

**ORDINANCE NO. 19-08**

**AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 20 OF THE CITY CODE OF ORDINANCES (ZONING CHAPTER) SECTION 20-11(D) TO REGULATE THE CONSTRUCTION AND OPERATION OF TEMPORARY STRUCTURES, AND DEALING WITH RELATED MATTERS**

**WHEREAS**, Chapter 211 of the Texas Local Government Code empowers the City Council of the City of South Padre Island to enact zoning regulations and districts and provide for their administration, enforcement and amendment; and

**WHEREAS**, the Planning and Zoning Commission and the City Council has complied with all notice and public hearing requirements of the City Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

**WHEREAS**, the City Council desires to amend the zoning regulations contained within the City Code to allow for certain uses not currently permitted but consistent with existing uses in certain districts; and

**WHEREAS**, the City Council specifically finds that the requirements specified herein are rationally related to protecting the public purposes of lessening congestion in the streets, securing the safety of its citizens from fire, panic, and other dangers, promoting the health and the general welfare of its citizens; preventing the overcrowding of land, and avoiding undue concentration of population

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

**SECTION 1:** That Chapter 20, Section 20-11(D) of the City of South Padre Island Code of Ordinances be amended by deleting the following;

- (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.
- (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:** That Chapter 20, Section 20-11(D) of the City of South Padre Island Code of Ordinances be amended by adding the following;

- (2) Temporary structures are prohibited within one-hundred and fifty (150) feet of Padre Boulevard unless they are directly associated with operations of the onsite permanent business and a Temporary Structure Permit has been obtained by the property owner or lessee. No more than three (3) Temporary Structure Permits may be issued within a calendar year. Each permit shall be valid for not more than four (4) days. Temporary Structure Permits will not be issued consecutively.
- (3) Commercial sales activities excluding food and beverage of any kind are not allowed in temporary structures regardless of their location. The Activity must be directly related to the business and sales location or applicable 501c organization function, and an extension of the primary business or recreational.
- (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 may request the use of: 1) private property with express authorization from private property owner; and authorize the use of: 2) public property and 3) 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 3:** This Ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

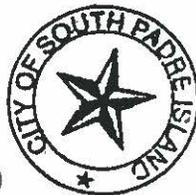
**SECTION 4:** If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of the Ordinance shall be held unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision 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 purpose.

**SECTION 5:** This Ordinance shall become effective when published in summary form according to law.

PASSED, APPROVED AND ADOPTED on First Reading, the 1st day of May 2019.

PASSED, APPROVED AND ADOPTED on Second Reading, the 15th day of May 2019.

ATTEST:



CITY OF SOUTH PADRE ISLAND,  
TEXAS

  
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SUSAN HILL, CITY SECRETARY

  
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DENNIS STAHL, MAYOR