

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

**TUESDAY, OCTOBER 6, 2020**

11:00 AM 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 Task Force 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 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. Regular Agenda


4.1. Discussion and possible action regarding Chapter 15 Signs, Art in Public Spaces, Commercial Art, and related issues.

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 2ND DAY OF OCTOBER 2020

  
Angelique Soto, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY 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 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 **OCTOBER 2, 2020**, AT/OR BEFORE 5:00 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 BUILDING OFFICIAL, BELINDA TARVER AT (956)761-8103.

Agenda: OCTOBER 6, 2020



**CITY OF SOUTH PADRE ISLAND  
DEVELOPMENT STANDARDS REVIEW TASK FORCE  
AGENDA REQUEST FORM**

**MEETING DATE:** October 6, 2020

**NAME & TITLE:** Belinda Tarver, Building Official

**DEPARTMENT:** Planning/Parks & Rec. Department

**ITEM**

Discussion and possible action regarding Chapter 15 Signs, Art in Public Spaces, Commercial Art, and related issues.

**ITEM BACKGROUND**

The Development Standards Review Task Force held a workshop and a special meeting to discuss Chapter 15 Signs, Art in Public Spaces, Commercial Art, and related issues and suggested some changes. attached is the draft Ordinance for review.

**BUDGET/FINANCIAL SUMMARY**

N/A

**COMPREHENSIVE PLAN GOAL**

N/A

**LEGAL REVIEW**

Sent to Legal: Yes

Approved by Legal: Yes

**RECOMMENDATIONS/COMMENTS:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, BY REVISING SECTION 15-2 TO ADD A DEFINITION OF "ART" AND BY ADDING NEW SECTION 15-2.1 ESTABLISHING RULES AND PROCEDURES GOVERNING "ART IN PUBLIC SPACES" AND BY REPEALING SECTION 15-5(k) IN IT'S ENTIRETY DEFINING A PROHIBITED OBSCENE SIGN AND REPLACING SECTION 15-5(k) WITH A NEW DEFINITION, AND BY REPLACING THE LANGUAGE OF "THE DEVELOPMENT PLAN REVIEW BOARD" WITH "THE DEVELOPMENT STANDARDS REVIEW TASK FORCE" WHEREVER FOUND IN CHAPTER 15 OF THE CITY CODES, CONTINUING TO PROVIDE FOR A PENALTY OF FIVE HUNDRED DOLLARS FOR ANY VIOLATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY; AND AUTHORIZING THE PUBLICATION IN CAPTION FORM.

WHEREAS the City of South Padre Island has heretofore adopted Chapter 15 (Sign Ordinance) of the Code of Ordinances; and

WHEREAS the City Council of the City of South Padre Island finds that Sections 15-2 and 15-5(k) should be amended; and

WHEREAS the City of South Padre Island's Development Standards Review Task Force has recommended and requested that sections of Chapter 15 of the Sign Ordinance be revised, amended, and added; and

WHEREAS the Development Standards Review Task Force has held public meetings with the opportunity for the public to comment on the recommended revisions to Chapter 15 regarding the display of Art in Public Spaces and the definition and regulation of Art in Public Spaces, and other related issues; and

WHEREAS the Development Standards Review Task Force and the City Council of the City of South Padre Island desire to adopt rules and procedures governing the display of Art in Public Spaces to establish a consistent and uniform method of displaying Art in Public Spaces and to improve the aesthetic appearance and environment; and



WHEREAS the City Council of the City of South Padre Island has determined that revisions to Chapter 15 are needed, and desires that the current ordinance be revised and amended to establish a uniform and consistent method in governing the display of Art in Public Spaces; and that the current ordinance does not fully meet these needs for a consistent and uniform method that governs Art in Public Spaces and that Chapter 15 of the Code of Ordinance needs the revisions established in this new ordinance; and

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

**Section 1.** Chapter 15 of the Code of Ordinances of the City of South Padre Island, Texas, is hereby amended by replacing in its entirety the existing definition of Art in Public Spaces in Section 15-2 (Definitions) with the following language:

**“Section 15-2 – Definitions – “Art in Public Spaces”** means Art located in places easily seen by the public, but which has no direct commercial connection to the structure or location in which the Art is located”.

**Section 2.** Chapter 15 of the Code of Ordinances of the City of South Padre Island, Texas, is hereby amended by adding to Section 15-2 – Definitions, the following language defining the term “Art” :

**“Section 15-2- Definitions – “Art”** includes, but is not limited to a sculpture, monument, mural, fresco, painting, fountain, mosaic, ceramic, carving, but does not include landscaping, architectural ornamentation, or any type of sign”.

**Section 3.** Chapter 15 of the Code of Ordinances of the City of South Padre Island, Texas, is hereby amended by adding new Section 15-2.1 with the following new language:

**“Section 15-2.1- Rules and Procedures Governing Art in Public Spaces**

1. All applications for approval to install, erect, or in any manner display art in public spaces must comply with all Rules and Regulations listed below.
  - a) The proposed art must not be attached to any type of structure and must be a minimum of five (5) feet from any type of structure.
  - b) The total maximum size of the proposed art, including any base or stand shall be eight (8) feet in height, three feet (3) in width with a maximum depth of three (3) feet.
  - c) All proposed Art must be a minimum of five (5) feet from City, State, or any other right of way.

- d) All proposed Art must comply with all other City Codes.
  - e) All applications for Art in Public Spaces must be reviewed by City Staff and approved by the Design Standards Review Task Force, with appeal rights, if denied, as outlined in Section 15-14. The Development Standards Review Task Force has the authority to grant variances in accordance with Section 15-14.
  - f) All proposed Art in Public Spaces must be directly related to and compatible with the local area theme and the immediate local environment.
  - g) All proposed Art in Public Spaces must comply and meet the definition of "Art" in Section 15-2.
  - h) All proposed Art in Public Spaces shall be created by a recognized artist.
  - i) All applicants and all persons or entities shall be limited to one display of Art in Public Spaces per location.
  - j) All proposed Art in Public Spaces shall not be permitted to involve or contain any kind of movement or vibration of any kind and must be stationary.
  - k) All proposed Art in Public Spaces shall not involve or contain any type of lighting, illumination, or lasers, except for some type of spot lighting to allow the display to be visible in the dark.
2. a) Approved Art in Public Spaces shall not be counted towards maximum signage area requirements.
- b) Art in Public Spaces shall not have any direct commercial connection to the structure or location in which the Art is located and cannot be used for any type of advertising.
  - c) The Development Standards Review Task Force shall have the discretion to approve or deny an application to display Art in Public Spaces and has the authority to grant variances when the applicant shows that a undue hardship will occur if the application is not approved, in accordance with Section 15- 14.



**Section 4.** Chapter 15 of the Code of Ordinances of the City of South Padre Island, Texas, is hereby amended by replacing the language and terms “The Development Plan Review Board”, and “The Development Standards Review Board”, wherever found, including in Sections 15-14, and 15-7 to the term and language “The Development Standards Review Task Force”.

**Section 5.** Chapter 15 of the Code of Ordinances of the City of South Padre Island, Texas, is hereby amended by replacing the language and terms “The Board of Aldermen” wherever found, including Sections 15-14 (c), to the term and language “The City Council”.

**Section 6.** Chapter 15 of the Code of Ordinance of the City of South Padre Island, Texas, is hereby amended by replacing in its entirety the existing language of Section 15-5(k)- Certain Signs Prohibited, with the following new language.

**“Section 15-5 (k)-** Signs which contain or display any type of illustration, representation, statements, words, or characters of an obscene, prurient, in, oral or vulgar nature or character”.

**Section 7.** This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

**Section 8.** Any violation of the above mentioned sections or any sections of Chapter 15 of the Code of Ordinances of the City of South Padre Island, Texas, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00)for each offense and each day that the violation continues shall be a separate offense as provided by Sections 15-16, and Section 21-1 of Chapter 21.

**Section 9.** If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court or competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**Section 10.** This Ordinance shall become effective when published in caption form.

PASSED, APPROVED AND ADOPTED on First Reading, the \_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED, APPROVED AND ADOPTED on Second Reading, the \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

CITY OF SOUTH PADRE ISLAND, TEXAS

\_\_\_\_\_  
Angelique Soto, City Secretary

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Patrick McNulty, City Mayor