

ORDINANCE NO. 09-17

AN ORDINANCE OF THE TOWN OF SOUTH PADRE ISLAND,
TEXAS ADDING CHAPTER 20 ZONING ORDINANCE
SECTION 20-8.4 DISTRICT “C-4” PADRE BOULEVARD URBAN
DESIGN, PROVIDING FOR REPEAL OF CONFLICTING
ORDINANCES; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Padre Boulevard Revitalization Committee recommended to the Board of Aldermen that a form based code be developed to regulate urban development on Padre Boulevard; and,

WHEREAS, the Board of Aldermen directed the Planning and Zoning Commission to initiate the process to develop a form based code zoning overlay district for Padre Boulevard; and,

WHEREAS, the Planning and Zoning Commission recommended to the Board of Aldermen that the Town move forward with the development of form based zoning overlay for Padre Boulevard from the 700 block of Padre Boulevard to the south end of the Shores development; and ,

WHEREAS, this ordinance is consistent with the goals of the Town’s Comprehensive Plan.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS THAT:

Section I. Amend Chapter 20, Zoning Ordinance, to add Section 20-8.4 District “C-4” Padre Boulevard Urban Design District.

(a) Purpose and Intent.

The purpose of the Padre Boulevard Urban Design District is to establish design standards and guidelines for new construction and certain renovations of property in the Padre Boulevard Urban Design District in order to protect and enhance the character of the Entertainment District, the bay front, and to encourage economic development and protect property values.

(b) Boundaries of the Padre Boulevard Urban Design District. The Padre Boulevard Urban Design District boundary shall be determined by the Board of Aldermen.

(c) Form Based Code Commission (FBCC). The FBCC is a 5 member body appointed by the Board of Alderman and charged with the administration of Town's urban design districts. The FBCC shall serve 3 year staggered terms. The initial board shall be appointed with three members serving three year terms and two members serving two year terms.

1) Padre Boulevard Urban Design District Development Standards and Guidelines. The Padre Boulevard Urban Design District Development Standards and Guidelines shall be developed by the FBCC and approved by the Board of Aldermen; and, may be amended upon recommendation by the FBCC.

2) Zoning Ordinance Design Standards in the Urban Design Districts:

a) Building Height. As approved by the Form Based Code Commission.

b) Parking Requirements. As approved by the Form Based Code Commission.

c) Front, Side and Rear Yard. As approved by the Form Based Code Commission.

d) Padre Boulevard Urban Design District abutting standard zoning districts.

e) Setback requirement as approved by the Form Based Code Commission.

(d) Certificate of Appropriateness Required.

1) Within the Padre Boulevard Urban Design District, issuance of a Certificate of Appropriateness reflecting compliance with the Padre Boulevard Urban Design District Development Standards and Guidelines is required as a condition of the Following:

(a) Issuance of a building permit for new construction.

(b) Issuance of a building permit for expansion of an existing structure.

(c) Issuance of a building permit for renovation, remodeling or other alterations of the exterior of an existing structure.

(d) Construction of surface parking lots.

(e) Signs.

2) Applications for a building permit may be submitted in conjunction with an application for a Certificate of Appropriateness, however, no building permit shall be issued for construction, expansion, renovation, remodeling or other alterations of any building within the Padre Boulevard Urban Design District until a Certificate of Appropriateness reflecting compliance with the Padre Boulevard Urban Design District Development Standards and Guidelines is approved by the Form Based Code Commission.

(e) Pre-design conference. A pre-design conference with the Staff Design Review Team is required before an applicant makes application for a Certificate of Appropriateness. Two copies of the site plan containing the following information shall be submitted to The Staff Design Review Team for discussion at the pre-design conference:

- (1) Footprints of all existing structures;
- (2) Proposed footprints of all new structures;
- (3) Existing structures adjacent to the property;
- (4) Existing and proposed floor plans of first and second floors (schematic drawings)
- (5) Specific building location and/or build-to line.
- (6) Location of parking areas
- (7) Location of landscape areas
- (8) Two copies of building elevations for all sides of proposed buildings
- (9) Photographs of the site and adjoining properties

(f) Application for a Certificate of Appropriateness. The following materials shall be submitted at least ten days before the meeting of the Form Based Code Commission at which the application for a Certificate of Appropriateness will be considered. Required documents:

- 1). Five copies of site plan including:
 - a. Footprints of all existing structures
 - b. Proposed footprints of all new structures
 - c. Existing structures adjacent to the proposed project
 - d. Specific building location or build-to line
 - e. Location of parking areas, parking lot islands, driveways, sidewalks, walkways, loading areas, walls or fences, utilities, lighting, signage, at grade mechanical units, dumpsters, and all other site improvements.
- 2). Five copies of landscape plan including location and dimension of areas to be landscaped (including private property, adjoining right-of-way, and parking lot islands); total amount of landscaped area; location, number and planting side of all trees, shrubs, and groundcover; location and coverage of irrigation system; and location and description of street furniture.
- 3) Five copies of schematic floor plans depicting the arrangement of interior spaces, location of windows and doors, mechanical equipment, electric meter and utility locations. First floor site plans should show the relationship between the first floor and the site.
- 4) Five copies of schematic building elevations for all sides of the building(s) showing design of all elevations, existing grade, proposed grade, finish floor elevations, roof slopes, mechanical vents and equipment, location and type of outdoor light fixtures, design and location of all wall sign(s) and notations regarding exterior colors and material. Submission should include sufficient material to determine compliance with the Padre Boulevard Urban Design District Development Standards and Guidelines.
- 5) Material specification outline with samples, brochures, and/or photographs of all exterior building and site materials, finishes and fixtures.

6) For all detached signs, five site plans drawn to scale indicating sign location and drawings of proposed sign, lettering and graphics, drawn to scale of at least one-quarter inch to the foot including any support structure. Colors of the proposed sign shall be indicated on the drawing and actual color samples shall be furnished. Any proposed illumination shall be indicated on the drawing.

(g) Authority to Approve Certificate of Appropriateness.

(1) The Form Based Code Commissions is authorized to review and approve projects to determine if the proposed projects comply with the Padre Boulevard Urban Design District Development Standards & Guidelines.

(2) Appeal of a decision of the Form Based Code Commission shall be made in writing to the Board of Aldermen.

(h) Appeals of Decisions by Form Based Code Commission (FBCC)

(1) All decisions by the FBCC may be appealed to the Board of Aldermen.

a) All appeals must be filed with the Planning Department within 15 days after receipt of notification of decision by the FBCC.

b) The appeal must state that the decision of the FBCC is unreasonable, in whole or part and outline the grounds for the appeal.

(2) The Board of Aldermen shall schedule a hearing on such appeal within 30 days after receipt of the notice of appeal, or as soon thereafter as reasonable and practicable. Notice of such hearing shall be published by the City Secretary in the official newspaper not less than the 15th day before the hearing. The Secretary of the FBCC shall forward to the Board of Aldermen a complete record of the matter.

(3) Consideration of an appeal.

a) The Board of Aldermen shall:

1) Hear and consider testimony and evidence concerning the previous recommendations and actions of the FBCC.

2) Hear new testimony and consider new evidence that was not available at the time of the hearing before the FBCC.

3) Apply the substantial evidence test to the decision of the FBCC, considering the record made before the FBCC.

4) Have the option to remand any case back to the FBCC for further proceedings.

5) The Board of Aldermen may uphold, reverse or modify the decision of the FBCC, unless a continuance is agreed to by the owner/applicant.

6) A hearing before the Board of Aldermen shall exhaust the administrative remedies of the property owner/appellant under this title. Any owner/appellant aggrieved by the decision of the Board of Aldermen may file in district court.

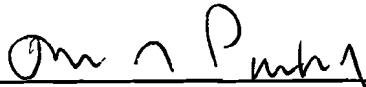
(i) Amendment of current zoning to the C-4 Padre Boulevard Urban Design District.

1) A property owner and/or the Board of Aldermen is authorized to initiate the process to rezone property from its current zoning to the C-3 district.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS THAT:

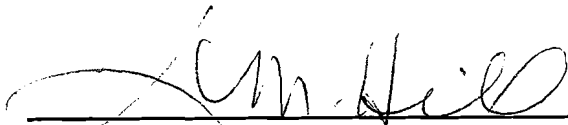
PASSED AND APPROVED THIS THE 4TH DAY OF NOVEMBER, 2009

PASSED, APPROVED AND ADOPTED ON THIS THE 18TH DAY OF NOVEMBER, 2009

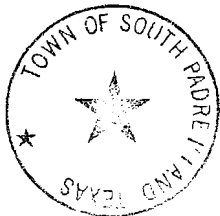


Robert J. Pinkerton, MAYOR

ATTEST:



Susan Hill, City Secretary



Item No.

**BOARD OF ALDERMEN MEETING
AGENDA REQUEST FORM**

MEETING DATE: November 5, 2009

NAME/DEPT.: Rick Vasquez, Planning

ITEM

Public Hearing to consider an amendment to Chapter 20, Zoning Ordinance to add 20-8.4 C-4 Padre Boulevard Urban Design District.

ITEM BACKGROUND

The Board of Aldermen accepted the Planning and Zoning Commission's recommendation to create a form based code district for Padre Boulevard, at their meeting held October 7th, 2009. The BOA directed staff to prepare the necessary ordinances for the BOA to create the district.

RECOMMENDATIONS/COMMENTS

The Planning and Zoning Commission, at their October 15th, 2009 meeting, voted to recommend to the Board of Aldermen the addition of 20-8.4 Padre Boulevard Urban Design District and to include all properties with frontage on Padre Boulevard, from the 700 block of Padre Boulevard to the south end of the Shores.

In addition to creating administrative procedures and the boundaries for the Padre Boulevard Urban Design District, the draft ordinance incorporates the existing Form Based Code Commission responsible for the Entertainment District as the governing body for the Padre Boulevard District.

BUDGET/FINANCIAL SUMMARY

The Form Based Code Commission issued a RFQ for interested parties to provide consultant services to develop a form based code for the Entertainment District and Padre Boulevard. The deadline to respond to the RFQ was October 30, 2009. The Form Based Code Commission and staff will review the responses to the RFQ and prepare a list of recommended consultants for the Board of Aldermen to consider for professional services to develop the form based codes.

In order to engage professional services to complete form based codes for the Entertainment District and the Padre Boulevard Urban Design Districts, a budget amendment will be required. The FY 09-10 budget does not include funding to implement the urban design districts.

COMPREHENSIVE PLAN GOAL

This item is in accordance with the following Comprehensive Plan Goals:

Chapter 7 Economic Development

Goal 7. E Support an environment that is friendly to business and residents.

Goal 7.7 Support the enhancement of the entertainment and cultural district on the Island to insure it is a safe, clean pedestrian friendly and family friendly destination.

Goal 7.9 Review and revise where necessary, revise town ordinances to allow for activities involved with outdoor arts and crafts fairs, and outdoor exhibits.

BOARD ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

Item No.

**BOARD OF ALDERMEN MEETING
AGENDA REQUEST FORM**

MEETING DATE: November 5, 2009

NAME/DEPT.: Rick Vasquez, Planning

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Discussion and Action on the first reading of an ordinance to amend Chapter 20, Zoning Ordinance to add 20-8.4 C-4 Padre Boulevard Urban Design District.

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 - a) The Board of Aldermen shall:
 - 1) Hear and consider testimony and evidence concerning the previous recommendations and actions of the FBCC.

APPROVED AS TO FORM:

Paul Cunningham, City Attorney