005, 79th Leg., Ch. 1242 (H.B. 1596), Sec. 2, eff. June 18, 2005.

Acts 2009, 81st Leg., R.S., Ch. 722 (S.B. 129), Sec. 1, eff. September 1, 2009.

Reenacted by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 24.014, eff. September 1, 2011.

Sec. 551.302. REGISTRATION. The Texas Department of Motor Vehicles may adopt rules relating to the registration and issuance of license plates to neighborhood electric vehicles.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 933 (H.B. [3097](#)), Sec. 2I.01, eff. September 1, 2009.

Sec. 551.303. OPERATION ON ROADWAYS. (a) A neighborhood electric vehicle may be operated only on a street or highway for which the posted speed limit is 45 miles per hour or less. A neighborhood electric vehicle may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour. A neighborhood electric vehicle may not be operated on a street or highway at a speed that exceeds the lesser of:

- (1) the posted speed limit; or
- (2) 35 miles per hour.

(b) A county or municipality may prohibit the operation of a neighborhood electric vehicle on a street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The Texas Department of Transportation may prohibit the operation of a neighborhood electric vehicle on a highway if that department determines that the prohibition is necessary in the interest of safety.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 722 (S.B. [129](#)), Sec. 2, eff. September 1, 2009.

Sec. 551.304. LIMITED OPERATION. (a) An operator may operate a neighborhood electric vehicle:

- (1) in a master planned community:
 - (A) that has in place a uniform set of restrictive covenants; and
 - (B) for which a county or municipality has approved a plat;
- (2) on a public or private beach; or
- (3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the neighborhood

electric vehicle is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the neighborhood electric vehicle is usually parked and for transportation to or from a golf course.

(b) A person is not required to register a neighborhood electric vehicle operated in compliance with this section.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. [2741](#)), Sec. 94, eff. September 1, 2013.

SUBCHAPTER E. MOTOR-ASSISTED SCOOTERS

Sec. 551.351. DEFINITIONS. In this subchapter:

(1) "Motor-assisted scooter":

(A) means a self-propelled device with:

(i) at least two wheels in contact with the ground during operation;

(ii) a braking system capable of stopping the device under typical operating conditions;

(iii) a gas or electric motor not exceeding 40 cubic centimeters;

(iv) a deck designed to allow a person to stand or sit while operating the device; and

(v) the ability to be propelled by human power alone; and

(B) does not include a pocket bike or a minimotorbike.

(2) "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501. The term does not include:

(A) a moped or motorcycle;

(B) an electric bicycle or motor-driven cycle, as

defined by Section 541.201;

(C) a motorized mobility device, as defined by Section 542.009;

(D) an electric personal assistive mobility device, as defined by Section 551.201; or

(E) a neighborhood electric vehicle, as defined by Section 551.301.

Added by Acts 2005, 79th Leg., Ch. 1242 (H.B. 1596), Sec. 3, eff. June 18, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 24.015, eff. September 1, 2011.

Sec. 551.352. OPERATION ON ROADWAYS OR SIDEWALKS. (a) A motor-assisted scooter may be operated only on a street or highway for which the posted speed limit is 35 miles per hour or less. The motor-assisted scooter may cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b) A county or municipality may prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The department may prohibit the operation of a motor-assisted scooter on a highway if it determines that the prohibition is necessary in the interest of safety.

(d) A person may operate a motor-assisted scooter on a path set aside for the exclusive operation of bicycles or on a sidewalk. Except as otherwise provided by this section, a provision of this title applicable to the operation of a bicycle applies to the operation of a motor-assisted scooter.

(e) A provision of this title applicable to a motor vehicle does not apply to a motor-assisted scooter.

Added by Acts 2005, 79th Leg., Ch. 1242 (H.B. 1596), Sec. 3, eff. June 18, 2005.

Sec. 551.353. APPLICATION OF SUBCHAPTER TO POCKET BIKE OR

MINIMOTORBIKE. This subchapter may not be construed to authorize the operation of a pocket bike or minimotorbike on any:

- (1) highway, road, or street;
- (2) path set aside for the exclusive operation of bicycles; or
- (3) sidewalk.

Transferred and redesignated from Transportation Code, Section 551.304 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. [1303](#)), Sec. 27.001(64), eff. September 1, 2011.

SUBCHAPTER F. GOLF CARTS AND UTILITY VEHICLES

Sec. 551.401. DEFINITIONS. In this subchapter:

(1) "Golf cart" and "public highway" have the meanings assigned by Section 502.001.

(2) "Utility vehicle" means a motor vehicle that is not a golf cart or lawn mower and is:

(A) equipped with side-by-side seating for the use of the operator and a passenger;

(B) designed to propel itself with at least four tires in contact with the ground;

(C) designed by the manufacturer for off-highway use only; and

(D) designed by the manufacturer primarily for utility work and not for recreational purposes.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. [2357](#)), Sec. 239, eff. January 1, 2012.

Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas Department of Motor Vehicles may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.

(b) The Texas Department of Motor Vehicles may issue license plates for a golf cart as authorized by Subsection (c).

(c) The Texas Department of Motor Vehicles shall by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections 551.403 and 551.404.

(d) The Texas Department of Motor Vehicles may charge a fee not to exceed \$10 for the cost of the license plate.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 877 (H.B. 719), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 95, eff. September 1, 2013.

Sec. 551.403. LIMITED OPERATION. (a) An operator may operate a golf cart:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach; or

(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

(b) The Texas Department of Transportation or a county or municipality may prohibit the operation of a golf cart on a public highway if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 10, eff. September 1, 2009.

Sec. 551.404. OPERATION IN MUNICIPALITIES AND CERTAIN

COUNTIES. (a) In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a public highway that:

(1) is in the corporate boundaries of the municipality; and

(2) has a posted speed limit of not more than 35 miles per hour.

(a-1) In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (a-2) may allow an operator to operate a golf cart or utility vehicle on all or part of a public highway that:

(1) is located in the unincorporated area of the county; and

(2) has a speed limit of not more than 35 miles per hour.

(a-2) Subsection (a-1) applies only to a county that:

(1) borders or contains a portion of the Red River;

(2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or

(3) is adjacent to a county described by Subdivision (2) and:

(A) has a population of less than 30,000; and

(B) contains a part of a barrier island that borders the Gulf of Mexico.

(b) A golf cart or utility vehicle operated under this section must have the following equipment:

(1) headlamps;

(2) taillamps;

(3) reflectors;

(4) parking brake; and

(5) mirrors.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. [2357](#)), Sec. 240, eff. January 1, 2012.

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. [2357](#)), Sec. 241, eff. January 1, 2012.

Acts 2013, 83rd Leg., R.S., Ch. 877 (H.B. [719](#)), Sec. 2, eff. June 14, 2013.

Sec. 551.405. CROSSING CERTAIN ROADWAYS. A golf cart may cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

- 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.(amended by Ord 02-01, 12-04)

Sec. 20-11.1 Outdoor displays--Regulations and Requirements. [Ord No. 01-03]

It shall be unlawful for any person to set up outdoor display facilities for merchandise upon any property within the City of South Padre Island, unless the same owner, operator or concessionaire is also the owner, lessee, or tenant of a permanent structure located on the same property and in full compliance with the Zoning and Building Codes of the City. Any person desiring to set up outdoor display facilities shall comply with the following:

- (A) No displays of merchandise on top or side of buildings or in any manner hanging on or from the building with the exception of windsocks and spinners;
- (B) No storage of merchandise or inventory in vehicle(s), trailers or outside of the building;
- (C) All outdoor display facilities or fixtures must be secured and/or anchored so that they will not become detached in winds up to 75 miles per hour and must be removed daily at the close of business and brought into the place of business or placed in a fenced-in area on the property that is secure and windproof;
- (D) All outdoor display(s) shall only be permitted during the hours the business is open and staffed of each day;
- (E) All outdoor display facilities, except for windsocks and spinners, must be located within an area not to exceed Five (5) feet from the front wall of the main structure. The total maximum area may not exceed one hundred (100) square feet and may include two (2) displays, but no single display area can exceed fifty (50) square feet;
- (F) Windsocks and spinners will be allowed to display outside up to a maximum of Fifteen (15) items and these must be attached to the front structure of the business;
- (G) No outdoor display may eliminate any existing parking, block sidewalks in any way, and may not cause patrons to park or encroach on the City's right of way;
- (H) Up to a maximum of six (6) periods (dates) per calendar year as designated by the City Manager merchants will be allowed to display merchandise normally sold by the merchant. No tents will be allowed in any outdoor display facility;
- (I) Kite stores may continue to display pursuant to (F) above which has no limitation for time period except for (D) above.
- (J) Beach floats only can be displayed outside for the summer months beginning the weekend before Memorial Day and ending the weekend after Labor Day as specified in (E) above.

Sec.20-12 Certain non-conforming uses.

- (A) Uses existing prior to passage of ordinance deemed conforming or non-conforming. Any lawful use of property existing prior to zoning or re-zoning of said property that does not conform to the regulations of Chapter 20 of the Code of Ordinances shall be deemed a non-conforming use; except that any duplex or apartment use existing prior to November 9, 1979 shall be thereafter deemed a conforming use.
- (B) Future non-conforming uses prohibited. The lawful use of land existing prior to zoning or re-zoning of said property, although such does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued for six (6) months, any future use of said premises shall be in conformity with the provisions of this ordinance. If a building occupied by a non-conforming use is destroyed by fire or the elements, it may not be reconstructed or rebuilt except to conform with the provisions of this ordinance.
- (C) Reverter of non-conforming use to lower classification prohibited. The lawful use of a building existing prior to zoning or re-zoning of said property may be continued, although such does not conform to the provisions hereof, and such use may be extended throughout the building, provided no structural alteration, except