

**NOTICE OF BOARD OF ADJUSTMENTS AND APPEALS REGULAR MEETING  
CITY OF SOUTH PADRE ISLAND**

**TUESDAY, DECEMBER 7, 2021**

9:00 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 Board relating to agenda or non-agenda items. Speakers are required to address the Board at the podium and give their name before addressing their concerns. [Note: State law will not permit the Board of Adjustments and Appeals (Zoning) 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 Board of Adjustments and Appeals (Zoning) meeting]*
4. Regular Agenda
  - 4.1. Discussion and action to approve the Minutes of the November 9, 2021 Special Meeting.
  - 4.2. PUBLIC HEARING: to discuss a request by American Diving for a variance from Chapter 15 Signs, Section 15-2 Definitions, Section 15-7 Sign Standard, and Table 15-1 Commercial Signs for Multi-Tenant Centers & Office Complexes of the City's Code of Ordinances. The applicant is requesting to move the existing legally non-conforming multi-tenant monument sign 30 feet south from existing location on 33256 State Park Road 100.
  - 4.3. DISCUSSION AND ACTION: regarding a request by American Diving for a variance from Chapter 15 Signs, Section 15-2 Definitions, Section 15-7 Sign Standard, and Table 15-1 Commercial Signs for Multi-Tenant Centers & Office Complexes of the City's Code of Ordinances. The applicant is requesting to move the existing legally non-conforming multi-tenant monument sign 30 feet south from existing location on 33256 State Park Road 100.
  - 4.4. PUBLIC HEARING: to discuss a request by Jose Alejandro Cantu for a variance from Chapter 20 Zoning, Section 20-7 (D) Area regulations, (2) Side Yards, (a) of the City's Code of Ordinances. The applicant is requesting to encroach five (5) feet into the side yard setback for the proposed construction of Duplex located at 201 W Huisache Street. (Lot 12 Block 95, Padre Beach Subdivision, Section VII)
  - 4.5. DISCUSSION AND ACTION: regarding a request by Jose Alejandro Cantu for a variance from Chapter 20 Zoning, Section 20-7 (D) Area regulations, (2) Side Yards, (a) of the City's Code of Ordinances. The applicant is requesting to encroach five (5) feet into the side yard setback for the proposed construction of Duplex located at 201 W Huisache Street. (Lot 12 Block 95, Padre Beach Subdivision, Section VII)



- 4.6. PUBLIC HEARING: to discuss a request by Maria J. Hernandez for a variance from Chapter 20 Zoning, Section 20-7.1 (D) Area regulations, (2) Side Yards, (3) Rear yard of the City's Code of Ordinances. The applicant is requesting a zero (0) side yard setback for a stairwell structure, a swimming pool, an exterior shower, and also requesting a rear yard setback for an unenclosed deck, and a support structure to encroach into the utility easement located at 115 & 117 E Marlin Street. (Lots 12 & 13 Block 27, Padre Beach Subdivision, Section III)
- 4.7. DISCUSSION AND ACTION: regarding a request by Maria J. Hernandez for a variance from Chapter 20 Zoning, Section 20-7.1 (D) Area regulations, (2) Side Yards, (3) Rear yard of the City's Code of Ordinances. The applicant is requesting a zero (0) side yard setback for a stairwell structure, a swimming pool, an exterior shower, and also requesting a rear yard setback for an unenclosed deck, and a support structure to encroach into the utility easement located at 115 & 117 E Marlin Street. (Lots 12 & 13 Block 27, Padre Beach Subdivision, Section III)

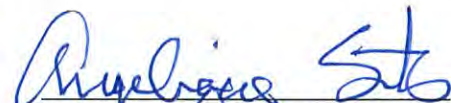
## 5. Adjourn

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 3RD DAY OF DECEMBER 2021

  
Angelique Soto, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE BOARD OF ADJUSTMENTS AND APPEALS 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 **DECEMBER 3, 2021**, 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, GEORGE MARTINEZ AT (956)761-8103.



**CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENTS AND APPEALS  
AGENDA REQUEST FORM**

**MEETING DATE:** December 7, 2021

**NAME & TITLE:** Marta Martinez

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

**ITEM**

Discussion and action to approve the Minutes of the November 9, 2021 Special Meeting.

**ITEM BACKGROUND**

Approve Special Meeting Minutes of November 9, 2021.

**BUDGET/FINANCIAL SUMMARY**

N/A

**COMPREHENSIVE PLAN GOAL**

N/A

**LEGAL REVIEW**

Sent to Legal: No

Approved by Legal: No

**RECOMMENDATIONS/COMMENTS:**



**SPECIAL MEETING MINUTES  
CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENTS & APPEALS (ZONING)**

**TUESDAY, NOVEMBER 9, 2021**

**1. CALL TO ORDER**

The Board of Adjustments & Appeals (Zoning) of the City of South Padre Island, Texas held a Special Meeting on Tuesday, November 9, 2021 at the Municipal Complex Building, 2<sup>nd</sup> Floor, 4601 Padre Boulevard, South Padre Island, Texas. Chairman Paul Fedigan called the meeting to order at 9:12 a.m. A quorum was present: Board Members Chris Huffman, Cain Mahan, and alternate Board Member Abbie Mahan. Board Members with an excused absences were Joseph Praster and Gordon Garlock.

City staff Members present were Public Works Director C. Alejandro Sanchez, and Planning Coordinator Marta Martinez.

**2. PLEDGE OF ALLEGIANCE**

Chairman Paul Fedigan led those present in the Pledge of Allegiance.

**3. PUBLIC COMMENTS AND ANNOUNCEMENTS.**

None.

**4. REGULAR AGENDA**

**4.1 DISCUSSION AND ACTION TO APPROVE THE MINUTES OF THE OCTOBER 12, 2021 SPECIAL MEETING.**

Board Member Huffman made a motion, seconded by Chairman Fedigan to approve the October 12, 2021 special meeting minutes as submitted. The motion carried unanimously.

**4.2 PUBLIC HEARING REGARDING A REQUEST BY ANDRES HERNANDEZ FOR A SPECIAL EXCEPTION IN ACCORDANCE WITH TABLE 5.1 (PERMITTED USES) OF PBED FORM BASED CODE. APPLICANT IS REQUESTING A SPECIAL EXCEPTION TO SEC. 20-8.1 APPENDIX “Z” PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE – “ENTERTAINMENT DISTRICT CORE CHARACTER ZONE” ZONING DISTRICT TO ALLOW A SINGLE – FAMILY HOME**



**AND IS ALSO REQUESTING A VARIANCE FROM SEC. 1.5 PUBLIC ART STANDARDS WHICH REQUIRES A 1% MINIMUM OF PROJECT VALUE DEDICATED TO PUBLIC ART LOCATED AT 112 W. SUNNY ISLE. (LOT 29, BLOCK 7, SUNNY ISLE SUBDIVISION)**

Chairman Fedigan announced the item from the agenda and asked opened the public hearing at 9:14 a.m. and asked if anyone wish to speak in favor or against this agenda item. Andres Hernandez spoke in favor of the agenda item. Chairman Fedigan then closed the public hearing at 9:16 a.m.

**4.3 DISCUSSION AND ACTION REGARDING A REQUEST BY ANDRES HERNANDEZ FOR A SPECIAL EXCEPTION IN ACCORDANCE WITH TABLE 5.1 (PERMITTED USES) OF PBED FORM BASED CODE. APPLICANT IS REQUESTING A SPECIAL EXCEPTION TO SEC. 20-8.1 APPENDIX “Z” PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE – “ENTERTAINMENT DISTRICT CORE CHARACTER ZONE” ZONING DISTRICT TO ALLOW A SINGLE – FAMILY HOME AND IS ALSO REQUESTING A VARIANCE FROM SEC. 1.5 PUBLIC ART STANDARDS WHICH REQUIRES A 1% MINIMUM OF PROJECT VALUE DEDICATED TO PUBLIC ART LOCATED AT 112 W. SUNNY ISLE. (LOT 29, BLOCK 7, SUNNY ISLE SUBDIVISION)**

Chairman announced the item from the agenda and asked for a staff report. Public Works Director C. Alejandro Sanchez gave a brief presentation. Chairman Fedigan then opened it up for discussion by the Board. After some discussion Board Member Huffman made a motion, seconded by Chairman Fedigan to approve the special exception to allow the construction of a single family home. The motion carried unanimously. Board Member Mahan made a motion, seconded by Chairman Fedigan to remove the Public Art Standard requirements from this project. The motion carried unanimously.

**5. ADJOURN**

There being no further business, Chairman Fedigan adjourned the meeting at 9:23 a.m.

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Marta Martinez, Planning Coordinator

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Paul Fedigan, Chairman

**CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENTS AND APPEALS  
AGENDA REQUEST FORM**

**MEETING DATE:** December 7, 2021

**NAME & TITLE:** Alex Sanchez, Public Works Director

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

**ITEM**

**PUBLIC HEARING:** to discuss a request by American Diving for a variance from Chapter 15 Signs, Section 15-2 Definitions, Section 15-7 Sign Standard, and Table 15-1 Commercial Signs for Multi-Tenant Centers & Office Complexes of the City's Code of Ordinances. The applicant is requesting to move the existing legally non-conforming multi-tenant monument sign 30 feet south from existing location on 33256 State Park Road 100.

**ITEM BACKGROUND**

1. The Chairman opens the Public Hearing by reading the caption from the Board's agenda.
2. The Chairman asks if anyone is present to speak in favor of agenda item.
3. Once everyone in favor has spoken, the Chairman then asks if anyone is present to speak in opposition of agenda item.
4. Once everyone in opposition has had an opportunity to speak, the Chairman will then close the Public Hearing.

Please keep in mind that the Board will normally have discussion and action during the next item on the agenda. The Public Hearing is for the purpose of receiving comments from the public. It is not necessary for the Board Members to respond to the public at this time. If a member of the public raises a question, the members of the Board should make note of it to address during the next discussion and action item after the Public Hearing has been closed.

**BUDGET/FINANCIAL SUMMARY**

N/A

**COMPREHENSIVE PLAN GOAL**

N/A

**LEGAL REVIEW**

Sent to Legal: No

Approved by Legal: No

**RECOMMENDATIONS/COMMENTS:**

# South Padre Island, Texas, Code of Ordinances

## Chapter 15 SIGNS

### **Sec. 15-1. Purpose.**

The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the City of South Padre Island, Texas to maintain and enhance the aesthetic environment and South Padre Island's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of community standards. These regulations are aimed at achieving the goals, objectives, and policies enumerated in South Padre Island Plan 2010. This Ordinance is adopted pursuant to Chapter 216, of the Texas Local Government Code.

### **Sec. 15-1.1. Review—Amendment.**

In order to carry out the purpose of this Chapter the City Council in 1996 appointed an Ad Hoc Sign Ordinance Review Committee which made recommendations to the City Council and which amendments were passed. The City Council does not wish to consider further amendments to this Chapter without recommendations from an appropriate citizen committee such as the Ad Hoc Sign Ordinance Review Committee. The City Council may appoint an Ad Hoc Sign Ordinance Review Committee every three years to review this Chapter and the City Council will review said recommendations prior to amending this Chapter.

### **Sec. 15-1.2. Provisions of this chapter apply to ETJ.**

All provisions of this Chapter 15 (sign regulatory ordinances) that regulate outdoor signs shall apply within the area of the extraterritorial jurisdiction of this city as defined by Chapter 42 of the Texas Local Government Code.

(Ord. No. 10-09)

### **Sec. 15-2. Definitions.**

For purposes of this Ordinance, the following definitions shall apply:

*Abandoned Sign* means a sign which no longer correctly directs or exhorts any person, advertises a bona fide business or service provided, lessor, owner, project, activity conducted, or product available on the premises where the sign is displayed. (A temporary closing of a business, not to exceed 90 days, shall not be considered an abandoned sign.)

*Airborne Sign* means sign on a balloon, flag, pennant, or inflatable sign.

*Altered* means a change of copy, logo, or other means in which the message is changed or enlarged, changing shape or location.

*Animated Sign* means any sign which includes action or motion.

*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.



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*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.

*Average Grade* means the grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, in the event that the sign is attached to the structure. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filing, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure of the zone lot, whichever is lower.

*Banner* means a temporary sign made of fabric, plastic, paper, or other light, pliable, or non-rigid material, not enclosed in a rigid frame (not including a "fabric sign" as defined herein).

*Billboard* means any sign that is freestanding or attached to or part of a building and is an off-premises sign.

*Building Face or Wall* means all window and wall area of a building in one plane or elevation.

*Business Information Sign* means a sign that is permanently and professionally attached to a door or window at the entrance of a business that contains information that may include the Business Name, Address, Phone Numbers, Hours of Operation, and Trade Associations the Business is a member of, e.g. FDIC, SBA, etc. All of the information must be located within the maximum Area of Sign for Business Information Sign as defined in Table 15-1. A Business Information Sign is not a Window Sign or a Wall Sign.

*Canopy* means any structure attached to a building at the inner end or a free-standing structure, with one or more supports, meant to provide shelter from the weather.

*Changeable Copy Sign (Manual)* means a sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

*Changeable Copy Sign (Automatic)* means a sign such as an electronically or electrically controlled public service time, temperature and date sign, message center, or reader board where different copy changes are shown on the same lamp bank.

*Charitable Project or Benefit* means proceeds must be for a qualified 501C entity pursuant to the Internal Revenue Code.

*Commercial Art* means art on commercially-used structures which draws attention from the ROW and which identifies or advertises a product or business. Since this type of art is intentionally located and chosen to draw attention to the store and/or store products, the square footage of the art will be counted towards maximum signage area requirements.

*Commercial Sign* means a sign other than a real estate "For Sale" or "For Lease" sign, "Open House" sign, political sign, residential nameplate sign, public information sign, traffic control sign, temporary new business opening sign, or exempted sign, which directs the attention of the general public to a business, product, service, or other commercial or business activity.

*Conforming Sign* means signs built and maintained in accordance with the terms of this Ordinance.

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*Contractor's Sign* means a sign intended to identify a contractor or subcontractor on the site of a construction project where the contractor or subcontractor is conducting work.

*Copy* means the wording or graphics on a sign surface.

*Erect* means to build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend or affix, and also includes the painting of wall signs, murals or super graphics, or any physical operations on the premises which are required for the construction of a sign including excavation, site clearance, landfill and the like.

*Fabric Sign* means a sign made of fabric or other non-rigid material, enclosed in a permanent frame and erected as a permanent, on-site sign for a business, service, product, or person.

*Facade* means the front or main part of a building facing a street.

*Face of Sign* means the entire area of a sign on which copy could be placed. The area of a sign which is visible from one direction as projected on a plane.

*Flashing Sign* means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an extremely mounted intermittent light source.

*Freestanding Sign* means any sign which is not attached to or on the walls, face, or exterior of a building.

*Future Project Development Signs* means those temporary signs announcing a future business or development on the site which the sign is located. Future Project Development Signs should be allowed only on the site which the project will be located and for only one (1) year. After which time the owner may apply for an extension (but only one extension) of the sign permit for one (1) additional year, but only if the permit holder shows progress in the development of the site.

*Grand Opening* means the initial opening of an entirely new business.

*Ground level* means the immediate surrounding grade.

*Height of Sign* means the vertical distance measured from the surrounding grade to the highest point on the sign or sign structure.

*High Rise Building* means a structure of more than Six (6) stories in height.

*Illegal Sign* means signs existing on the effective date of the adoption of this Ordinance which are not registered in accordance with the terms of Subsection 15-3A shall be categorized as illegal.

*Image Sign* means a two dimensional picture/poster used in lieu of models or actual merchandise displays, displayed through a window, and which has no wording other than trademark or brand name/brand logo. For example means portraits and brand name posters/product pictures portraying models wearing/using products; model wearing Nike swimming apparel or a model using a boogie board.

*Indirect Lighting* means a light source separated from the surface and illuminating the sign surface by means of spot lights or similar fixtures.

*Joint Directory Sign* means a sign which consists of a composite of several individual signs identifying the businesses located in a commercial or office complex.

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*Landscaping* for the purposes of this Ordinance, landscaping shall include any combination of shrubs, vines, hedge plantings, plants, trees or palms located in a planting area at the base of the sign. For the purposes of this chapter, the term "landscaping" shall not mean solely turf or grass, or the total absence of vegetable matter.

*Legally Non-Conforming* means signs existing on the effective date of the adoption of this Ordinance which are not in conformance with the Ordinance but which are registered with the Building Department in accordance with the terms of Section 15-3, shall be categorized as legally non-conforming.

*Legally Non-conforming Art and Art in Public Spaces* means "Art" and "Art in Public Spaces," as defined herein, lawfully existing on the effective date of this Ordinance, which do not fully comply or do not conform with the Ordinance.

*Logo* means a letter, character, or symbol used to represent a person, corporation, or business enterprise.

*Lot* means a parcel, tract, plot or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat, or it may include parts of or a combination of such parcels when adjacent to one another and used as a whole.

*Major Corporate Sponsor* means the sponsor of a public event, listed on all advertising and other public promotions, resulting from the contribution of funds, equipment, products, and/or in-kind services to the event.

*Marquee* means any permanent roof-like structure at the entry to a building, which projects beyond the building or extends along and projects beyond the wall of the building, and which generally contains a commercial message(s), and is designed to provide protection from the weather.

*Minimum Sight Triangle* means a triangular area bounded by the right-of-way lines of a corner lot and a line connecting the two points on the right-of-way lines measured twenty (20) feet from the point of intersection of the right-of-way lines. For ingress/egress points and private roads, the minimum sight triangle shall be determined using the intersection of the curb line or edge of pavement for the ingress/egress point or private road and the public right-of-way.

*Monument Sign* means a freestanding sign, other than a pole sign, which has a skirt, dressed base, or other means of enclosing the structural members which support the sign, and which skirting or dressing has been approved by the Development Standards Review Task Force base must equal at least Fifty Percent (50%) of sign width and not to exceed One Hundred Twenty Percent (120%) of the width of the sign for signs up to Eight (8) feet in height. For signs proposed to be taller than Eight (8) feet in height, the width of the approved skirting or dressing must equal a minimum of Fifty Percent (50%) of the sign width, but shall in no case exceed Four (4) feet in width. For the purposes of this Ordinance, the terms "skirting" and/or "dressing" shall mean the enclosing of the structural members which support the sign with materials such as decorative masonry, natural and decorative stone, masonry with a stucco finish, and decorative wood such as redwood or cedar when appropriately finished to prevent decay and discoloration; no skirting may be made from metal or plastic materials. No signage is permitted on the skirting except street address.

*Multi-Pole, Single Pole Sign* means a sign whose only structural support consists of exposed poles, posts, beams, or other devices mounted in the ground.



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*Office Complex/Multi-Tenant Shopping Center* means two (2) or more offices or stores sharing customer parking area, regardless of whether said offices or office establishments occupy separate structures or are under separate ownership.

*Official Sign* means any sign erected by or at the direction of any governmental body.

*Off-Premises Sign* means any sign other than an on-premises sign.

*On-Premises Sign* means a sign which advertises only goods, services, facilities, events or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premises signs.

*Owner* means a person recorded as such on official records and including duly authorized agent, notary, purchaser, lessee, devisee, or judiciary; anyone having a vested or contingent interest in the property or business in question.

*Painting* means the application of paint in the course of normal maintenance which in no way shall alter the message or group of works or letters.

*Parasite Sign* means any sign not exempted by the sign code, for which no permit has been issued, and which is hung from, attached to, or added onto an existing sign.

*Permanent Multi-Family or Subdivision Identification Sign* means a sign which designates the name of a project, subdivision, or other residential district, and which is located at or in close proximity to the main entrance.

*Person* means any natural person, firm, partnership, association, corporation or organization of any kind.

*Place of Business* means one enclosed structure with a Certificate of Occupancy regardless of the number of commercial uses within. For the purposes of this chapter regulating signage, each place of business must be separated from other places of business with non-penetrable walls in such a manner that the public must enter and/or exit the business through an exterior door.

*Political Sign* means any sign which is designated to influence the action of voters for the passage or defeat of a measure appearing on the ballot in connection with any national, state or local election.

*Portable Sign* means any sign not permanently affixed to a building, structure or the ground, and designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. This definition includes, but is not limited to, A-frame signs, sandwich signs, curb signs, sail flag signs, feather flag signs and signs on trailers with or without wheels or on other vehicles which are primarily used as signs.

*Premises* means an area of land, with its appurtenances and buildings, which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

*Project Development Sign* means a temporary sign for a commercial or multi-family tract during the construction of the proposed development which may identify a project under construction and includes the project's name and address, general contractor, architect, financing, and contact agent, with appropriate phone numbers. These signs should not be allowed until or unless the property owner receives a Building Permit for the site, and should be removed either immediately after receipt of the Certificate of Occupancy or immediately after the expiration or revocation of a Building Permit. (see also Future Project Development Sign)

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*Projecting Sign* means a wall-mounted sign, erected in lieu of the permitted, free-standing monument sign, which projects from the face of a structure, meeting the following requirements:

- (1) The sign shall be pinned away from the wall of the structure a minimum of six (6) inches.
- (2) The sign shall not extend over any adjacent right-of-way or property line.
- (3) Projecting signs shall be designed as an integral architectural element of the building to which it principally relates. The mounting brackets of such signs will be an integral part of the sign and complementary to the design of the sign. No projecting sign shall be entirely supported by an unbraced parapet wall.
- (4) No unshielded lights will be permitted. All lighting fixtures shall be placed in such a way as they will not be struck or otherwise damaged by the sign in the event of high wind.
- (5) Projecting signs shall be designed to meet the wind resistance requirements of Section 15-10.

*Public City Art* means Art as reviewed and approved by the Development Standards Review Task Force, which is created by a recognized artist and displayed in or on property owned or leased by the City of South Padre Island.

*Public Information Sign* means any sign or banner which is intended to identify community, civic and social events, special events, facilities, no-trespassing areas and is not a commercial sign or official sign as defined herein.

*Reader Board* means a sign that has changeable or removable lettering.

*Real Estate "For Sale," "For Lease," or "Open House" Sign* means a temporary sign designating that the premises upon which it is erected is for sale, rent, or lease or that an open house is being held on the day on which the sign is displayed.

*Reflective Surface* means any material or device which has the effect of intensifying reflected light, including, but not limited to, scotch light, day glow, glass beads and luminous paint.

*Required Signs* means any sign required by law for the protection of the general health, safety and welfare of the public. For the purposes of this Ordinance, numbers attached to the front plane of a facing and visible from the adjacent public right-of-way or private ingress/egress for the purpose of identifying the street address of the structure shall be considered a required sign. Such numbers shall be a minimum of four (4) inches in height, shall be of a color in distinct contrast to the color of the wall to which it is attached, and shall be plainly visible from the adjacent public right-of-way or private ingress/egress.

*Residential Nameplate Sign* means a sign permitted for the sole purpose of identifying the inhabitant residing therein, the house name, or identifying the address of the house. The sign may contain no advertising of any kind.

*Roof Line* means the highest point of the coping on a flat roof, false mansard, or parapet wall; the decline of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and the ridge of a gable or hip roof.

*Roof Sign* means a sign attached to, and wholly or partially dependent upon, the roof of a structure for support, or attached to the roof in any way, but not extending above the roof line, as defined by this Ordinance. Such signs will be completely enclosed between the sign and the corresponding roof, and shall be designed to meet the wind resistance requirements of Section 15-10.

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*Sign* means anything of visual appearance primarily used for, or having the effect of, attracting attention from the streets, sidewalks, curbside or any other public areas including waterways for identification purposes, whether illuminated or non-illuminated. An identification logo, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, service, institution or business, whether illuminated or non-illuminated. For the purposes of removal, the definition of "sign" shall include all of the sign structure. For the purposes of this Ordinance, this definition shall also include paintings directly upon a building, other structure or vehicle and any manufacture incorporated or added to a building or property that is not a normal structural or architectural component of a building shall be considered a "sign" (i.e. to attract attention from public right-of-way) and must comply with all the commercial sign regulations of this Chapter pertaining to either a monument sign or a projecting sign. (Ord. 02-14; Nov. 20, 2002) The basic intent behind this definition is not to discourage product displays, design, or art from epitomizing simplicity, good taste, and compatibility with the community's desired image.

*Sign Area* means the area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces. For buildings that are not on public rights-of-way and/or near to property boundaries (e.g. building structures on a pier), sign areas shall be calculated on the basis of the most visible building frontage.

*Sign Structure* means the sign and all parts associated with its construction.

*Snipe Sign* means a sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, utility poles, stakes, or fences or to other objects, and whose message is not associated with the premises upon which such sign is located.

*Suspended Sign* means a sign, other than a parasite sign, that is suspended from and supported by the underside of an awning, a marquee, a fascia, an umbrella, or a building overhang.

*Temporary Signage* means a sign erected for a special purpose and for a specifically stated short term of duration, as regulated by Sections 15-6(G), 15-7, and 15-12. Temporary signage may include such otherwise prohibited forms of signage as portable signs [Section 15-5(E)] and banners [Section 15-5(F)].

*Traffic Control Sign* means a permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

*Umbrella* means a device, often round or square in shape that is supported by a center pole that provides shade or protection. For purposes of this article, any device, structure, canopy, etc. that is handheld, or that is totally or partially enclosed, or that projects from or is connected to a building shall not be deemed to be an umbrella.



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*Umbrella Sign* means a sign that is painted, installed, or otherwise applied to or located directly on an umbrella at an establishment. The sign, which is a combination of letter and/or logo, height is limited to 8 inches. Signage may only be displayed on the flap of the umbrella that is maximum 8 feet in diameter and 8 feet in height. Umbrella that is larger than the size limit shall not have any signs on it. The copy on an umbrella sign is limited to the name and/or logo of a single appurtenant business/residential establishment. For purposes of this article, signs that are suspended from umbrellas (suspended signs) shall not be considered to be umbrella signs. Suspended signs are prohibited.

*Wall Sign* means a sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plan parallel to the face of the wall and not projecting more than Nine (9) inches from the face of the wall at any point.

*Window Sign* means a sign-printed, painted, neon or otherwise—no greater than thirty-two (32) square feet, displayed in or through a window or glass door and which can be seen from the front property line/right-of-way line. All windows signs except open or closed, name of store or business and national product logos (Image signs are permitted) are prohibited after February 1, 2012.

(Ord. No. 10-02; Ord. No. 04-03, 3-17-2004; Ord. No. 05-13; Ord. No. 20-09 , §§ 1, 2, 4, 10-21-2020)

### **Sec. 15-2.1. Rules and procedures governing art in public spaces.**

- (A) 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.
- (1) 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.
  - (2) 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.
  - (3) All proposed Art must be a minimum of five (5) feet from any City, State, or any other right-of-way.
  - (4) All proposed Art must comply with all other City Codes.
  - (5) All applications for Art in Public Spaces must be reviewed by City Staff and approved by the Development 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.
  - (6) All proposed Art in Public Spaces must be directly related to, and compatible with the local area theme and the immediate local environment.
  - (7) All proposed Art in Public Spaces must comply and meet the definition of "Art" in Section 15-2.
  - (8) All proposed Art in Public Spaces shall be created by a recognized artist.
  - (9) All applicants and all persons or entities shall be limited to one display of Art in Public Spaces per location.
  - (10) All proposed Art in Public Spaces shall not be allowed to involve or contain any kind of movement or vibration of any kind, and must be stationary.

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- (11) 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.
  - (B) (1) Approved Art in Public Spaces shall not be counted towards maximum signage area requirements.
  - (2) 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.
  - (3) 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 in accordance with Section 15-14.

(Ord. No. 20-09, § 3, 10-21-2020)

### **Sec. 15-3. Permits, renewals, expiration and transfers.**

Permit Required: It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, placement, or moving of any sign or sign structure or any portion thereof without first having applied in writing to the City Manager, or his designee, for a sign permit to do so, and a sign permit has been granted therefore. Should any existing sign be enlarged, replaced, moved, or reconstructed, it shall be considered a new sign, requiring a sign permit. If an existing sign is repainted or the sign panels replaced for the purpose of changing the business or tenant, it shall require the filing of an assignment permit, pursuant to Section 15-3(G)(2). However, the re-painting of a sign face or the replacement of sign panels for ordinary maintenance, shall not constitute such a change as to classify the sign as a new sign, and shall not require a sign permit, providing that the repair and/or replacement shall be in conformance with the height, location, and dimensions as shown in accordance with the original sign permit, and that any damage to the sign shall not be sufficient to make the sign subject to the requirements of Section 15-13. The primary responsibility for securing the necessary permit(s) shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to perform that work to ensure that all required permits and approvals have been secured prior to any work being initiated. For the purposes of this Ordinance, through the acceptance of the contract to perform the work, the third party so contracted shall become equally liable for all fees, fines, and penalties prescribed by this Ordinance arising from violations resulting from that work.

- (A) Applications shall be submitted to the Public Works Department for review and approval. Said application shall consist of a scale drawing showing the detail and dimensions of said sign along with the dimensions of the building and proposed location of the sign(s).
- (B) All signs which are electrically illuminated by neon and other means shall require a separate electrical permit and inspection.
- (C) All signs shall be erected within Ninety (90) days of issuance of the permit; otherwise the permit shall become null and void.
- (D) Signs erected and maintained by the Town shall not require a permit nor may they be restricted by the provisions of this Ordinance.
- (E) All signs existing on the original date of passage of this Ordinance shall be registered and contain the information of 15-3(A) by February 15, 1993, conforming or legally non-conforming.

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- (F) The City Manager or designee shall cause an inspection of the sign for which each permit for a new sign or for modification of an existing sign is issued during the fourth (4th) month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this Ordinance and with the building and electrical codes, the City Manager or designee shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete, but not in full compliance with this Ordinance and applicable codes, the City Manager or designee shall give the owner or applicant notice of the deficiencies and shall allow an additional Thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the City Manager or designee shall affix to the premises the permanent symbol described above.
  - (G) The owner of a sign requiring a permit under this Ordinance shall at all times maintain in force a sign permit for such sign.
    - (1) A continuing sign permit shall lapse automatically if the business ceases. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of Ninety (90) days or more and is not renewed within Thirty (30) days of a Notice from the city to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.
    - (2) A current and valid sign permit shall be freely assignable to a successor as owner of the property of a business for the same premises, subject only to filing such application as the City Manager or designee may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

**Sec. 15-4. Administrative procedures.**

- (A) All applicants for a sign permit shall use forms provided by the City Manager or designee. The applicant shall answer all questions and, if required, include a site plan indicating the location of all structures in relation to property lines.
- (B) All signs shall conform to the standards contained in Section 15-7, unless otherwise provided herein.
- (C) All fees shall be approved by the City Council and may be amended from time to time.
- (D) Applicants are encouraged to use designs which enhance the aesthetic appearance of the Town and shall be given incentives.
- (E) Representations by the Sign Permit Applicant: All representations, whether oral or written, made by an applicant or his agent on behalf of the application for a sign permit under this Ordinance shall constitute a material factor in granting a sign(s) permit. It shall be unlawful for the permittee to vary from such representations unless the permittee first makes application, as required by the provisions of this Ordinance.
- (F) Voiding of Sign Permit: Any permit may be revoked by the City Manager or his designee, at any time prior to the completion of the sign for which the same was issued, when it shall appear to him that there is departure from the plans, specifications or conditions as required under the terms of the



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permit, that the same was procured by false representation, or that any provision of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, his agent, or contractor, or upon any person employed in the building or structure for which such permit was issued, via a stop-work order, which shall be posted in a prominent location, and thereafter, no such construction shall proceed.

- (G) Replacement of Permanent Signs: In those instances where a permit is requested to replace an existing permanent sign, the original sign shall be completely removed prior to erection of the replacement sign. The sign structure of the original sign may be maintained in those instances where the replacement sign merely involves replacement of the sign lens or face, and where the replacement of the original sign does not invoke the requirements of Section 15-13.

(Ord. No. 20-09, § 5, 10-21-2020)

### **Sec. 15-5. Certain signs prohibited.**

The following signs shall be prohibited in the Town of South Padre Island:

- (A) Airborne signs.
- (B) Illegal signs as defined by the terms of Section 15-2(29), above, or any other sign constructed after the enactment of this Ordinance and which is not in compliance with the terms of this Ordinance.
- (C) Moving, Swinging, Flashing Signs, including electronic message centers, with the exception of time and temperature signs, however, such time and temperature signs shall be for that purpose only, shall be constant in nature, and shall not grow, melt, x-ray, up or down scroll, write-on travel, inverse, roll, snow or present pictorial or other animation.
- (D) Off-Premise signs.
- (E) Portable signs, except those used for temporary purposes as authorized by this Ordinance.
- (F) Banners.
- (G) Sidewalk sandwich signs.
- (H) Pole signs.
- (I) Snipe signs.
- (J) Signs with a reflective surface as herein defined.
- (K) Signs which contain or display any type of illustration, representation, statements, words, or characters of an obscene, prurient, immoral or vulgar nature or character.
- (L) Signs which contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device, or which may hide from view any traffic or street sign or signal.
- (M) Any sign construed or located in such a manner that is or becomes an immediate hazard or danger to persons or property because of being in an unsafe condition, or which obstructs any

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window, door, or fire escape of any building. Such signs will be subject to immediate removal by the City Manager, or his designee, without notice, at the expense of the owner.

(N) Signs attached directly to a door or window. The only exceptions to this provision are a Business Information Sign, "Open" and "Closed" signs, Credit Card signs, ATM signs, and "Help Wanted" signs. [Ord 05-13]

(O) Signs painted on or affixed to benches.

(Ord. No. 20-09 , § 6, 10-21-2020)

### **Sec. 15-6. Sign types permitted.**

The following signs shall be permitted under the provisions of this Ordinance.

(A) Residential Signs:

1. Residential nameplate signs.
2. Permanent multi-family or subdivision identification signs.

(B) Commercial Signs for Multi-Tenant Centers and Office Complexes:(See Section 15-7(B) Sign Standards)

1. Monument signs.
2. Awning and wall signs.
3. Joint directory commercial signs.
4. Nameplate Signs.
5. Roof Sign.
6. Window Signs—see Tables 15-3A & 15-3B for further details. Ord 04-03; 3/17/04

(C) Commercial Signs for Single Business Use:

1. Monument signs.
2. Awning and wall signs.
3. Nameplate Signs.
4. Projecting Sign.
5. Roof Sign.
6. Window Signs—see Tables 15-3A & 15-3B for further details. Ord 04-03; 3/17/04

(D) High Rise Building Signs.

(E) Traffic-Control Signs upon private property.

(F) Political Signs.

(G) Temporary Signage:

1. Future Project Development Signs: Only allowed on the site which the project will be located and for only one (1) year. After which time the owner may apply for an extension

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(but only one extension) of the sign permit for one (1) additional year, but only if the permit holder shows progress in the development of the site.

2. Project Development Signs: Temporary sign for a commercial or multifamily tract during the construction of the proposed development. These signs should not be allowed until or unless the property owner receives a Building Permit for the site, and should be removed either immediately after receipt of the Certificate of Occupancy or immediately after the expiration or revocation of a Building Permit.
3. Real Estate, For Sale, For Lease: 30 days after sale or lease.
4. Open House signs: The day of the Open House only.
5. Contractor's Sign.
6. The following miscellaneous allowed Business Marketing/Advertising Temporary Signs:
  - a. Advertising a "grand opening," one time only permit per business, for a ten (10) day period.
  - b. For general business purposes, limited to four (4) permits per year per business.
  - c. For charitable projects and benefits, limited to two (2) permits per year per business.
  - d. For recognized events and Town holidays, as provided in Section 15-12.

(H) Any sign not specifically listed as being permitted herein, is expressly prohibited.

**Sec. 15-7. Sign standard.**

(A) General:

1. All signs, temporary or permanent, must appear to be professionally made and/or printed.
2. No sign that appears to be hand printed will be allowed.
3. No awning, wall and/or roof signage may be used for advertising prices of products or services.
4. The following tables contain standards which are applicable to all signs permitted under the terms of this Ordinance.
5. The provisions of Tables 15-3A & 15-3B become effective midnight December 1, 2004.
6. Backlit signs with removable letters shall be allowed only on monument-style signs. In such cases, no more than 70% of the sign face can be used for marquee/removable letter area, and the remaining 30% or greater area may be used only for background color, the business name and/or logo.
7. Wall signs cannot be painted directly on the walls or surfaces of any structure and can include only the name of the on-premises business, business logo, business byline, and/or business products and services.

**TABLE 15-1  
Sign Number, Area and Height Regulations\*\*\***

SIGN TYPE	MAX. NO. SIGNS PER LOT	MAX. AREA OF SIGN	MAX. HEIGHT	SETBACK
<b>Residential Signs</b>				
1) Residential Nameplate signs	1 per dwelling unit	2 sq. ft per residence OR 0.5 sq. ft per multi-family unit	6 ft from average grade	15 ft from ROW & Property Line (PL)
2) Permanent multi-family or subdivision identification signs	1 per project or subdivision	24 sq. ft	16 ft from average grade	15 ft from ROW & PL
<b>Commercial Signs for Multi-Tenant Centers &amp; Office Complexes</b>				
1) Monument Signs (Doubled Faced)	1 sign per center	72 sq. ft per face	16 ft from average grade	15 ft from ROW & PL
2) Awning, Wall & Roof Signs	As determined by tenant**	64 sq. ft. total		15 ft from ROW & PL
3) Joint directory commercial signs	1 per tenant	2 sq. ft per tenant	16 ft from average grade	15 ft from ROW & PL
4) Nameplate Sign	1 per tenant	2 sq. feet		15 ft from ROW & PL
5) Window Sign Prohibited after Feb 1, 2012; Ord 10-02	4—As per Table 15-3A & 15-3B	32 sq. ft. per sign		No closer than 6 inches from glass of window or door
6) Business Information Sign	1 Per Business	9 sq. ft. & no portion of the sign more than 5 ft. from the entrance		
<b>Commercial Signs for Single Business Use</b>				
1) Monument (Double Faced)	1 sign per lot*	50 sq. feet per face	16 ft from average grade	15 ft from ROW & PL
2) Projecting Sign	1 sign per lot in lieu of monument sign	36 sq. ft. per face	16 ft from average grade	15 ft from ROW & PL
3) Awning, Wall, Roof Signs	As determined by business**	64 sq. ft total		15 ft from ROW & PL
4) Nameplate Sign	1 per tenant	2 sq ft.		15 ft from ROW & PL
5) Window Sign Prohibited after Feb 1, 2012 Ord 10-02	4 As per Table 15-3A & 15-3B	32 sq. ft. per sign		No closer than 6 inches from glass of window or door

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6) Business Information Sign	1 Per Business	9 sq. ft. & no portion of the sign more than 5 ft. from the entrance		
<b>High Rise Buildings</b>				
1) Monument Double-Faced	1 sign per lot*	72 sq. ft. per face	16 ft from average grade	15 ft from ROW & PL
2) Awning & Wall Signs	1 sign per lot	10% of the wall plane surface area, or 250 sq. ft., whichever is less.	Height of the wall	15 ft from ROW & PL
<b>Traffic Control Signs located on Private Property</b>				
	Comply with state standards	2 sq. ft.	8 ft. from average grade	
<b>Political Signs</b>				
		No greater than 36 sq. ft.	No greater than 8 ft tall	
<b>Temporary Signage</b>				
1) Future Project Development Signs (issued prior to construction of project)	1 per Development (not allowed in addition to Project Dev. Sign)	32 sq. ft.	8 ft from average grade	15 ft from side property line
2) Project Development Signs (Issued during construction of project)	1 per Development (not allowed w/ Future Project Dev. Sign)	32 sq. ft.	8 ft from average grade	15 ft from side property line
3) Freestanding Real Estate Signs, For Sale, For Lease	1 per lot	Sites with less than 1 acre = max of 6 sq. ft.	3 ft. from average grade	15 ft from ROW & PL
		Sites > 1 acre and < 5 acres = max of 16 sq. ft.	8 ft from average grade	15 ft from ROW & PL
		Sites 5+ acres = max of 32 sq. ft.	8 ft. from average grade	15 ft from ROW & PL
4) Open House Signs	1 per lot	6 sq. ft.	3 ft. from average grade	15 ft from ROW & PL
5) Contractor's Signs	1 per contractor and subcontractor	6 sq. ft.	3 ft. from average grade	15 ft. from ROW & PL

6) Miscellaneous Allowed Business Marketing/Advertising Temporary Signs—See Section 15-6(G)(6)	1 per business per permit [see Section 15-6(G)(6)]	36 sq. ft. per sign	16 ft from average grade, if free standing	15 ft. from ROW & PL
7) Sail Flag Signs and Feather Flag Signs	2 per business except multi-tenant center only 1 per business	18 sq. ft. per sign	16 ft. from average grade	15 ft. from ROW and property line

\* One per property, except where a business owns, under single ownership, the entire street frontage of a block, that is, the entire frontage of a public street between two other intersecting public streets, may be permitted two, free-standing monument signs, as defined by this Ordinance, providing the signs are placed a minimum of 150 feet apart. In those areas on the north and south ends of the community where the "C" District is not divided in the traditional grid pattern of "blocks," a business which owns, under single ownership, a minimum of 200 feet of lineal street frontage, as measured on a single street (i.e., the measurement shall not be made around the corner of one street onto another), the business may be permitted two, free-standing monument signs, provided they are placed a minimum of 150 feet apart. In no instance shall a business with a(n) existing non-conforming free-standing sign(s) be permitted the two free-standing monument signs permitted under this provision unless and until the non-conforming free-standing sign(s) is (are) first removed.

\*\*Single businesses and tenants of multi-tenant centers and office complexes may have any number of awning, wall, or roof signs, as defined and permitted by this Ordinance provided the total square footage of all such signs does not exceed the allowed square footage as defined by this chapter as seen from the public right-of-way from any line of sight.

\*\*\*A variance of the requirements of this Table may be granted by the Development Standards Review Task Force. [See Section 15-14]

**TABLE 15-2  
Review, Lighting, Landscaping, and Duration Requirements for Signs\*\*\***

SIGN TYPE	REVIEW REQUIRED?	OPTIONAL LIGHTING TYPE	DURATION LIMIT (Subject to Section 15-3G)
<b>Residential Signs</b>			
1) Residential Nameplate	No	Direct or Indirect	None
2) Permanent multi-family or subdivision identification	Yes	Direct or Indirect	None
<b>Commercial Signs for Multi-tenant Centers and Office Complexes</b>			
1) Monument	Yes	Direct or Indirect	None
2) Awning, Wall, Roof	Yes	Direct or Indirect	None

3) Joint Directory Commercial	Yes	Direct or Indirect	None
4) Nameplate	Yes	Direct or Indirect	None
5) Window*	Yes	Neon only	None
<b>Commercial Signs For Single Business Use</b>			
1) Monument Double-Faced	Yes	Direct or Indirect	None
2) Projecting	Yes	Direct or Indirect	None
3) Awning, Wall, Roof	Yes	Direct or Indirect	None
4) Nameplate	Yes	Direct or Indirect	None
5) Window*	Yes	Neon only	None
<b>High Rise Buildings</b>			
1) Monument Double-Faced	Yes	Direct or Indirect	None
2) Awning, Wall, Roof	Yes	Direct or Indirect	None
<b>Traffic Control Signs Located on Private Property</b>			
	Yes	Not Applicable	
<b>Political Signs</b>			
	No	Not permitted	
<b>Temporary Signage</b>			
1) Future Project Development Signs (issued prior to construction of project)	Yes	Not permitted	Up to one year OR until receipt of Building Permit for project, whichever is the lesser time period. One (1) extension may be granted with proof of satisfactory progress of on-site development.
2) Project Development Signs (Issued during construction of project; after receipt of Building Permit)	Yes	Direct or Indirect	Valid for the life of the project until/unless the Building Permit expires, OR no longer than 30 days after receipt of Certificate of Occupancy
3) Freestanding Real Estate Signs, For Sale, For Lease	If less than 6 sq. ft.— No.	Not permitted	30 days after sale or lease
	All Others—Yes.	Not permitted	30 days after sale or lease
4) Open House signs	No	Not permitted	The day of the Open House Only

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5) Contractor's Sign	No	Not permitted	With issuance of certificate of occupancy OR 15 days if building permit not required
6) Miscellaneous Allowed Business Marketing/Advertising Signs—See Section 15-6(G)(6)	Yes	Direct or Indirect	15 days per permit
7) Sail Flag Signs and Feather Flag Signs	Yes	Not permitted	6 months per permit

\* All windows signs are prohibited after February 1, 2012 except open or closed, name of store or business and national product logos (Image sign(s) are permitted).

\*\*\*A variance of the requirements of this Table may be granted by the Development Standards Review Task Force. [See Section 15-14]

**Table 15-3A Window Signage\***

**Allowing the name of the business, byline, logo, and/or specials & advertising**  
**All windows signs are prohibited after February 1, 2012 except open or closed, name of store or business and national product logos (Image signs are permitted).**

Total Linear ft. per street side with windows per place of business	Max. No. of Window Signs Per Place of Business	Max. area Per window/image sign	Max. total area of Window Signage	Minimum distance between window signs
100 ft. or less	1	32 sq. ft.	32 sq. ft.	N/A
101 ft. or greater	2	32 sq. ft.	64 sq. ft.	10 ft. or equally spaced whichever is greater.
150 ft. or greater	3	32 sq. ft.	96 sq. ft.	10 ft. or equally spaced whichever is greater.
200 ft. or greater	4	32 sq. ft.	128 sq. ft.	10 ft. or equally spaced whichever is greater.

**Table 15-3B Image Signage**

**Allowing 2D images of models and product display**

Total Linear ft. per street side with windows per place of business	No. of Image Signs Per Place of Business	Max. area per each image sign	*Maximum possible area of Image Signage
100 ft. or less	1	32 sq. ft.	64 sq. ft.
101 ft. or greater	2	32 sq. ft.	128 sq. ft.

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150 ft. or greater	3	32 sq. ft.	192 sq. ft.
200 ft. or greater	4	32 sq. ft.	256 sq. ft.

\* Businesses can substitute window signage (Table 15-3A) for display of additional image signage (Table 15-3B), but cannot substitute allowable image signage for additional window signage. For example, a business allowed to have 4 window signs and 4 image signs, may choose to have 2 window signs and 6 images signs; however they may NOT have 6 window signs and 2 image signs. Under no circumstance may a business have more than four (4) window signs.

The provisions of Table 15-3A & 15-3B become effective midnight December 1, 2004.

\*All windows signs are prohibited after February 1, 2012 except open or closed, name of store or business and national product logos (Image signs are permitted).

(B) Multi-tenant Structures: Unified sign plans are requested by the Design Review Committee in order to promote a compatible style or theme between all signs within a single multi-tenant development. The unified sign plan, which will include a plan for all monument and awning, wall, or roof signage, is not intended to prevent multi-tenant establishments from self-expression or creative advertisement. Each business within the multi-tenant center will still be required to obtain individual sign permits. Approval of a unified sign plan will only set the parameters for the future signs within a multi-tenant development.

- The proposed sign type should be complimentary to the architectural style of the development.
- The lettering style, sign background color and/or awning color should be compatible with one another.

(1) New Construction: All new multi-tenant commercial developments are required to provide a unified sign plan (to include all monument signage, and awning, wall or roof signage) at the time of site plan submission, to be reviewed by the Development Standards Review Task Force. This plan shall include the following information.

- (a) Sign locations.
- (b) Sign dimensions.
- (c) Sign background and/or awning colors.
- (d) Sign materials/lighting.

(2) Existing Developments: All existing multi-tenant developments will be required to submit a unified sign plan by December 1, 2004 (to include all monument and awning, wall or roof signage). No new sign permits will be issued to any tenant or to the owner of a multi-tenant development until such plan has been submitted and approved by the Development Standards Review Task Force. The Development Standards Review Task Force will review proposed sign plans with input and cooperation from the owners and/or existing tenants of the development. A time line and future sign plan may be established in order to reasonably phase in changes needed to comply with a unified sign plan. The existing sign plan will include the following information for each tenant currently located within the center and for all vacant tenant space within the center:

- (a) Sign locations.

- (b) Sign dimensions.
  - (c) Sign background and/or awning colors.
  - (d) Sign materials/lighting.
- (3) Sign Dimensions: Businesses located within a multi-tenant development must comply with the submitted and approved unified sign plan for that multi-tenant development. Owners/tenants may not combine the use of awning, wall and roof signage; they must instead choose one kind of signage of the three. The table below should be used as a general policy to determine the maximum amount of awning, wall or roof signage per place of business.

Another suggested alternative for multi-tenant owners to determine the maximum area of signage for each place of business is to divide the total linear feet of store frontage of the multi-tenant structure by the number of places of business located within the structure, and using the table below, determine the average maximum square footage of signage allowed for each place of business.

Total Linear Feet of Store Frontage per Place of Business	Proposed Total Square Footage of Awning, Wall or Roof Signage
18 feet or less	24 square feet or less
Over 18 feet to 36 feet	32 square feet or less
Over 36 feet to 54 feet	48 square feet or less
Over 54 feet	64 square feet or less

\* Awning, wall, and roof signs can only be business identity signs which may include the name of the on-premises business, business logo, business byline, and/or business product and services but under no circumstance shall a business use awning, wall and/or roof signage for the purpose of advertising prices of their products (i.e. 4 T-shirts for \$20.00; beer bong for \$9.99, etc.).

\*\* A business may potentially have more than 64 square feet of signage, but no more than 64 square feet can be seen at any one time from any one line of sight.

(Ord. No. 04-03, 3-17-2004; Ord. No. 20-09 , § 4, 10-21-2020)

**Sec. 15-8. Signs exempt from regulation.**

The provision of this section shall not apply to the following signs:

- (A) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other metal provided that such signs shall not exceed Two (2) square feet.
- (B) Signs erected and maintained by the City of South Padre Island.
- (C) Official Governmental Notices and notices posted by governmental officers in the performance of their duties, governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger.

- (D) Displays and works of "Public City Art" that have been approved by the Development Standards Review Task Force and which in no manner identifies or advertises a private or public business or entity, other than the City of South Padre Island.
- (E) Temporary decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national or local holiday or celebration; provided, that such decorations are maintained in an attractive condition, do not constitute a fire or traffic or pedestrian hazard, and are removed within a reasonable time after the event or celebration has occurred.
- (F) Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.
- (G) Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of business, indicating the name of the owner, business and location, (e.g. moving vans, delivery trucks, rental trucks and trailers and the like); provided that the primary purpose of the vehicles is not for display of signs, and provided that they are parked in areas appropriate to their use as vehicles, are normally used in the course of business, are in operable condition, and carry a current and valid license plate and state inspection tag.
- (H) "Open" and "Closed" signs, Credit Card signs, ATM signs, and "Help Wanted" signs, provided that the sign does not exceed five (5) square feet. No more than one (1) such sign is allowed per Building Face or Wall.

(Ord. No. 05-13; Ord. No. 20-09 , §§ 4, 7, 10-21-2020)

**Sec. 15-9. Signs exempt from permitting requirements.**

- (A) Political signs.
- (B) Real Estate "For Sale" Signs.
- (C) Required signs.
- (D) Contractor's Sign.

**Sec. 15-10. Wind pressure load requirements for signs.**

Any sign as defined in this Ordinance, which will have a height, of Six (6) feet or more, shall be designed and constructed to withstand wind load pressures in pounds per square foot as set out in Table 15-4.

**TABLE 15-4  
Minimum Wind Load Pressure Resistance in Pounds Per Square Foot**

Sign Height	Pressure
0—30 feet	35 PSF
31—50 feet	45 PSF
51—99 feet	55 PSF
Over 100 feet	70 PSF

Created: 2021-09-29 16:06:58 [EST]

(Supp. No. 4, Update 3)

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**Sec. 15-11. Fees, maintenance of and abandoned signs.**

- (A) The City Council shall approve all fees for issuance of permits pursuant to Chapter 15. A current list of fees shall be maintained in the Office of the City Manager and the Building Department. The City Council may change and alter these fees at any time.
- (B) All signs, sign supports and skirting shall be maintained in good repair so as to prevent rust, peeling, flaking, or fading; if skirting is painted it shall match the base color of the building. Broken panels, missing letters, flaking and peeling paint, sign lighting not maintained in operating condition, and all other visual damage to a sign shall be repaired and all dead landscaping associated with the sign shall be replaced within thirty (30) days of notification by the Code Enforcement Officer.
- (C) Any sign or sign structure which advertises a business, or use no longer conducted or service no longer rendered, or a product no longer offered on the premises where the sign is located shall be classified an abandoned sign, and shall be removed by the owner, agent, or person having beneficial use of the property upon which the sign is located within ten (10) days of notification by the Code Enforcement Officer concerning the removal. "Removal" shall include the subject sign, as well as the sign structure, poles, and other supporting members.

(Ord. No. 20-09 , § 5, 10-21-2020)

**Sec. 15-12. Special provisions for recognized events and town holidays.**

Regardless of any provision to the contrary contained in this chapter, during the Period of recognized events and Town holidays, the City Council, or the City Manager or his designee may grant permits for temporary signage of any nature for the specific period of the respective event or holiday without a review by the Development Standards Review Task Force.

- (A) To qualify for a permit, the proposed temporary signage must directly incorporate reference to the applicable recognized event or Town holiday. The use of inflatables, placed at the site of recognized events, is strictly limited to major corporate sponsors of the respective event.
- (B) If a permit has been issued for temporary parking facilities pursuant to Section 13-22 of this code, that permit holder may also obtain a temporary sign permit to identify the parking facility. The sign may be a flashing type sign, the exact nature of the sign is subject to approval of the City Manager or his designee. There shall be a \$10 fee if the permit is issued simultaneous with the temporary parking facilities permit.

(Ord. No. 20-09 , §§ 4, 5, 10-21-2020)

**Sec. 15-13. Legally non-conforming signs, art, and art in public spaces.**

- (A) Any existing non-conforming sign legally registered, as required by this ordinance, or any existing non-conforming "Art," or "Art in Public Spaces," lawfully erected or displayed, and in existence at the time of the effective date of this ordinance, may continue to exist and to be maintained, displayed and used subject to the following provisions:

- 
- (1) *Enlargement.* A non-conforming sign, display or Art, or Art in Public Spaces shall not be allowed to be enlarged, expanded, extended or modified in any way except for necessary normal maintenance, unless it complies with all requirements of this Chapter and all other applicable City Codes.
  - (2) *Relocation.* A non-conforming sign, Art, or Art in Public Spaces, shall not be allowed to be moved in whole or in part from its existing location to any other portion of the lot, building, parcel, or any other location, unless it complies with all requirements of this Chapter and all other applicable City Codes.
  - (3) *Discontinuance.* If the business, service, product, or person advertised or identified by a legally non-conforming on-site sign ceases to be conducted at that site, all signs must be brought into conformance with the requirements of this Ordinance prior to utilization by any new business, service, product or person. (See Section 15-2 for definition of "abandoned" sign.).
  - (4) *Destruction.* Should any non-conforming sign, Art, or Art in Public Spaces be damaged or destroyed by any means to the extent that the estimate of the cost of the needed repairs, as determined by the City Building Official, exceed sixty percent (60%) of the cost of erecting a new sign or creating a new display of Art, or Art in Public Spaces, then the existing sign, Art, or Art in Public Space shall not be allowed to be reconstructed, or repaired, without fully complying with all requirements of this Chapter and all other applicable City Codes.
  - (5) *Removal.* If a non-conforming sign, display of Art, or Art in Public Spaces is removed for any reason, for any amount of time, or abandoned, it shall not be allowed to continue to exist as non-conforming, and cannot be replaced, or erected or displayed again without fully complying with all requirements of this chapter and all other applicable City Codes.
  - (6) *Wind Load Pressure Requirements.* If a legally non-conforming sign is damaged by the wind, and the damage involves less than Fifty Percent (50%) of the surface area of the sign or the sign structure, then the repair of the sign must comply with the wind pressure requirements of Table 15-3, providing that the wind load pressure requirements can be met without repairing or altering more than Fifty Percent (50%) of the sign surface or sign structure, in which case the sign must then be removed.
  - (7) *Replacement.* The replacement of any portion or part of a legally non-conforming sign shall classify the non-conforming sign as a "new" sign requiring the conformance of the sign to all of the requirements of this Ordinance at that time.
  - (8) All non-conforming, off-premises signs must be removed no later than June 1, 2005.
- (B) *Determination of Non-Conformance.* If a determination is made by the City Building Official that a sign, display of Art, or Art in Public Spaces, is non-conforming, it shall not be allowed to continue to exist and must be abated immediately and can no longer be used, erected or displayed without full compliance with all requirements of this chapter, and all other applicable City Codes. The aggrieved party shall have the right to appeal any determination of non-conformance, in accordance with Section 15-14 of this chapter.

(Ord. No. 20-09, § 8, 10-21-2020)

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**Sec. 15-14. Appeals and variances.**

Any person aggrieved by any decision of the City Manager or his designee in the administration of this Chapter may appeal such decision to the Development Standards Review Task Force. The Development Standards Review Task Force shall:

- (A) Hear and decide appeals that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter,
- (B) Grant variances from the strict enforcement of the requirements of this Chapter due to special conditions, a literal enforcement of this Chapter would result in unnecessary hardship, and so that the spirit of Chapter 15 is observed and substantial justice is done,
- (C) Provide recommendations to the City Council regarding ordinance revisions and changes to this chapter to better address the Town's desired direction for aesthetic improvement.

Any person aggrieved by the decision of the Development Standards Review Task Force in granting approval or denial of a sign permit may appeal such decision to the City Council, requesting a determination by that body. A Notice of Appeal must be filed in the Office of the Town Secretary within ten (10) calendar days following the decision by the Development Standards Review Task Force. The appeal will specifically state how the application, as filed or subsequently modified, meets or fails to meet the applicable criteria set forth in these regulations. No appeals will be accepted after the tenth calendar day following the decision of sign permit approval/denial. However, if an appeal is submitted, the aggrieved party shall be placed on the agenda for the next regular meeting of the City Council for a final decision.

(Ord. No. 20-09, §§ 4, 5, 10-21-2020)

**Sec. 15-15. Bond required.**

- (A) Upon the granting of the permit required by this chapter, and prior to the commencement of erection and or construction, a bond with good and sufficient sureties for a sum of not less than Ten Thousand (\$10,000.00) Dollars providing for the payment to the Town and to any person or persons injured or damaged in person or property, including damages to streets, culverts or any other property of the Town, for all injuries and damages caused by, or growing out of, or in any manner connected with the erection, construction, structural alteration, placing or locating of the sign covered by the permit.
- (B) Upon filing of the required bond, the Building Inspector shall determine whether or not the sum of Ten Thousand (\$10,000) Dollars is sufficient to cover the amount of probable damage. In the event that it is determined that a higher amount is necessary to cover such damages, such bond shall be made and increased to such determined amount.

**Sec. 15-16. Penalty provisions.**

Any person convicted of a violation of any provision of this Chapter shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00) as provided by Section 21-1 of Chapter 21 of the Code of Ordinances and each day that the violation continues shall be a separate violation.



**CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENTS AND APPEALS  
AGENDA REQUEST FORM**

**MEETING DATE:** December 7, 2021

**NAME & TITLE:** Alex Sanchez, Public Works Director

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

**ITEM**

**DISCUSSION AND ACTION:** regarding a request by American Diving for a variance from Chapter 15 Signs, Section 15-2 Definitions, Section 15-7 Sign Standard, and Table 15-1 Commercial Signs for Multi-Tenant Centers & Office Complexes of the City's Code of Ordinances. The applicant is requesting to move the existing legally non-conforming multi-tenant monument sign 30 feet south from existing location on 33256 State Park Road 100.

**ITEM BACKGROUND**

The applicant is requesting to replace and move (per request of Cameron County) the existing legally non-conforming monument sign that's been in place for over 30 years.

Notice of variance request was placed in the Port Isabel/South Padre Island Press that ran on Thursday, November 18, 2021, and notices to property owners within two-hundred (200) feet of the subject property were mailed out on Tuesday, November 16, 2021 informing them of the variance request.

Staff has received no feedback from the public.

**BUDGET/FINANCIAL SUMMARY**

N/A

**COMPREHENSIVE PLAN GOAL**

N/A

**LEGAL REVIEW**

Sent to Legal: No

Approved by Legal: No

**RECOMMENDATIONS/COMMENTS:**

The Board should establish the hardship(s), if any, that would serve as justification for this request. Finances and/or mere inconvenience are insufficient based for the granting of a variance. Staff would also like to remind the Board that



variances run with the property, not with the owner. So, should something happen to the structure that it is removed or destroyed, any variances granted would allow the owner to rebuild according to previously granted variances instead of bringing the new structure up to current code. Please remember to state for the record your reason(s) for denial, or the hardship(s) involved that allows(s) you to approve the applicant.

## Chapter 15

### SIGNS

#### Sec. 15-2. Definitions.

For purposes of this Ordinance, the following definitions shall apply:

*Abandoned Sign* means a sign which no longer correctly directs or exhorts any person, advertises a bona fide business or service provided, lessor, owner, project, activity conducted, or product available on the premises where the sign is displayed. (A temporary closing of a business, not to exceed 90 days, shall not be considered an abandoned sign.)

*Airborne Sign* means sign on a balloon, flag, pennant, or inflatable sign.

*Altered* means a change of copy, logo, or other means in which the message is changed or enlarged, changing shape or location.

*Animated Sign* means any sign which includes action or motion.

*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.

*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.

*Average Grade* means the grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, in the event that the sign is attached to the structure. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filing, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure of the zone lot, whichever is lower.

*Banner* means a temporary sign made of fabric, plastic, paper, or other light, pliable, or non-rigid material, not enclosed in a rigid frame (not including a "fabric sign" as defined herein).

*Billboard* means any sign that is freestanding or attached to or part of a building and is an off-premises sign.

*Building Face or Wall* means all window and wall area of a building in one plane or elevation.

*Business Information Sign* means a sign that is permanently and professionally attached to a door or window at the entrance of a business that contains information that may include the Business Name, Address, Phone Numbers, Hours of Operation, and Trade Associations the Business is a member of, e.g.

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*Major Corporate Sponsor* means the sponsor of a public event, listed on all advertising and other public promotions, resulting from the contribution of funds, equipment, products, and/or in-kind services to the event.

*Marquee* means any permanent roof-like structure at the entry to a building, which projects beyond the building or extends along and projects beyond the wall of the building, and which generally contains a commercial message(s), and is designed to provide protection from the weather.

*Minimum Sight Triangle* means a triangular area bounded by the right-of-way lines of a corner lot and a line connecting the two points on the right-of-way lines measured twenty (20) feet from the point of intersection of the right-of-way lines. For ingress/egress points and private roads, the minimum sight triangle shall be determined using the intersection of the curb line or edge of pavement for the ingress/egress point or private road and the public right-of-way.

*Monument Sign* means a freestanding sign, other than a pole sign, which has a skirt, dressed base, or other means of enclosing the structural members which support the sign, and which skirting or dressing has been approved by the Development Standards Review Task Force base must equal at least Fifty Percent (50%) of sign width and not to exceed One Hundred Twenty Percent (120%) of the width of the sign for signs up to Eight (8) feet in height. For signs proposed to be taller than Eight (8) feet in height, the width of the approved skirting or dressing must equal a minimum of Fifty Percent (50%) of the sign width, but shall in no case exceed Four (4) feet in width. For the purposes of this Ordinance, the terms "skirting" and/or "dressing" shall mean the enclosing of the structural members which support the sign with materials such as decorative masonry, natural and decorative stone, masonry with a stucco finish, and decorative wood such as redwood or cedar when appropriately finished to prevent decay and discoloration; no skirting may be made from metal or plastic materials. No signage is permitted on the skirting except street address.

*Multi-Pole, Single Pole Sign* means a sign whose only structural support consists of exposed poles, posts, beams, or other devices mounted in the ground.

*Office Complex/Multi-Tenant Shopping Center* means two (2) or more offices or stores sharing customer parking area, regardless of whether said offices or office establishments occupy separate structures or are under separate ownership.

*Official Sign* means any sign erected by or at the direction of any governmental body.

*Off-Premises Sign* means any sign other than an on-premises sign.

*On-Premises Sign* means a sign which advertises only goods, services, facilities, events or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premises signs.

*Owner* means a person recorded as such on official records and including duly authorized agent, notary, purchaser, lessee, devisee, or judiciary; anyone having a vested or contingent interest in the property or business in question.

*Painting* means the application of paint in the course of normal maintenance which in no way shall alter the message or group of works or letters.

*Parasite Sign* means any sign not exempted by the sign code, for which no permit has been issued, and which is hung from, attached to, or added onto an existing sign.

**Sec. 15-7. Sign standard.**

(A) General:

1. All signs, temporary or permanent, must appear to be professionally made and/or printed.
2. No sign that appears to be hand printed will be allowed.
3. No awning, wall and/or roof signage may be used for advertising prices of products or services.
4. The following tables contain standards which are applicable to all signs permitted under the terms of this Ordinance.
5. The provisions of Tables 15-3A & 15-3B become effective midnight December 1, 2004.
6. Backlit signs with removable letters shall be allowed only on monument-style signs. In such cases, no more than 70% of the sign face can be used for marquee/removable letter area, and the remaining 30% or greater area may be used only for background color, the business name and/or logo.
7. Wall signs cannot be painted directly on the walls or surfaces of any structure and can include only the name of the on-premises business, business logo, business byline, and/or business products and services.

**TABLE 15-1**  
**Sign Number, Area and Height Regulations\*\*\***

SIGN TYPE	MAX. NO. SIGNS PER LOT	MAX. AREA OF SIGN	MAX. HEIGHT	SETBACK
<b>Residential Signs</b>				
1) Residential Nameplate signs	1 per dwelling unit	2 sq. ft per residence OR 0.5 sq. ft per multi-family unit	6 ft from average grade	15 ft from ROW & Property Line (PL)
2) Permanent multi-family or subdivision identification signs	1 per project or subdivision	24 sq. ft	16 ft from average grade	15 ft from ROW & PL
<b>Commercial Signs for Multi-Tenant Centers &amp; Office Complexes</b>				
1) Monument Signs (Doubled Faced)	1 sign per center	72 sq. ft per face	16 ft from average grade	15 ft from ROW & PL
2) Awning, Wall & Roof Signs	As determined by tenant**	64 sq. ft. total		15 ft from ROW & PL
3) Joint directory commercial signs	1 per tenant	2 sq. ft per tenant	16 ft from average grade	15 ft from ROW & PL
4) Nameplate Sign	1 per tenant	2 sq. feet		15 ft from ROW & PL
5) Window Sign Prohibited after Feb 1, 2012; Ord 10-02	4—As per Table 15-3A & 15-3B	32 sq. ft. per sign		No closer than 6 inches from glass of window or door

6) Business Information Sign	1 Per Business	9 sq. ft. & no portion of the sign more than 5 ft. from the entrance		
<b>Commercial Signs for Single Business Use</b>				
1) Monument (Double Faced)	1 sign per lot*	50 sq. feet per face	16 ft from average grade	15 ft from ROW & PL
2) Projecting Sign	1 sign per lot in lieu of monument sign	36 sq. ft. per face	16 ft from average grade	15 ft from ROW & PL
3) Awning, Wall, Roof Signs	As determined by business**	64 sq. ft total		15 ft from ROW & PL
4) Nameplate Sign	1 per tenant	2 sq ft.		15 ft from ROW & PL
5) Window Sign Prohibited after Feb 1, 2012 Ord 10-02	4 As per Table 15-3A & 15-3B	32 sq. ft. per sign		No closer than 6 inches from glass of window or door
6) Business Information Sign	1 Per Business	9 sq. ft. & no portion of the sign more than 5 ft. from the entrance		
<b>High Rise Buildings</b>				
1) Monument Double-Faced	1 sign per lot*	72 sq. ft. per face	16 ft from average grade	15 ft from ROW & PL
2) Awning & Wall Signs	1 sign per lot	10% of the wall plane surface area, or 250 sq. ft., whichever is less.	Height of the wall	15 ft from ROW & PL
<b>Traffic Control Signs located on Private Property</b>				
	Comply with state standards	2 sq. ft.	8 ft. from average grade	
<b>Political Signs</b>				
		No greater than 36 sq. ft.	No greater than 8 ft tall	
<b>Temporary Signage</b>				
1) Future Project Development Signs (issued prior to construction of project)	1 per Development (not allowed in addition to Project Dev. Sign	32 sq. ft.	8 ft from average grade	15 ft from side property line





**CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENT & APPEALS APPLICATION**

- \$250 variance     Special Exception Use (Sec. 20-16.1)
- Administrative Appeal

**APPLICANT INFORMATION**

**OWNER INFORMATION**

Name Tim O'Leary / American Diving

Name \_\_\_\_\_

Mailing Address 33256 State Park Rd 100, Stelov

Mailing address \_\_\_\_\_

City, State, Zip S. Padre Island, TX 78597

City, State, Zip \_\_\_\_\_

Phone number 956-761-2030

Phone number \_\_\_\_\_

Fax number cell 433 5470

Fax number \_\_\_\_\_

E-mail Address info@divesouthpadre.com

E-mail Address \_\_\_\_\_

**SITE LOCATION FOR REQUEST:**

Physical Address (Street Name & Number): 33256 State Park Rd 100

Legal Description (Lot / Block / Subdivision): \_\_\_\_\_

I hereby request the following from the Board of Adjustment and Appeals: Replace and move (per request of cameron county) our sign to similar size and design. Sign has been in place for over 30 years.

In addition, the application requires the submission of the following:

- ◇ \$250 application fee per variance, special exception, and appeal request.
- ◇ Stamped/Sealed & dated survey of Improvements of the Subject Property.
- ◇ Copy of Floor Plan of structure proposed to be constructed or expanded.
- ◇ Current/recent photographs of the site.
- ◇ And any additional information to more clearly understand the request.

For Internal use only:
Amount Paid: _____
Paid Cash or Check No. _____
Date Received: _____

Note: Applicants are required to fully disclose in the application all information that is necessary for the various bodies to make their determination prior to issuance of any permit. At a minimum, an application for a variance or Special Exception shall contain ten (10) copies of the information outlined above. All information must be submitted no later than twenty (20) days prior to the meeting date. All fees must be paid prior to the Board reviewing the application.

If Staff determines that the application is incorrect, incomplete, illegible, or in any way inadequate to insure the complete understanding of the variance or special exception, staff shall return the application to the applicant.

Applicant's Name (Please Print) \_\_\_\_\_

Owner's Name (Please Print): \_\_\_\_\_

Applicant's Signature: Tim O'Leary

Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_





**THE ORIGINAL**

**DOLPHIN WATCH**

**ECO TOURS**

**AMERICAN DIVING**

**SNORKEL TRIPS**

**DIVE CHARTERS**

**TURN →**

20'

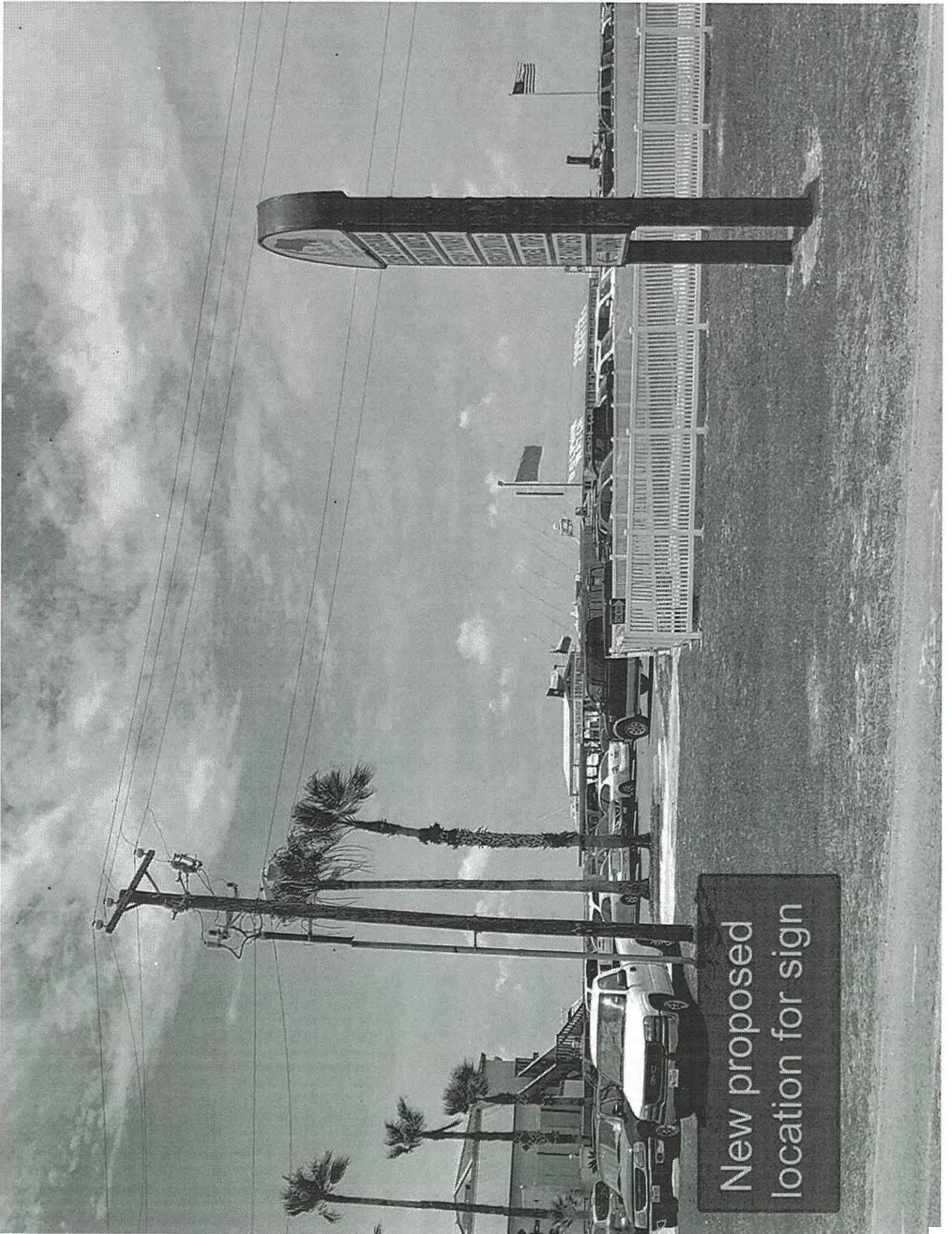
12'

8'

SEA RANCH RESTAURANT BAR

SEA RANCH RESTAURANT BAR







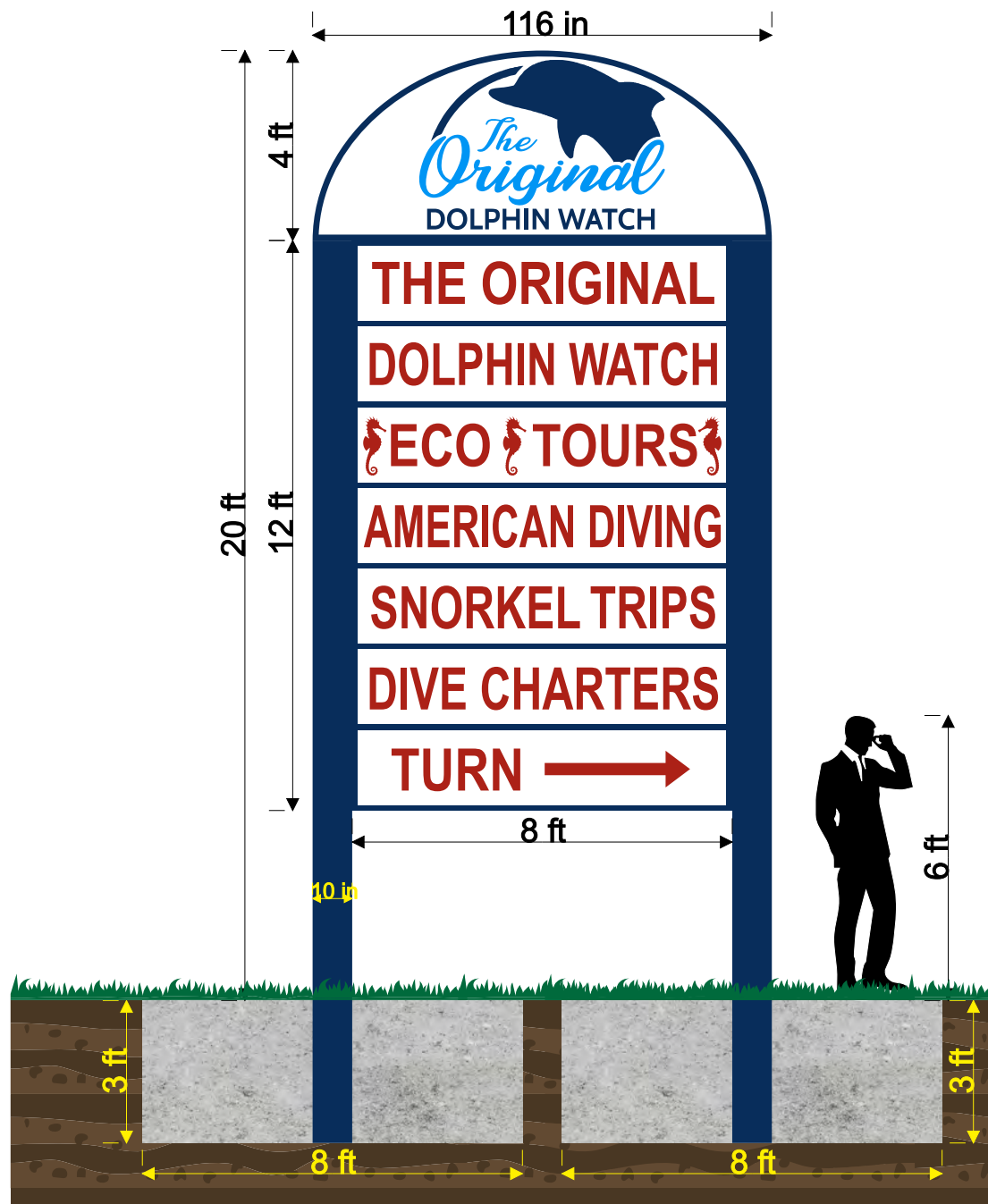
*The Original*  
DOLPHIN WATCH

**THE ORIGINAL  
DOLPHIN WATCH  
ECO TOURS  
AMERICAN DIVING  
SCUBA TRIPS  
DIVE CHARTERS**

**← TURN**

*The Original*  
DOLPHIN WATCH

**THE ORIGINAL  
DOLPHIN WATCH  
ECO TOURS  
AMERICAN DIVING  
SCUBA TRIPS  
DIVE CHARTERS**



Sketch #111721-1 Designer: Valiant Thompson

Date: 11/17/21

Colors: PMS 648 Red White  
Process Cyan

**Description:**

Remove Existing Sign. Manufacture and Install 40' From Old Location, One New LED Lit I.D./Tenant Sign with Painted Aluminum Cabinet with Flat White Lexan Faces with Vinyl Graphics. Tenant Cabinet Mounts Between Two 10" Painted Steel Supports set in Two Concrete Spread Foundations. (T.B.D. by Engineer).

**Client:** The Original Dolphin Watch  
**Business:** New I.D./Tenant Sign

**Approval Signature as required**

**Signature:** \_\_\_\_\_  
**Name:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

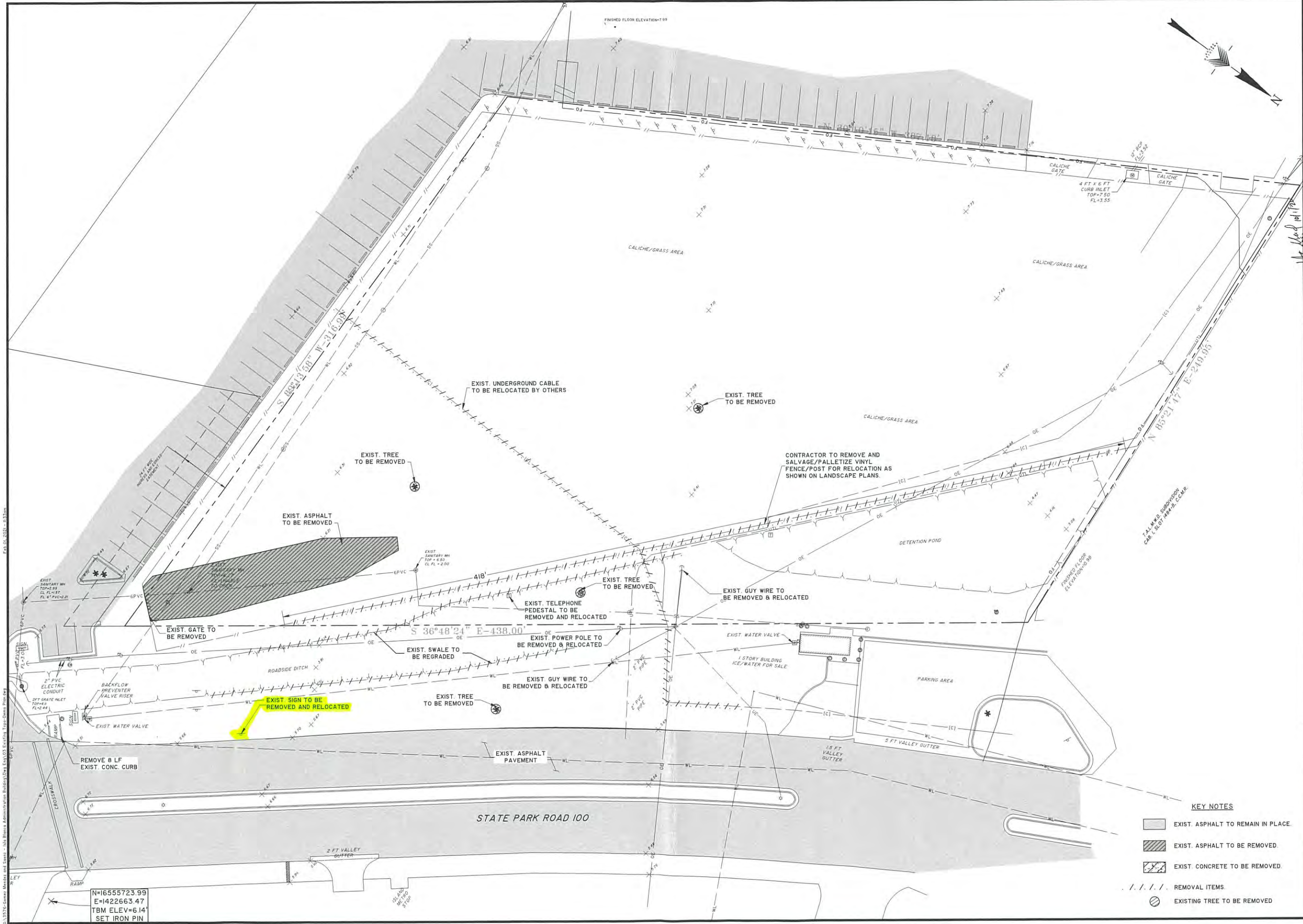
2021 Copyright | Gulf Coast Sign Co.  
This is an original unpublished drawing submitted in connection with a project we are planning for you.  
This drawing is not to be copied, reproduced, exhibited, or shown to anyone outside your organization without the expressed written consent of GULF COAST SIGN CO.

TSA Member  
UL Listed Manufacturer  
UL #E351721  
TDLR License #112072  
Master Sign Electrician #18285  
All Signs & EMC Displays will be UL Listed & FCC Certified



951 Falcon Blvd. San Benito, TX 78  
(956)399-0755 | 1-800-844-0755 43

**Address:** 33256 State Park Rd 100,  
South Padre Island, TX 78597



AMBIOTEC  
 CIVIL ENGINEERING GROUP, INC.  
 5420 Paredes Line Road  
 Brownsville, Texas 78526  
 Tel: (956) 548-9399  
 Fax: (956) 548-9333  
 STATE REG. NO. F-4133  
 PROFESSIONAL SEAL

CAMERON COUNTY  
 ISLA BLANCA  
 ADMINISTRATION BUILDING  
 PREPARED FOR: GOMEZ MENDEZ  
 SAENZ, INC.

EXISTING TOPO/DEMO PLAN  
 SHEET  
 3  
 OF 14

DATE: OCT. 2020  
 SCALE: 1/2" = 1'-0"  
 DESIGN BY: K. SALDIVAR  
 DRAWN BY: J. DELAROSA  
 CHECKED BY: K. SALDIVAR  
 APPROVED BY: V. MENDEZ  
 PROJECT NO.: 3576

- KEY NOTES**
- EXIST. ASPHALT TO REMAIN IN PLACE.
  - EXIST. ASPHALT TO BE REMOVED.
  - EXIST. CONCRETE TO BE REMOVED.
  - REMOVAL ITEMS.
  - EXISTING TREE TO BE REMOVED

N=16555723.99  
 E=1422663.47  
 TBM ELEV=6.14'  
 SET IRON PIN

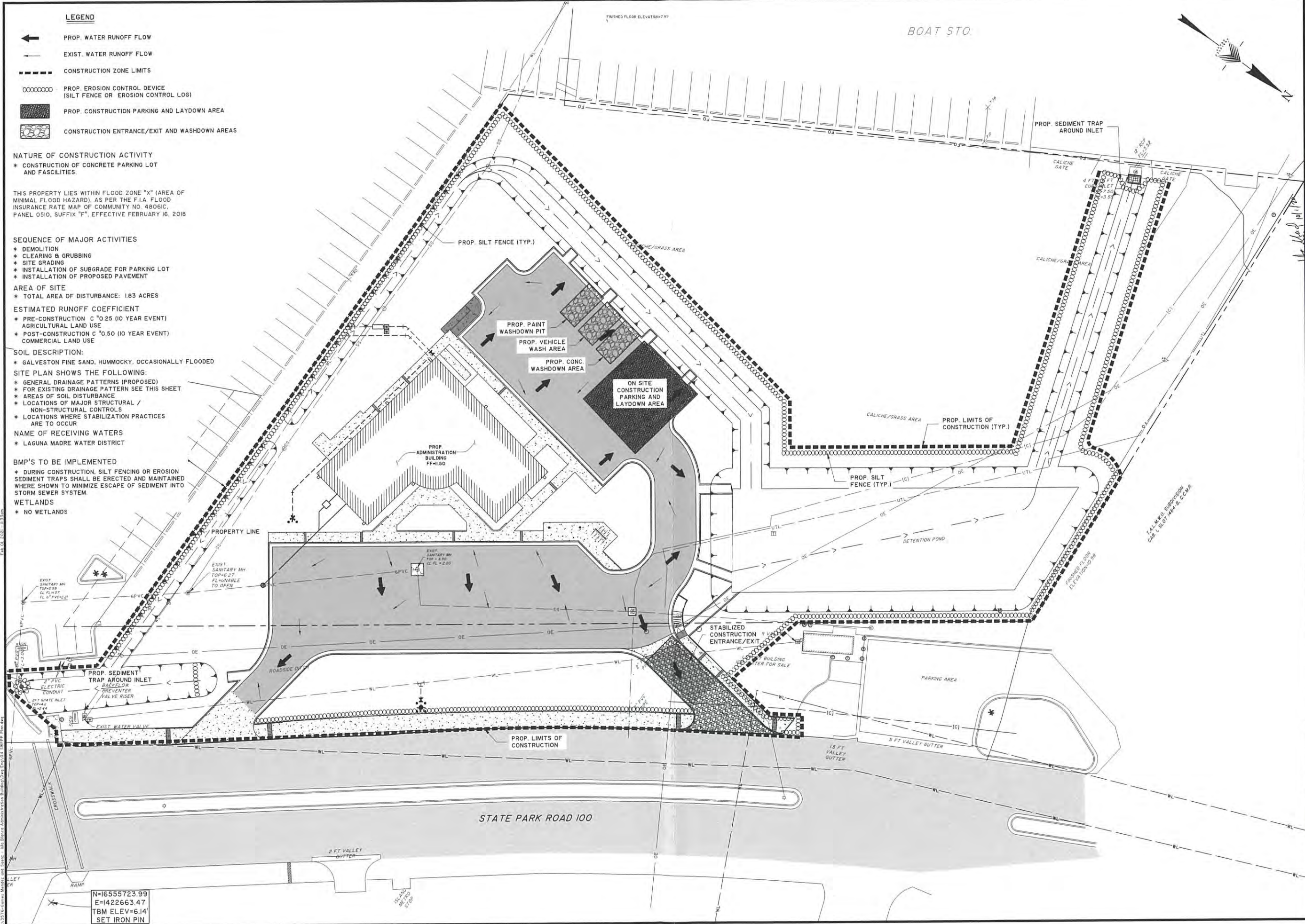
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SWPPP PLAN

SCALE: NTS20	DATE: OCT. 2020
DESIGN BY: K. SALDIVAR	
DRAWN BY: J. DELAROSA	
CHECKED BY: K. SALDIVAR	
APPROVED BY: V. MENDEZ	
PROJECT NO.: 3576	



- LEGEND**
- ← PROP. WATER RUNOFF FLOW
  - EXIST. WATER RUNOFF FLOW
  - CONSTRUCTION ZONE LIMITS
  - PROP. EROSION CONTROL DEVICE (SILT FENCE OR EROSION CONTROL LOG)
  - PROP. CONSTRUCTION PARKING AND LAYDOWN AREA
  - PROP. CONSTRUCTION ENTRANCE/EXIT AND WASHDOWN AREAS

**NATURE OF CONSTRUCTION ACTIVITY**  
\* CONSTRUCTION OF CONCRETE PARKING LOT AND FACILITIES.

THIS PROPERTY LIES WITHIN FLOOD ZONE "X" (AREA OF MINIMAL FLOOD HAZARD), AS PER THE F.I.A FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 4806IC, PANEL 0510, SUFFIX "F", EFFECTIVE FEBRUARY 16, 2018

- SEQUENCE OF MAJOR ACTIVITIES**
- \* DEMOLITION
  - \* CLEARING & GRUBBING
  - \* SITE GRADING
  - \* INSTALLATION OF SUBGRADE FOR PARKING LOT
  - \* INSTALLATION OF PROPOSED PAVEMENT

**AREA OF SITE**  
\* TOTAL AREA OF DISTURBANCE: 1.63 ACRES

- ESTIMATED RUNOFF COEFFICIENT**
- \* PRE-CONSTRUCTION C<sub>p</sub> 0.25 (10 YEAR EVENT) AGRICULTURAL LAND USE
  - \* POST-CONSTRUCTION C<sub>p</sub> 0.50 (10 YEAR EVENT) COMMERCIAL LAND USE

**SOIL DESCRIPTION:**  
\* GALVESTON FINE SAND, HUMMOCKY, OCCASIONALLY FLOODED

- SITE PLAN SHOWS THE FOLLOWING:**
- \* GENERAL DRAINAGE PATTERNS (PROPOSED)
  - \* FOR EXISTING DRAINAGE PATTERN SEE THIS SHEET
  - \* AREAS OF SOIL DISTURBANCE
  - \* LOCATIONS OF MAJOR STRUCTURAL / NON-STRUCTURAL CONTROLS
  - \* LOCATIONS WHERE STABILIZATION PRACTICES ARE TO OCCUR

**NAME OF RECEIVING WATERS**  
\* LAGUNA MADRE WATER DISTRICT

- BMP'S TO BE IMPLEMENTED**
- \* DURING CONSTRUCTION, SILT FENCING OR EROSION SEDIMENT TRAPS SHALL BE ERECTED AND MAINTAINED WHERE SHOWN TO MINIMIZE ESCAPE OF SEDIMENT INTO STORM SEWER SYSTEM.

**WETLANDS**  
\* NO WETLANDS

PLAN, OCT. 2020 - 8.33 AM  
 C:\3576-Gomez, Mendez and Saenz - Isla Blanca Administration Building\Drawings\04 SWPPP Plan.dwg  
 N=16555723.99  
 E=422663.47  
 TBM ELEV=6.14'  
 SET IRON PIN

**CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENTS AND APPEALS  
AGENDA REQUEST FORM**

**MEETING DATE:** December 7, 2021

**NAME & TITLE:** Alex Sanchez, Public Works Director

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

**ITEM**

**PUBLIC HEARING:** to discuss a request by Jose Alejandro Cantu for a variance from Chapter 20 Zoning, Section 20-7 (D) Area regulations, (2) Side Yards, (a) of the City's Code of Ordinances. The applicant is requesting to encroach five (5) feet into the side yard setback for the proposed construction of Duplex located at 201 W Huisache Street. (Lot 12 Block 95, Padre Beach Subdivision, Section VII)

**ITEM BACKGROUND**

1. The Chairman opens the Public Hearing by reading the caption from the Board's agenda.
2. The Chairman asks if anyone is present to speak in favor of agenda item.
3. Once everyone in favor has spoken, the Chairman then asks if anyone is present to speak in opposition of agenda item.
4. Once everyone in opposition has had an opportunity to speak, the Chairman will then close the Public Hearing.

Please keep in mind that the Board will normally have discussion and action during the next item on the agenda. The Public Hearing is for the purpose of receiving comments from the public. It is not necessary for the Board Members to respond to the public at this time. If a member of the public raises a question, the members of the Board should make note of it to address during the next discussion and action item after the Public Hearing has been closed.

**BUDGET/FINANCIAL SUMMARY**

N/A

**COMPREHENSIVE PLAN GOAL**

N/A

**LEGAL REVIEW**

Sent to Legal: No

Approved by Legal: No

**RECOMMENDATIONS/COMMENTS:**



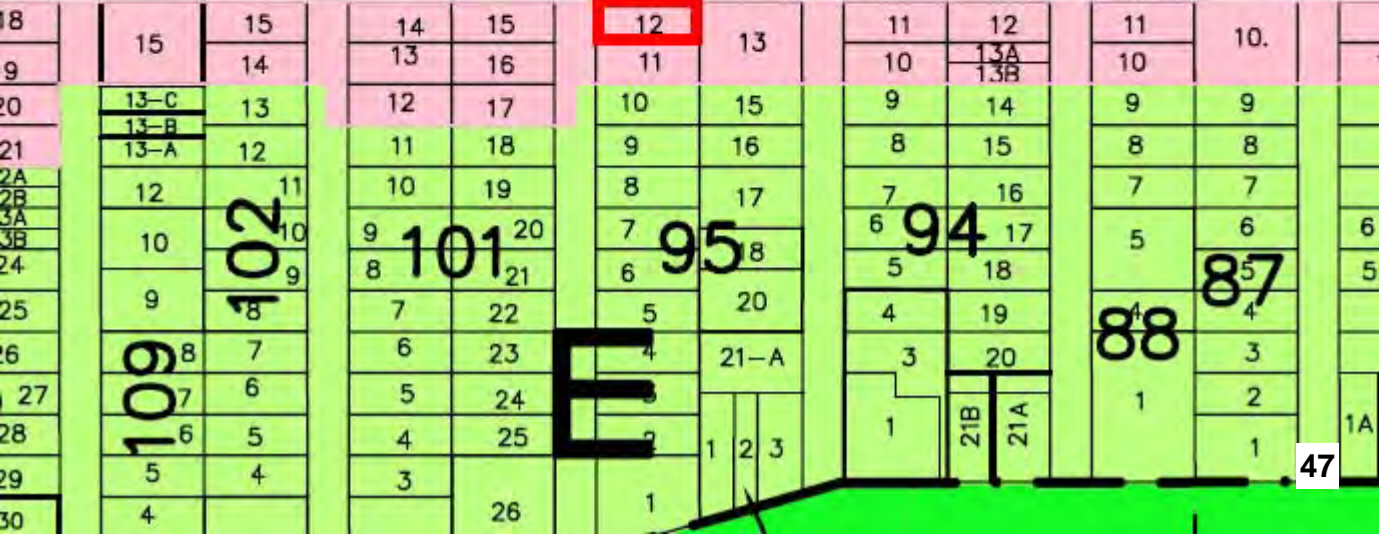


**SUPER SUB MOVIE PUB SUBDIVISION**

Padre Boulevard



Laguna Boulevard



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**Sec. 20-7. District "B"—Multi-family dwelling, apartment, motel, hotel, condominium, townhouse district.**

- (A) Area, width, and depth of lots, sanitation and temporary building provisions are the same as District "A", except Townhouse lots must have a minimum frontage of twenty five (25) feet; a minimum width of twenty-five (25) feet; a minimum depth of one-hundred (100) feet; and a minimum area of two thousand five hundred square feet (2,500 sq. ft.).
- (B) Use Regulations. In District "B", no land shall be used and no buildings shall be erected for or converted to any use other than:
- (1) Single family dwellings, multi-family dwellings; apartment buildings, children's nurseries, hotels, motels, condominiums and Townhouses. Only condominiums, hotels and motels with more than twelve (12) units may have included within the premises such businesses as bars, food establishments, barber shops, beauty parlors and other similar businesses if such business is for the convenience of the occupants of the building and is definitely an integral part of the services of such hotel, condominium or motel.
  - (2) Private clubs, fraternities, sororities and lodges that operate solely for the benefit of their members; a church; public school; a private or parochial school having a curriculum equivalent to a public elementary or high school.
  - (3) Townhouses.
  - (4) Incidental uses to any of the above specified uses include, but are not limited to, customary home occupations when engaged in by the private dwelling occupant. Examples are: a dressmaker, the office of a physician, surgeon or dentist, a musician or artist studio. Said incidental use, however, shall never be permitted as a principal use, but only as a secondary use when indispensably necessary to the enjoyment of the premises by the private dwelling occupant.
  - (5) Special Exceptions: Public Service Facility.
  - (6) Specific Use Permits: Substance Abuse Treatment Facilities, General Hospitals, Special Hospitals, Primary Care Physicians Office, Urgent Care Centers, Dental Clinics may be granted Specific Use Permits in accordance with Section 20-24 Specific Use Permits.
- (C) Height regulations: Up to four (4) standard stories. [see Section 20-7(D)(2) for additional floors authorized]

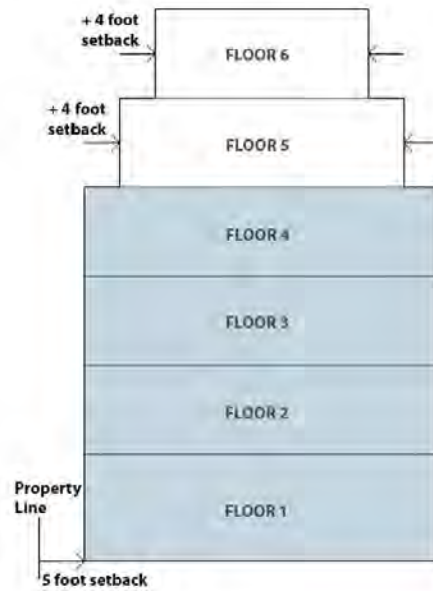
**(D) Area regulations:**

- (1) Front yards: Same as District "A" (minimum of 25 feet) except all lots facing the Gulf of Mexico on the east side and lots fronting the west side right-of-way line of Gulf Boulevard from Section I through Section XII, Padre Beach Subdivision, and all lots in Sunny Isle and Haas Subdivision, may have a front yard depth of not less than ten (10) feet from lot line on the west Gulf Boulevard right-of-way line. The minimum front yard shall be increased one (1) foot for each two (2) feet in height if a building exceeds six (6) standard stories.

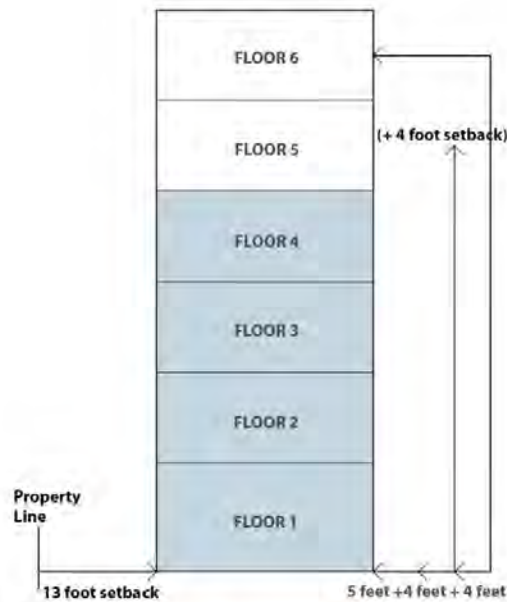
**(2) Side Yards:**

- (a) Same as District "A", excluding lots adjacent to beach access cul-de-sac.**

- (b) Additional Floors Authorized—Additional floors above four standard stories may be permitted if additional setbacks are provided as follows:



5 foot setback from property line for four standard stories. Add four feet to the setback requirement for each additional floor above four standard stories



5 foot setback from property line for four standard stories. Add four feet to the setback on all floors for each floor.



- 
- (3) Rear yards:
    - (a) Same as District "A" (minimum of 20 feet), except that the structure may have decks and/or balconies extending within 10 feet of the rear property line, as long as said decks or balconies are not enclosed and shall only have such enclosures thereabouts as may be required as a good building practice. Any open deck or patio that undertakes to extend beyond the 20 feet rear yard setback within 10 feet of the rear property line as provided for above, shall only be erected or placed in such a manner after a permit specifically therefor is issued by the Building Inspector. The open deck allowed within said area may not in any manner be enclosed, and by way of illustration and not by limitation, such as awnings, shutters, walls or having fixtures or any other type of device other than that which is required as a safety measure under the Building Codes. Any subsequent enclosure on a lawfully extended deck hereunder shall be deemed a violation of this Ordinance.
    - (b) Minimum rear yard depth shall be increased one (1) foot for each two (2) feet in height if the building exceeds six (6) standard stories.
  - (4) Size of structure: The minimum size of structure is six hundred (600) square feet, except within Padre Beach Section XII, which shall be twelve hundred (1,200) square feet except Blocks 178, 191, and 192 which shall be 2,000 square feet.

(Ord. No. 77E; Ord. No. 96-05, 10-2-1996; Ord. No. 98-04; Ord No. 16-24, 12-7-2016)

**Sec. 20-6. District "A"—Single family dwelling district.**

- (A) *Use regulations:*
  - (1) Dwellings, one family.
  - (2) Accessory buildings, including a private garage and bona fide servants' quarters, not for rent. When the accessory building is directly attached to the main building it shall be considered an integral part of the building. When the accessory building is attached to the main building by a breezeway, the breezeway may be considered a part of the accessory building. The floor area of all accessory buildings on the lot shall not exceed 50% of the floor area of the principal structure.
  - (3) Temporary buildings to be used for construction purposes only and which shall be removed upon completion or abandonment of construction work.
  - (4) Field offices for the sale of real estate for the specified development which shall be used for temporary offices only, to be removed after sales are closed, and to be used on the site only. A building permit is required for the installation of a field office and shall be valid for a one (1) year period, renewable upon expiration if sales are still active.
  - (5) Special Exceptions: Public Service Facility; Residential accessory uses in a vacant lot that is contiguous with a residential single family lot having a principal building under common ownership.
  - (6) Rentals of less than 30 days are prohibited.

---

(B) *Height regulations.* No building shall exceed forty-five (45) feet, when measured vertically from the center line of the street to the highest point of the building.

(C) *Area regulations:*

(1) *Front yards:*

- (a) There shall be a front yard having a minimum depth of twenty-five (25) feet except all lots facing the Gulf of Mexico on the East side of Gulf Boulevard may have a front yard depth of no less than ten (10) feet from the lot line.
- (b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

(2) *Side yards:*

- (a) There shall be a side yard on each side of the lot having a clear width of not less than five (5) feet, including projections of the side of the building such as eaves, cornices, porches, stairways, carports, etc.
- (b) In all cases where the side yard is adjacent to a side street, the side yard shall not be less than ten (10) feet.
- (c) Where canals, bay front, beach front, and/or yacht basins occur at the side of lots, buildings may extend to the bulkhead abutting such canals, bay front, beach front, and/or yacht basins.

(3) *Rear yards:*

- (a) There shall be a rear yard having a depth of not less than twenty (20) feet from the rear lot line
  - (b) Where canals, bayfront, beach front, and/or yacht basins occur at rear of lots, buildings may extend to the bulkhead.
  - (c) Where canals and yacht basins occur at rear of lots, boathouses may extend twenty (20) feet into the water provided that the structure is less than twelve (12) feet in height, is open construction, has no bathroom facilities and observes the sideyard set back as if the property lines were extended.
- (4) *Area of lot.* the minimum area of a lot shall be 5,000 square feet, except no person may replat any lot within Padre Beach Subdivision, Section XII that is Single-Family Residential (District "A") to cause it to be smaller than it was platted in the original subdivision plat.
- (5) *Width of lot.* The minimum width of a lot shall be fifty (50) feet.
- (6) *Depth of lot.* The minimum depth of a lot shall be one hundred (100) feet.
- (7) *Area of building.* The minimum area of a dwelling structure shall be 2,000 square feet in any lot in Block 192 and a minimum of 1,200 square feet in all other lots in the single family district. In the case of two or more stories, the area requirements shall apply to the ground floor.
- (8) *Sanitation.* There shall be no sewage disposal without water carriage. Chemical toilets may be erected on a temporary basis during construction only.

- 
- (9) *Type of construction—Padre Beach Section XII.* All buildings erected on any portion of Padre Beach Section XII must be of masonry or reinforced concrete construction from the ground floor to the second floor living area. This, however, will not preclude the use of wood material for roof members, windows, doors and for decorative effects. For the purpose of this subsection only, masonry may include the use of brick veneer.

(Ord. No. 96-05, 10-2-1996; Ord. No. 00-10, § 1, 8-2-2000)

**CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENTS AND APPEALS  
AGENDA REQUEST FORM**

**MEETING DATE:** December 7, 2021

**NAME & TITLE:** Alex Sanchez, Public Works Director

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

**ITEM**

**DISCUSSION AND ACTION:** regarding a request by Jose Alejandro Cantu for a variance from Chapter 20 Zoning, Section 20-7 (D) Area regulations, (2) Side Yards, (a) of the City's Code of Ordinances. The applicant is requesting to encroach five (5) feet into the side yard setback for the proposed construction of Duplex located at 201 W Huisache Street. (Lot 12 Block 95, Padre Beach Subdivision, Section VII)

**ITEM BACKGROUND**

The applicant is requesting to encroach five (5) feet into the side yard setback for the proposed constriction of duplex. The subject property is located on the south side of W. Huisache Street and is zoned District "B" Multi-family dwelling, apartment, motel, hotel, condominium, townhouse district.

Notice of variance request was placed in the Port Isabel/South Padre Island Press that ran on Thursday, November 18, 2021, and notices to property owners within two-hundred (200) feet of the subject property were mailed out on Tuesday, November 16, 2021 informing them of the variance request.

Staff has received no feedback from the public.

**BUDGET/FINANCIAL SUMMARY**

N/A

**COMPREHENSIVE PLAN GOAL**

N/A

**LEGAL REVIEW**

Sent to Legal: No

Approved by Legal: No

**RECOMMENDATIONS/COMMENTS:**

The Board should establish the hardship(s), if any, that would serve as justification for this request. Finances and/or mere inconvenience are insufficient based for the granting of a variance. Staff would also like to remind the Board that variances run with the property, not with the owner. So, should something happen to the structure that it is removed or destroyed, any variances granted would allow the owner to rebuild according to previously granted variances instead of bringing the new structure up to current code. Please remember to state for the record your reason(s) for denial, or the hardship(s) involved that allows(s) you to approve the applicant.

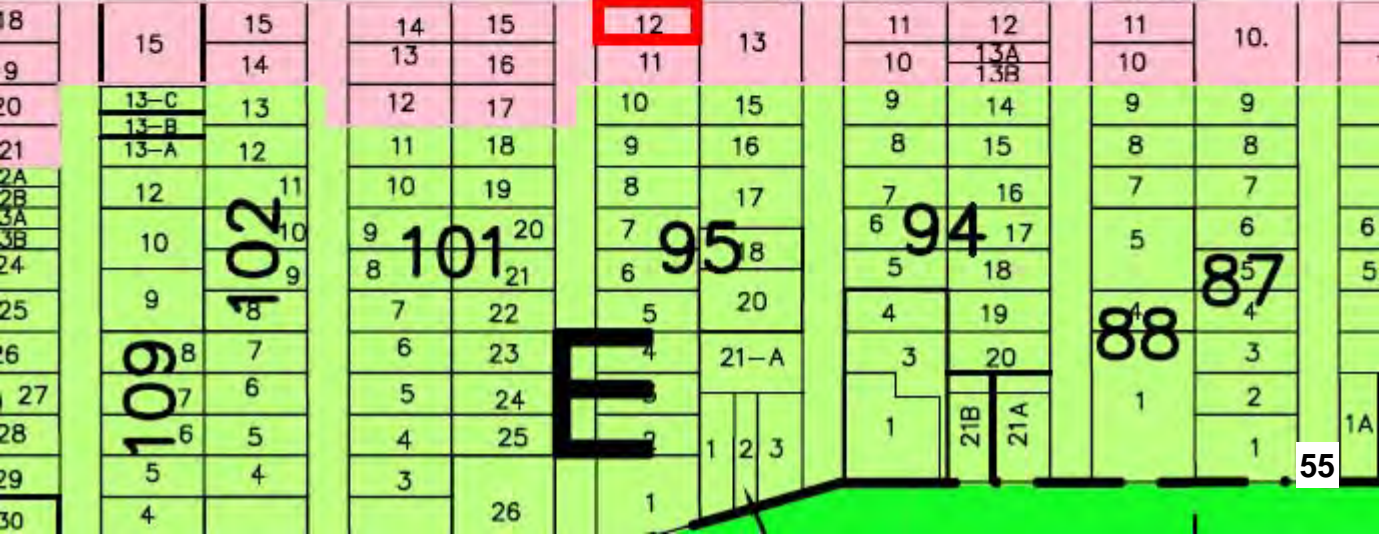


**SUPER SUB MOVIE PUB SUBDIVISION**

Padre Boulevard



Laguna Boulevard



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**Sec. 20-7. District "B"—Multi-family dwelling, apartment, motel, hotel, condominium, townhouse district.**

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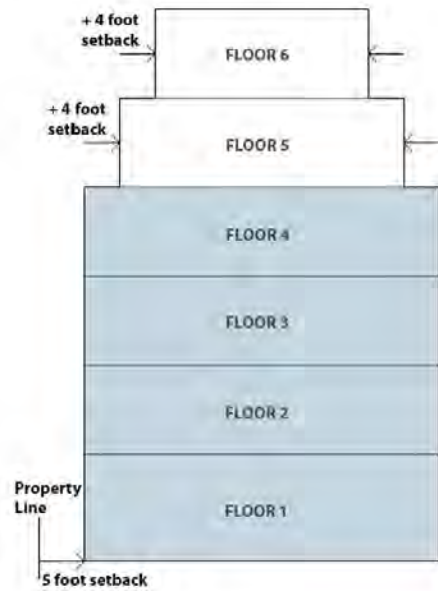
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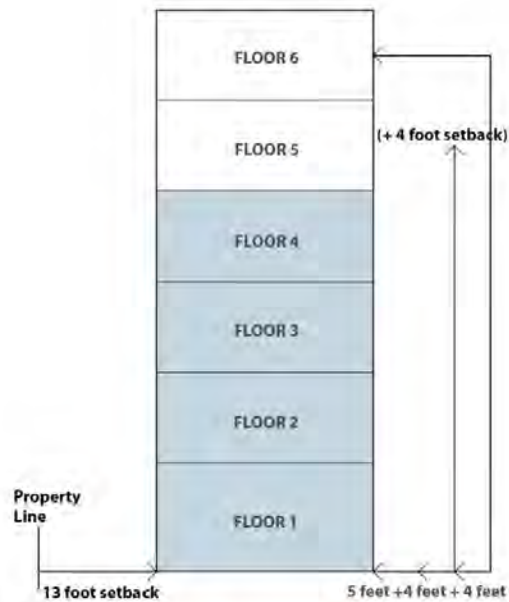
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(Ord. No. 96-05, 10-2-1996; Ord. No. 00-10, § 1, 8-2-2000)



**CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENT & APPEALS APPLICATION**

- \$250 variance     Special Exception Use (Sec. 20-16.1)
- Administrative Appeal

**APPLICANT INFORMATION**

Name: Jose Alejandro Cantu  
 Mailing Address: 5422 Peppermill Row  
 City, State, Zip: Brownsville TX 78526  
 Phone number: 956-346-3046  
 Fax number: \_\_\_\_\_  
 E-mail Address: canturcumirez@hotmail.com

**OWNER INFORMATION**

Name: Charmaine Development LLC  
 Mailing address: 2100 W. Sun Marcelo #105  
 City, State, Zip: Brownsville TX 78526  
 Phone number: 956-346-3046  
 Fax number: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_

**SITE LOCATION FOR REQUEST:**

Physical Address (Street Name & Number): 201 W. Heuschele St.  
 Legal Description (Lot / Block / Subdivision): Lot # 12 Block # 95, Padre Beach Subd

I hereby request the following from the Board of Adjustment and Appeals: \_\_\_\_\_  
See Attachment.

- In addition, the application requires the submission of the following:
- ♦ \$250 application fee per variance, special exception, and appeal request.
  - ♦ Stamped/Sealed & dated survey of Improvements of the Subject Property.
  - ♦ Copy of Floor Plan of structure proposed to be constructed or expanded.
  - ♦ Current/recent photographs of the site.
  - ♦ And any additional information to more clearly understand the request.

For Internal use only:
Amount Paid: _____
Paid Cash or Check No. _____
Date Received: _____

Note: Applicants are required to fully disclose in the application all information that is necessary for the various bodies to make their determination prior to issuance of any permit. At a minimum, an application for a variance or Special Exception shall contain ten (10) copies of the information outlined above. All information must be submitted no later than twenty (20) days prior to the meeting date. All fees must be paid prior to the Board reviewing the application.

If Staff determines that the application is incorrect, incomplete, illegible, or in any way inadequate to insure the complete understanding of the variance or special exception, staff shall return the application to the applicant.

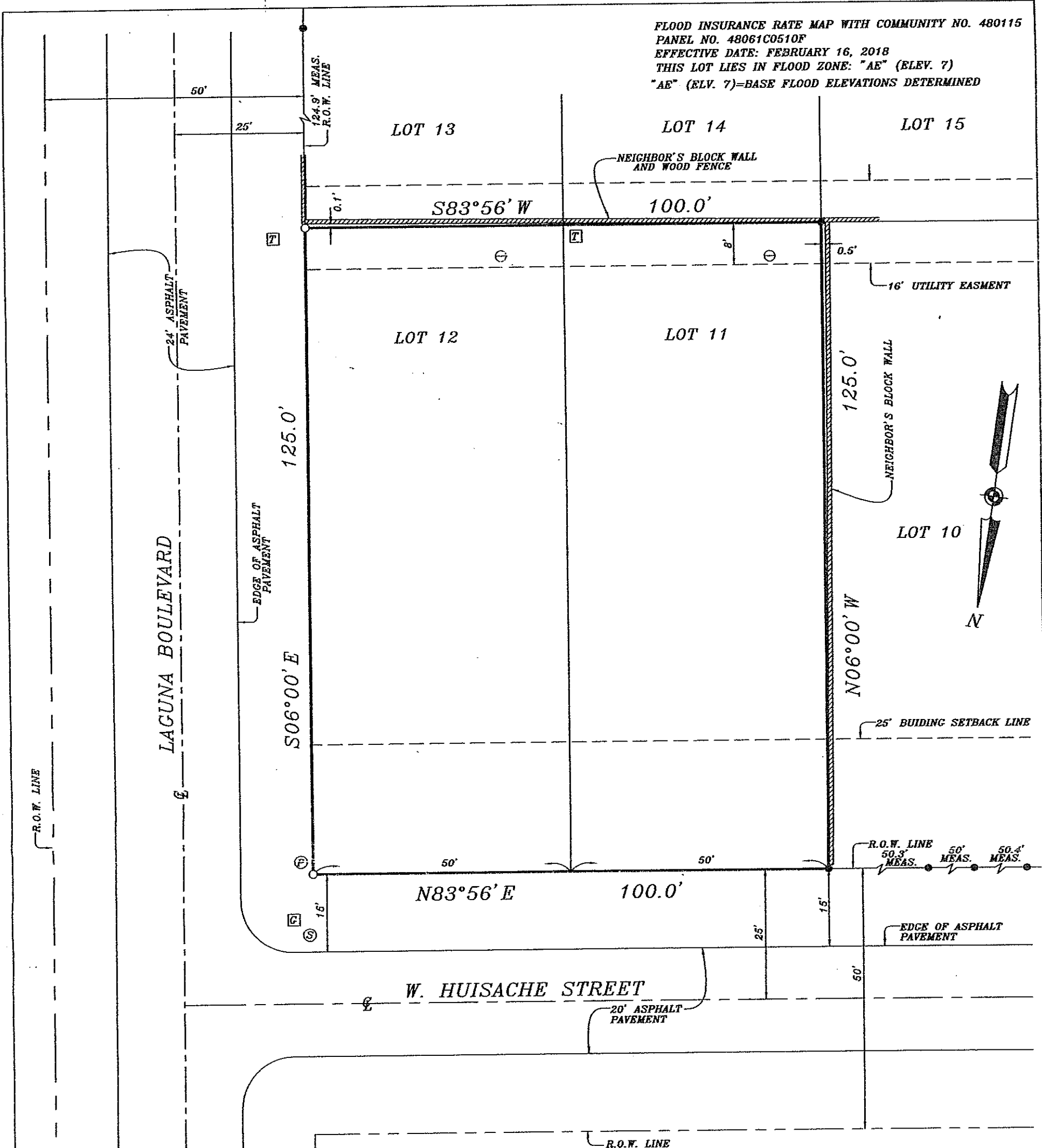
Applicant's Name (Please Print) Jose A. Cantu      Owner's Name (Please Print): \_\_\_\_\_  
 Applicant's Signature: [Signature]      Owner's Signature: \_\_\_\_\_  
 Date: 11/03/21      Date: \_\_\_\_\_

I HEREBY REQUEST THE FOLLOWING FROM THE BOARD OF ADJUSTMENT AND APPEALS:

REDUCE SIDE SETBACK ADJACENT TO LAGUNA BLVD FROM 10 FEET TO 5 FEET.

THIS WILL ALLOW US TO DESIGN A DUPLEX UNIT ON 40 FEET WIDTH, 5 FEET WILL GIVE US THE OPPORTUNITY TO DESIGN A COMFORTABLE UNIT PROVIDING ADEQUATE LIVING SPACES, CREATIVITY ON DESIGNING FRONT ELEVATIONS AND FACADES.

FLOOD INSURANCE RATE MAP WITH COMMUNITY NO. 480115  
 PANEL NO. 48061C0510F  
 EFFECTIVE DATE: FEBRUARY 16, 2018  
 THIS LOT LIES IN FLOOD ZONE: "AE" (ELEV. 7)  
 "AE" (ELEV. 7)=BASE FLOOD ELEVATIONS DETERMINED



**PLAT OF SURVEY**  
 LOTS 11 AND 12, BLOCK 95,  
 PADRE BEACH SECTION VII,

A SUBDIVISION ON SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING  
 TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 15, PAGE 21, MAP  
 RECORDS OF CAMERON COUNTY, TEXAS.

SURVEYED FOR: CHARMAINE DEVELOPMENT LLC

SCALE: 1" = 20'

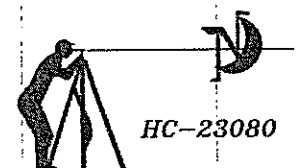
- LEGEND**
- IRON ROD FOUND
  - IRON ROD SET
  - ⊠ TV PEDESTAL
  - ⊞ GRATE INLET
  - Ⓟ AT & T PVC PIPE
  - Ⓢ STREET SIGN
  - ⊖ TELEPHONE PEDESTAL

EDWARDS ABSTRACT & TITLE CO.  
 GF NO. 934389

" THE UNDERSIGNED HEREBY CERTIFIES THAT  
 THIS SURVEY, AS DESCRIBED HEREON, WAS  
 MADE ON THE GROUND ON MAY 21, 2021  
 THAT THE ONLY IMPROVEMENTS ON THE GROUND  
 ARE AS SHOWN; THAT THERE ARE NO VISIBLE  
 ENCROACHMENTS, VISIBLE OVERLAPPINGS,  
 APPARENT CONFLICTS OR VISIBLE EASEMENTS,  
 EXCEPT AS SHOWN HEREON."

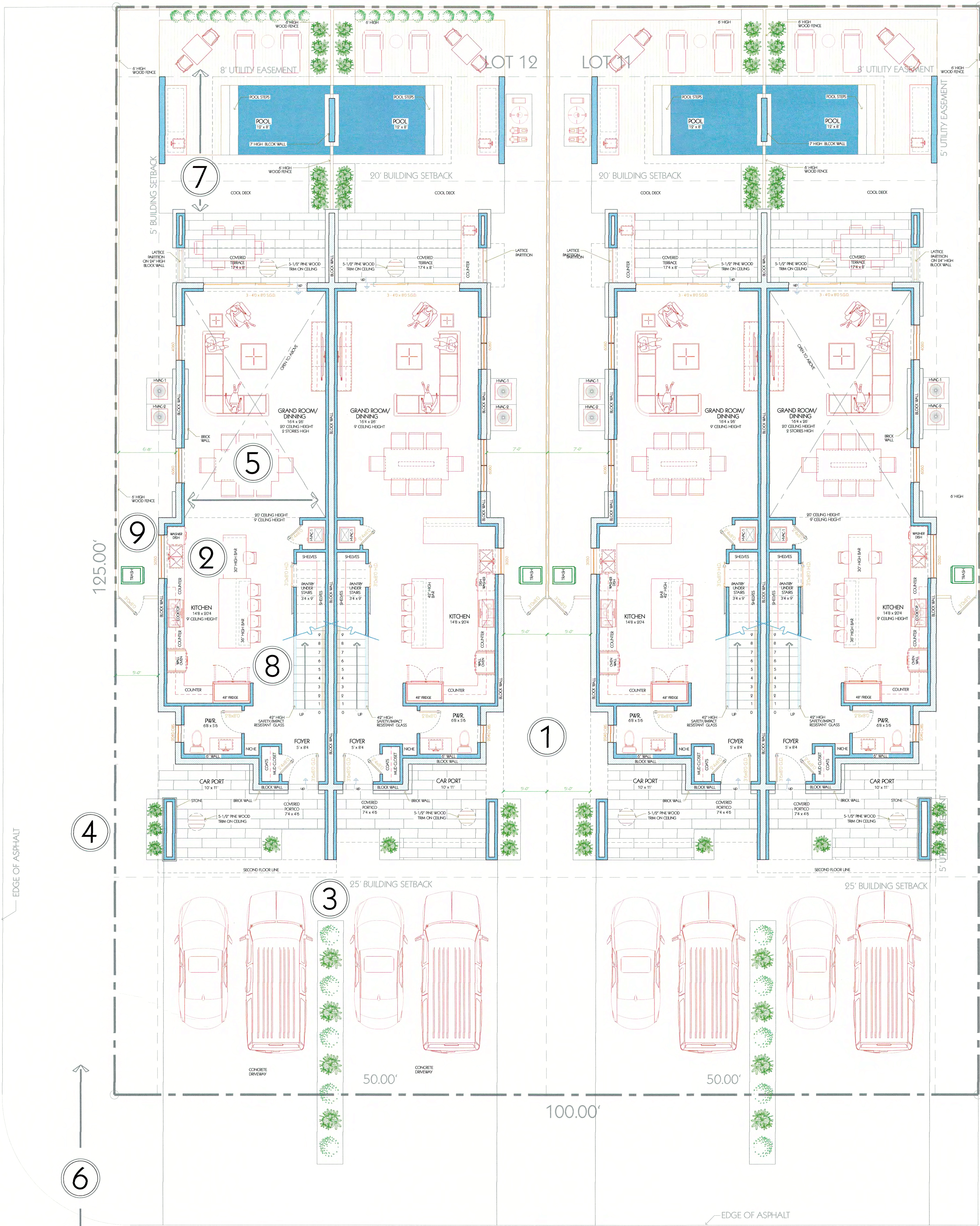
*Erin J. ...*

**CORONA**



ENGINEERING/SURVEYING CO.  
 654 W. ST. CHARLES  
 BROWNSVILLE, TX 78520  
 (956) 541-3222 FAX 541-3838  
 ENGINEER FIRM REGISTRATION NO.  
 SURVEYOR FIRM REGISTRATION NO.  
 hcoronaeng@yahoo.com





**BUILDING A**

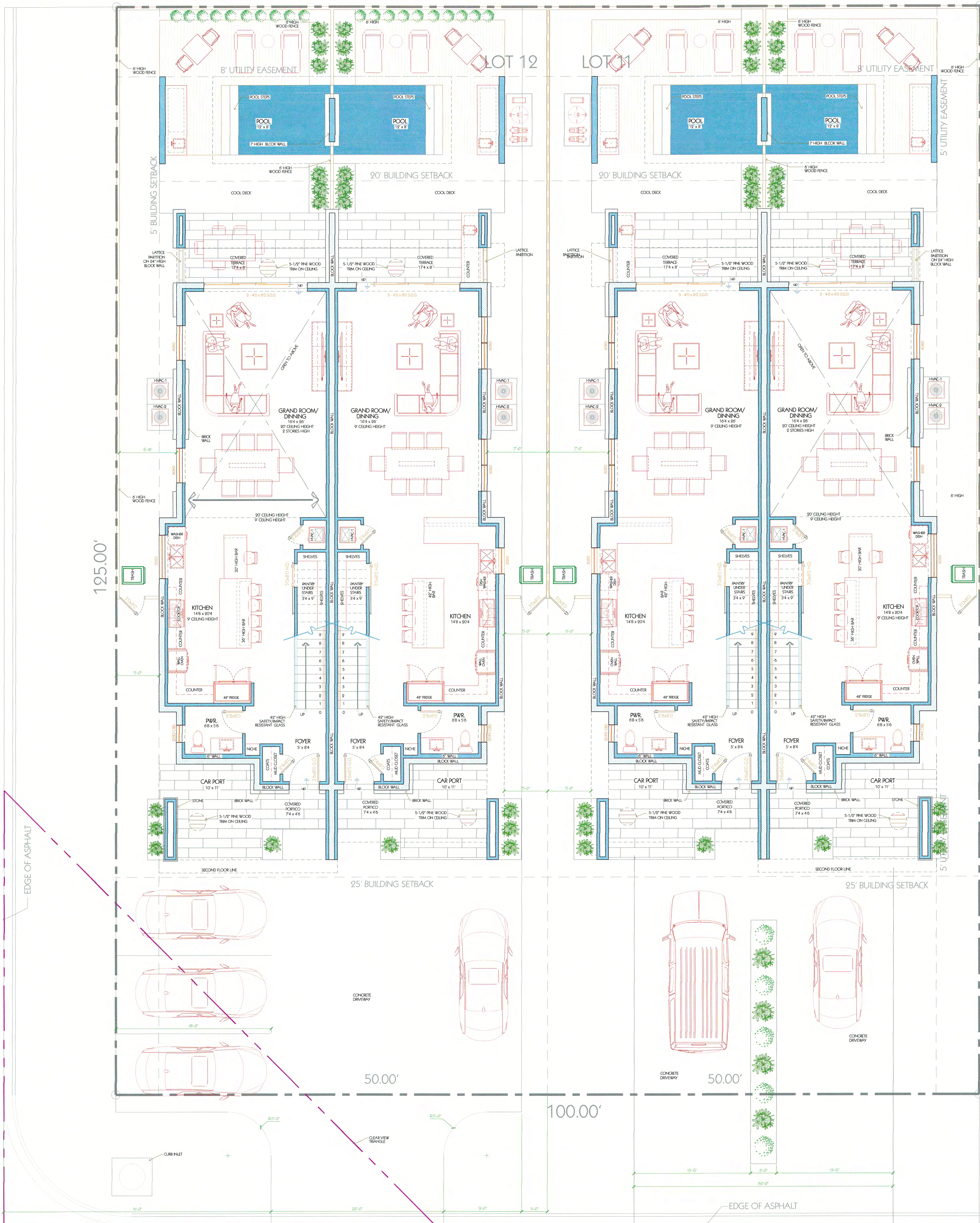
W. HUISACHE STREET

**BUILDING B**

- ① BOTH BUILDING A & B ARE SYMMETRICAL, THIS MAKES IT BETTER FOR CURVE APPEAL. DISRUPTING THIS APPEAL WILL AFFECT THE PROPORTION OF THE PROJECT.
- ② BOTH BUILDING A & B, ONLY THE KITCHEN IS EXTENDED OUTWARD MAKING IT THE ONLY PART OF THE PROJECT 5' FROM THE PROPERTY LINE. THE REST OF THE PROJECT IS 7' FROM THE PROPERTY LINE.
- ③ WITH THE 10' RESTRICTION WE LOOSE AGAIN THE SYMMETRICAL VALUE THE BUILDINGS ALREADY HAVE. THE DRIVEWAY SPACES WILL ALSO DECREASE MAKING IT UNCOMFORTABLE FOR 2 VEHICLES.
- ④ TO FURTHER AMPLIFY THE SYMMETRY WE WANT THE LANDSCAPE ON BUILDING A TO BE SYMMETRICAL TO THAT OF BUILDING B.
- ⑤ THE 10' EASEMENT WILL LEAVE US WITH 35' FOR A BUILDING TO HAVE INTERIOR SPACES OF 15' PER SUITE. THIS IS TOO SMALL OF A NUMBER TO WORK WITH.
- ⑥ WITHIN THIS SAME STREET THERE ARE OTHER BUILDINGS WITH 5' EASEMENTS ON ITS SIDES.
- ⑦ IF WE WORK WITH 15' INTERIORS FOR EACH SUITE WE WOULD HAVE TO EXTEND THE BUILDING FURTHER BACK TO COMPENSATE FOR THE SPACE AND SQUARE FEET LOST. IN RESULT LOOSING BACK YARD SPACE, WHICH IS NOT GOOD FOR THE RESALE VALUE OF THE PROJECT.
- ⑧ COMFORT LIVING INVOLVES SUITABLE LIVING SPACES, CREATIVITY IN ART FORM AND INTERIOR DESIGNING GIVES US A POSITIVE SENSE OF ATTITUDE, SPI IS ALL ABOUT ENJOYING LIFE ON A BEACH, WHOLE FAMILIES COME TOGETHER TO ENJOY OUR BEAUTIFUL CITY AND WE NEED TO DESIGN COMFORTABLE SPACES FOR THEM TO ENJOY AND HAVE FUN.
- ⑨ THIS SIDE ELEVATION ADDS VALUE NOT ONLY TO THE PROPERTY BUT TO THE NEIGHBORHOOD, IT OFFERS GREAT CURVE APPEAL ON THE SIDE STREET, LAGUNA AVE, WHICH IS ONE OF THE TWO MOST IMPORTANT AVENUES OF SPI.



100.00'

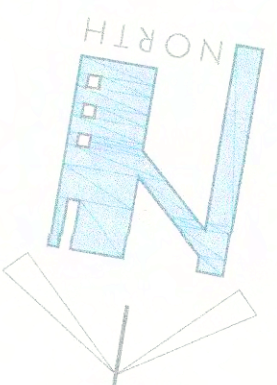


**BUILDING A**

W. HUISACHE STREET

**BUILDING B**

AS SHOWN: DUPLEX



LOT - 11 & 12  
 BLOCK - 95  
**PADRE BEACH SECTION VII**  
 SUBDIVISION  
 BROWNSVILLE, TX.

CLIENT:  
**CHARMIN DEVELOPMENTS**

PLAN:  
**DETAILS**

SCALE:  
**NTS**

CITY:  
**SOUTH PADRE, TX**

NOT FOR  
 CONSTRUCTION

DATE:  
 11-2-21



**CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENTS AND APPEALS  
AGENDA REQUEST FORM**

**MEETING DATE:** December 7, 2021

**NAME & TITLE:** Alex Sanchez, Public Works Director

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

**ITEM**

**PUBLIC HEARING:** to discuss a request by Maria J. Hernandez for a variance from Chapter 20 Zoning, Section 20-7.1 (D) Area regulations, (2) Side Yards, (3) Rear yard of the City's Code of Ordinances. The applicant is requesting a zero (0) side yard setback for a stairwell structure, a swimming pool, an exterior shower, and also requesting a rear yard setback for an unenclosed deck, and a support structure to encroach into the utility easement located at 115 & 117 E Marlin Street. (Lots 12 & 13 Block 27, Padre Beach Subdivision, Section III)

**ITEM BACKGROUND**

1. The Chairman opens the Public Hearing by reading the caption from the Board's agenda.
2. The Chairman asks if anyone is present to speak in favor of agenda item.
3. Once everyone in favor has spoken, the Chairman then asks if anyone is present to speak in opposition of agenda item.
4. Once everyone in opposition has had an opportunity to speak, the Chairman will then close the Public Hearing.

Please keep in mind that the Board will normally have discussion and action during the next item on the agenda. The Public Hearing is for the purpose of receiving comments from the public. It is not necessary for the Board Members to respond to the public at this time. If a member of the public raises a question, the members of the Board should make note of it to address during the next discussion and action item after the Public Hearing has been closed.

**BUDGET/FINANCIAL SUMMARY**

N/A

**COMPREHENSIVE PLAN GOAL**

N/A

**LEGAL REVIEW**

Sent to Legal: No

Approved by Legal: No

**RECOMMENDATIONS/COMMENTS:**

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**Sec. 20-7.1. District "B-2"—Residential & Multi-family Dwelling District.**

- (A) Area, width, and depth of lots, sanitation and temporary building provisions are the same as District "A", except townhouse lots must have a minimum frontage of twenty five (25) feet; a minimum width of twenty-five (25) feet; a minimum depth of one hundred (100) feet; and a minimum area of two thousand five hundred square feet (2,500 sq. ft.).
- (B) Use Regulations. In District "B-2", no land shall be used and no buildings shall be erected for or converted to any use other than:
- (1) Single family dwellings, multi-family dwellings; apartment buildings, condominiums and Townhomes.
  - (2) Incidental uses to any of the above specified uses include, but are not limited to, customary home occupations when engaged in by the private dwelling occupant. Said incidental use, however, shall never be permitted as a principal use, but only as a secondary use when indispensably necessary to the enjoyment of the premises by the private dwelling occupant.
  - (3) Special Exceptions: Public Service Facility.
  - (4) Specific Use Permit: Off-site parking spaces in excess of required spaces from a different zoning district.
- (C) Height regulations. No building shall exceed three stories. The height shall be restricted to fifty (50) feet above the FEMA Base Flood Elevation.
- (D) Area regulations:**
- (1) *Front yards.* Same as District "A" (minimum of 25 feet), except that all lots fronting the west side right-of-way line of Gulf Boulevard may have a front yard setback of ten (10) feet from the property line abutting the west Gulf Boulevard right-of-way line.
  - (2) *Side Yards.* Same as District "A" (minimum of 5 feet).**
  - (3) *Rear yards.* Same as District "A" (minimum of 20 feet), except that the structure may have decks and/or balconies extending within 10 feet of the rear property line, as long as said decks or balconies are not enclosed and shall only have such enclosures thereabouts as may be required as a good building practice. Any open deck or patio that undertakes to extend beyond the 20 feet rear yard setback within 10 feet of the rear property line as provided for above, shall only be erected or placed in such a manner after a permit specifically therefore is issued by the Building Inspector. The open deck allowed within said area may not in any manner be enclosed, and by way of illustration and not by limitation, such as awnings, shutters, walls or having fixtures or any other type of device other than that which is required as a safety measure under the Building Codes. Any subsequent enclosure on a lawfully extended deck hereunder shall be deemed a violation of this Ordinance.**
  - (4) *Size of structure.* The minimum size of structure is twelve hundred (1,200) square feet.
- (E) Any condominium building which exists on Feb 1, 2010 that does not conform to the height limitations of this District shall be deemed a conforming structure and may re-build to the same size and height that it was on Feb 1, 2010.

- 
- (F) Any structure which exists on Feb 1, 2010 that does not conform to the standards of this District shall be deemed a conforming structure and may re-build to the same size and height that it was on Feb 1, 2010.
  - (G) Any land use that exists on Feb 1, 2010 that does not conform to the standards of the B-2 District shall be deemed a conforming use and may continue the use as it was on Feb 1, 2010.

**Sec. 20-6. District "A"—Single family dwelling district.**

(A) *Use regulations:*

- (1) Dwellings, one family.
- (2) Accessory buildings, including a private garage and bona fide servants' quarters, not for rent. When the accessory building is directly attached to the main building it shall be considered an integral part of the building. When the accessory building is attached to the main building by a breezeway, the breezeway may be considered a part of the accessory building. The floor area of all accessory buildings on the lot shall not exceed 50% of the floor area of the principal structure.
- (3) Temporary buildings to be used for construction purposes only and which shall be removed upon completion or abandonment of construction work.
- (4) Field offices for the sale of real estate for the specified development which shall be used for temporary offices only, to be removed after sales are closed, and to be used on the site only. A building permit is required for the installation of a field office and shall be valid for a one (1) year period, renewable upon expiration if sales are still active.
- (5) Special Exceptions: Public Service Facility; Residential accessory uses in a vacant lot that is contiguous with a residential single family lot having a principal building under common ownership.
- (6) Rentals of less than 30 days are prohibited.

- (B) *Height regulations.* No building shall exceed forty-five (45) feet, when measured vertically from the center line of the street to the highest point of the building.

(C) *Area regulations:*

(1) *Front yards:*

- (a) There shall be a front yard having a minimum depth of twenty-five (25) feet except all lots facing the Gulf of Mexico on the East side of Gulf Boulevard may have a front yard depth of no less than ten (10) feet from the lot line.
- (b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

(2) *Side yards:*

- (a) There shall be a side yard on each side of the lot having a clear width of not less than five (5) feet, including projections of the side of the building such as eaves, cornices, porches, stairways, carports, etc.

- 
- (b) In all cases where the side yard is adjacent to a side street, the side yard shall not be less than ten (10) feet.
  - (c) Where canals, bay front, beach front, and/or yacht basins occur at the side of lots, buildings may extend to the bulkhead abutting such canals, bay front, beach front, and/or yacht basins.
- (3) *Rear yards:*
- (a) There shall be a rear yard having a depth of not less than twenty (20) feet from the rear lot line
  - (b) Where canals, bayfront, beach front, and/or yacht basins occur at rear of lots, buildings may extend to the bulkhead.
  - (c) Where canals and yacht basins occur at rear of lots, boathouses may extend twenty (20) feet into the water provided that the structure is less than twelve (12) feet in height, is open construction, has no bathroom facilities and observes the sideyard set back as if the property lines were extended.
- (4) *Area of lot.* the minimum area of a lot shall be 5,000 square feet, except no person may replat any lot within Padre Beach Subdivision, Section XII that is Single-Family Residential (District "A") to cause it to be smaller than it was platted in the original subdivision plat.
- (5) *Width of lot.* The minimum width of a lot shall be fifty (50) feet.
- (6) *Depth of lot.* The minimum depth of a lot shall be one hundred (100) feet.
- (7) *Area of building.* The minimum area of a dwelling structure shall be 2,000 square feet in any lot in Block 192 and a minimum of 1,200 square feet in all other lots in the single family district. In the case of two or more stories, the area requirements shall apply to the ground floor.
- (8) *Sanitation.* There shall be no sewage disposal without water carriage. Chemical toilets may be erected on a temporary basis during construction only.
- (9) *Type of construction—Padre Beach Section XII.* All buildings erected on any portion of Padre Beach Section XII must be of masonry or reinforced concrete construction from the ground floor to the second floor living area. This, however, will not preclude the use of wood material for roof members, windows, doors and for decorative effects. For the purpose of this subsection only, masonry may include the use of brick veneer.

(Ord. No. 96-05, 10-2-1996; Ord. No. 00-10, § 1, 8-2-2000)

**CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENTS AND APPEALS  
AGENDA REQUEST FORM**

**MEETING DATE:** December 7, 2021

**NAME & TITLE:** Alex Sanchez, Public Works Director

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

**ITEM**

**DISCUSSION AND ACTION:** regarding a request by Maria J. Hernandez for a variance from Chapter 20 Zoning, Section 20-7.1 (D) Area regulations, (2) Side Yards, (3) Rear yard of the City's Code of Ordinances. The applicant is requesting a zero (0) side yard setback for a stairwell structure, a swimming pool, an exterior shower, and also requesting a rear yard setback for an unenclosed deck, and a support structure to encroach into the utility easement located at 115 & 117 E Marlin Street. (Lots 12 & 13 Block 27, Padre Beach Subdivision, Section III)

**ITEM BACKGROUND**

1. The applicant is requesting a zero (0) side yard setback for:
  - a. stairwell structure
  - b. swimming pool
  - c. exterior shower
2. The applicant is also requesting a rear yard setback to allow encroachment of:
  - a. unenclosed deck of ten (10) feet
  - b. support structure to encroach five (5) feet into the utility easement.

Notice of variance request was placed in the Port Isabel/South Padre Island Press that ran on Thursday, November 18, 2021, and notices to property owners within two-hundred (200) feet of the subject property were mailed out on Tuesday, November 16, 2021 informing them of the variance request.

Staff has received 1 letter in opposition.

**BUDGET/FINANCIAL SUMMARY**

N/A

**COMPREHENSIVE PLAN GOAL**

N/A

**LEGAL REVIEW**

Sent to Legal: No

Approved by Legal: No

**RECOMMENDATIONS/COMMENTS:**

The Board should establish the hardship(s), if any, that would serve as justification for this request. Finances and/or mere inconvenience are insufficient based for the granting of a variance. Staff would also like to remind the Board that variances run with the property, not with the owner. So, should something happen to the structure that it is removed or destroyed, any variances granted would allow the owner to rebuild according to previously granted variances instead of bringing the new structure up to current code. Please remember to state for the record your reason(s) for denial, or the hardship(s) involved that allows(s) you to approve the applicant.

SECTION IV

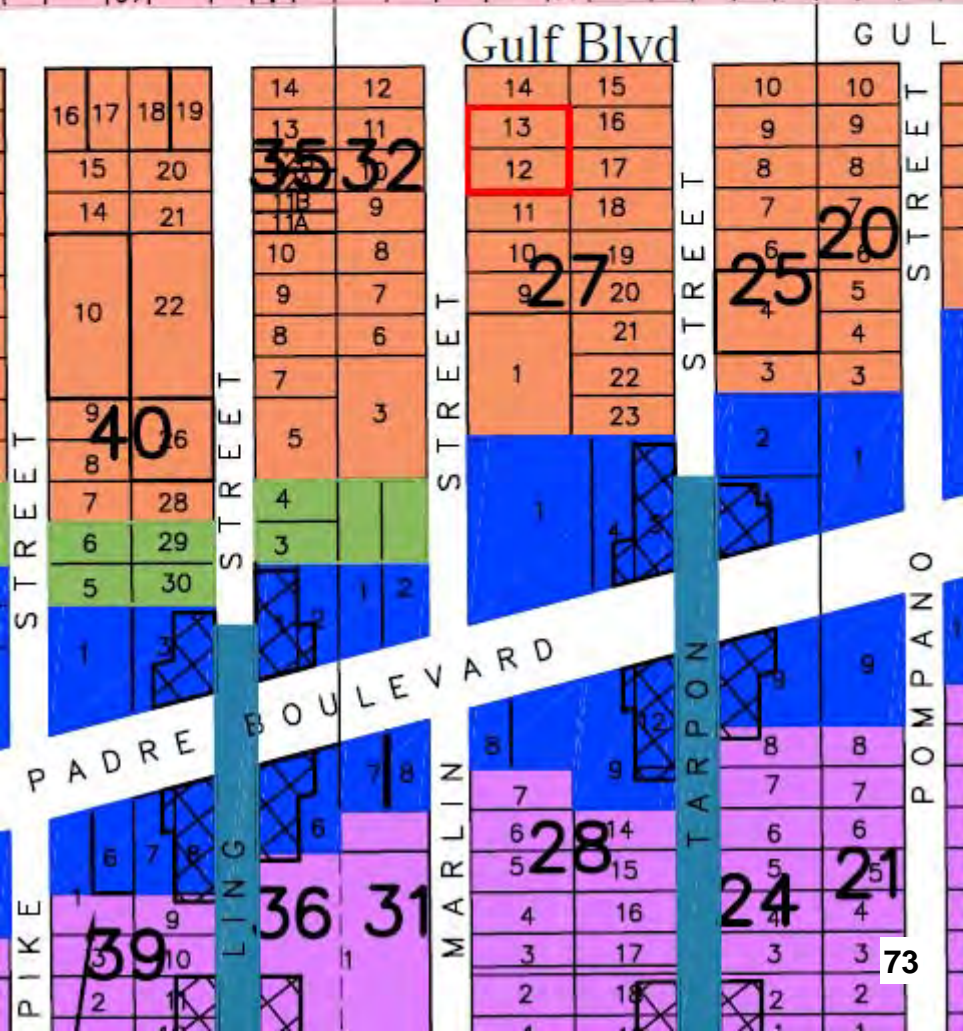
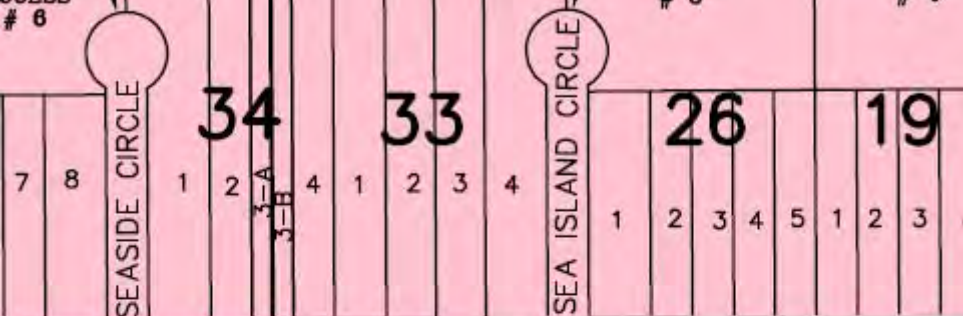
PADRE BEACH, SECTION III

PALM BEACH, SECTION II

BEACH ACCESS # 6

BEACH ACCESS # 5

BEACH ACCESS # 4





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(Ord. No. 96-05, 10-2-1996; Ord. No. 00-10, § 1, 8-2-2000)



Marta Martinez <mmartinez@myspi.org>

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## NOTICE OF VARIANCE

1 message

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**Jackie Boyer** <jackieboyer44@gmail.com>  
To: MMartinez@myspi.org

Wed, Nov 24, 2021 at 1:13 PM

ATTN: Marta Marinez

RE: Location: Lots 12 & 13 Block 27, Padre Beach Subdivision, Section III - 115 & 117

As owner of unit 3 located at [103 E Marlin Street](#) we object to the variance requested. As it is utility companies have a problem with access to the right-of-way and we do not believe a 5' encroachment into that space is appropriate.

We also object to zero clearance on side yard set back.

We believe that zoning regulations exist for a reason and that they protect property owners on each side of the property line.

Submitted by:

Mike and Jackie Boyer  
[2216 Padre Blvd](#), PMB 411  
South Padre Island, TX 78597





CITY OF SOUTH PADRE ISLAND BOARD OF ADJUSTMENT & APPEALS APPLICATION

- \$250 variance (checked)
Special Exception Use (Sec. 20-16.1)
Administrative Appeal

APPLICANT INFORMATION

Name: Victor H. Garcia, P.E.
Mailing Address: 4019 E. Expressway 83
City, State, Zip: Weslaco, Texas 78570
Phone number: 956-514-5086
Fax number:
E-mail Address: admin@vanguardeng.com

OWNER INFORMATION

Name: Maria J. Hernandez
Mailing address: Suite B, 3465 Ruben M. Torres Blvd.
City, State, Zip: Brownsville, TX 78526
Phone number: 956-639-6025
Fax number:
E-mail Address: maryhernandez@santafephe.com

SITE LOCATION FOR REQUEST:

Physical Address (Street Name & Number):

Legal Description (Lot / Block / Subdivision): Lot 12 & 13 Block 27 Padre Beach Subdivision

I hereby request the following from the Board of Adjustment and Appeals: a waiver for the proposed stairwell, swimming pool, unenclosed decks, and front building facade with an exterior shower

which are within the existing side setback in between Lots 12 & 13 of Block 27 Padre Beach

Subdivision South Padre Island, Texas 78597.

In addition, the application requires the submission of the following:

- \$250 application fee per variance, special exception, and appeal request.
Stamped/Sealed & dated survey of Improvements of the Subject Property.
Copy of Floor Plan of structure proposed to be constructed or expanded.
Current/recent photographs of the site.
And any additional information to more clearly understand the request.

For Internal use only:

Amount Paid:
Paid Cash or Check No.
Date Received:

Note: Applicants are required to fully disclose in the application all information that is necessary for the various bodies to make their determination prior to issuance of any permit. At a minimum, an application for a variance or Special Exception shall contain ten (10) copies of the information outlined above. All information must be submitted no later than twenty (20) days prior to the meeting date. All fees must be paid prior to the Board reviewing the application.

If Staff determines that the application is incorrect, incomplete, illegible, or in any way inadequate to insure the complete understanding of the variance or special exception, staff shall return the application to the applicant.

Applicant's Name (Please Print): Victor H. Garcia, P.E.

Owner's Name (Please Print): Maria J Hernandez

Applicant's Signature: [Signature]

Owner's Signature: [Signature]

Date: 11/3/2021

Date: 11/11/2021

# VG Vanguard Engineering, LLC

CIVIL • STRUCTURAL • TRANSPORTATION  
GEOTECHNICAL • MATERIALS TESTING • DESIGN & CONSTRUCTION  
TBPE FIRM REGISTRATION No. F-7481

November 3, 2021

Attn: Major Patrick McNulty & City Council  
4601 Padre Blvd  
South Padre Island, Texas  
78597

Re: Waiver Request for  
Lots 12 & 13 Block 27  
Padre Beach Subdivision  
South Padre Island, Texas  
78597

To whom it may concern:

VG Vanguard Engineering, LLC is the firm of record for the above-captioned project. Maria J. Hernandez obtained our services to provide a Waiver Request Letter for the project stated above. Please accept the following documents for the proposed pool construction.

- Waiver Request Letter with Exhibit A: Sign and Seal Site Plan
- City of South Padre Island Board of Adjustment & Appeals Application

Please do not hesitate to call us at (956)514-5086 should we need to entertain any questions, comments, or concerns you may have.

Respectfully,



Victor H. Garcia, P.E.  
President



Vanguard Engineering

4019 E. Expressway 83, Weslaco, Texas 78596-1113 • Tel: 956.514.5086 • Fax: 956.514.5036 • [vgarcia@vanguardeng.com](mailto:vgarcia@vanguardeng.com)

# VG Vanguard Engineering, LLC

CIVIL • STRUCTURAL • TRANSPORTATION  
GEOTECHNICAL • MATERIALS TESTING • DESIGN & CONSTRUCTION  
TBPE FIRM REGISTRATION No. F-7481

November 3, 2021

Attn: Major Patrick McNulty & City Council  
4601 Padre Blvd  
South Padre Island, Texas  
78597

Re: Waiver Request for  
Lots 12 & 13 Block 27  
Padre Beach Subdivision  
South Padre Island, Texas  
78597

VG Vanguard Engineering, LLC is the Engineer of Record for the above-captioned project. I, Victor H. Garcia, P.E., reviewed the site plan for the proposed condominiums for this project. We would like to request a waiver for the existing side setbacks in between Lots 12 & 13 of Block 27 Padre Beach Subdivision South Padre Island, Texas 78597. The proposed stairwell, proposed swimming pool, and the proposed front building facade with an exterior shower are within the confines of the existing 5 foot side yard setbacks in between these two properties, as shown in Exhibit A.

Thank you for considering our waiver request from the setback requirements. No other warranty, expressed or implied, is made. Additional information or a more extensive study may be ordered by contacting me. My conclusions are based on the information available to me at the time. Should additional information become available, I reserve the right to determine the impact, if any, the new information has on my opinions and conclusions and to revise my opinions and conclusions if necessary or warranted.

If you have any questions or concerns please do not hesitate to call me at (956) 650-6271 or by email at [vgarcia@vanguardeng.com](mailto:vgarcia@vanguardeng.com) should you have any questions, comments, or concerns. We thank you in advance for your attention to this matter.

Respectfully,



Victor H. Garcia, P.E.  
President



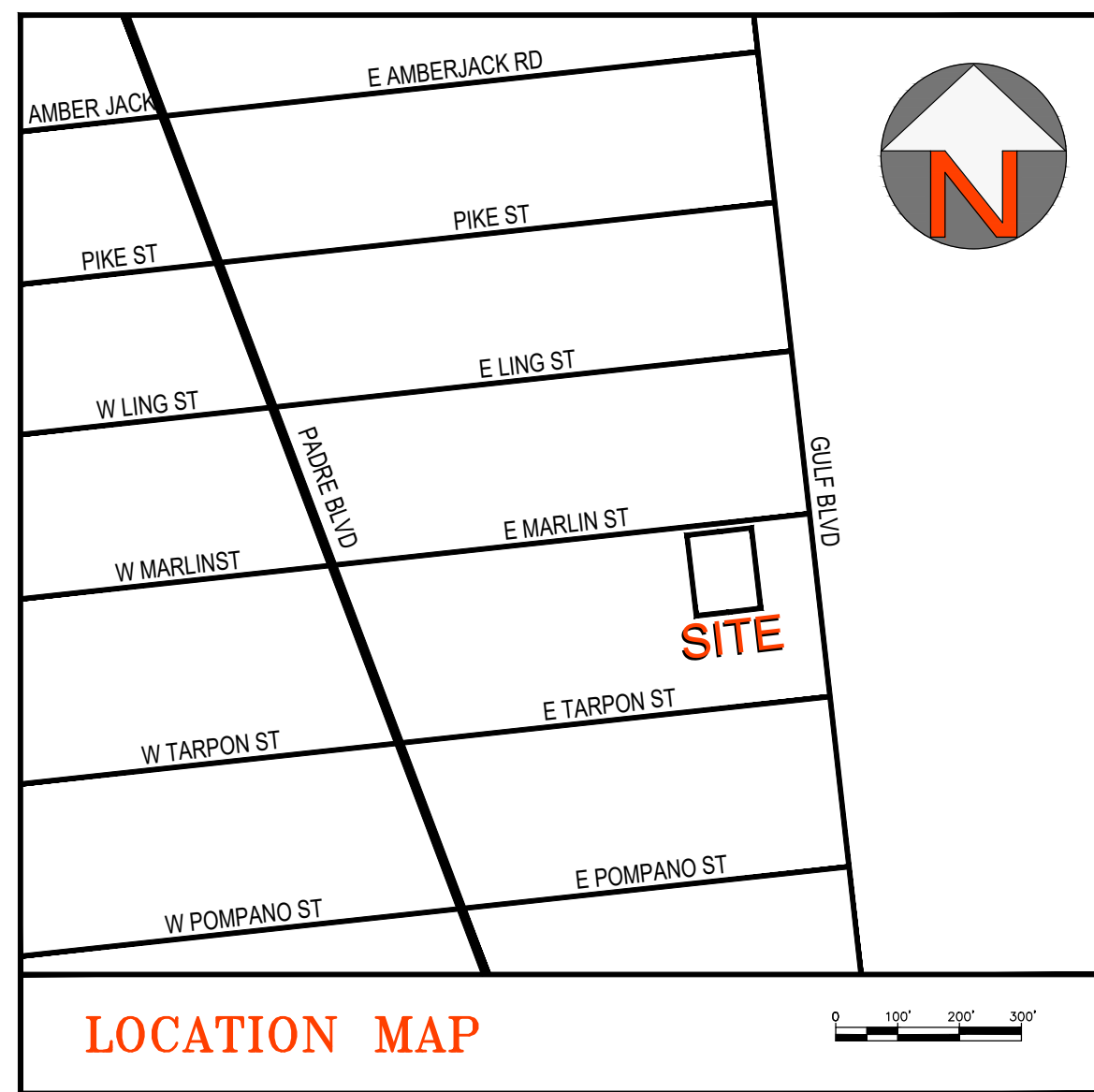
VG Vanguard Engineering, LLC

4019 E. Expressway 83, Weslaco, Texas 78596-1113 • Tel: 956.514.5086 • Fax: 956.514.5036 • [vgarcia@vanguardeng.com](mailto:vgarcia@vanguardeng.com)



# EXHIBIT A

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**CITY OF SOUTH PADRE ISLAND CITY ORDINANCE NOTES:**

Sec. 9-13. - Garbage/trash containers.  
 (2) Residential uses having more than four (4) units per lot but less than thirteen units per lot may have their choice of either a dumpster, or one wheel cart garbage container per residential unit from the franchised collection agency, provided that except for the designated days of trash collection, the wheel carts shall not be visible from the right-of-way.

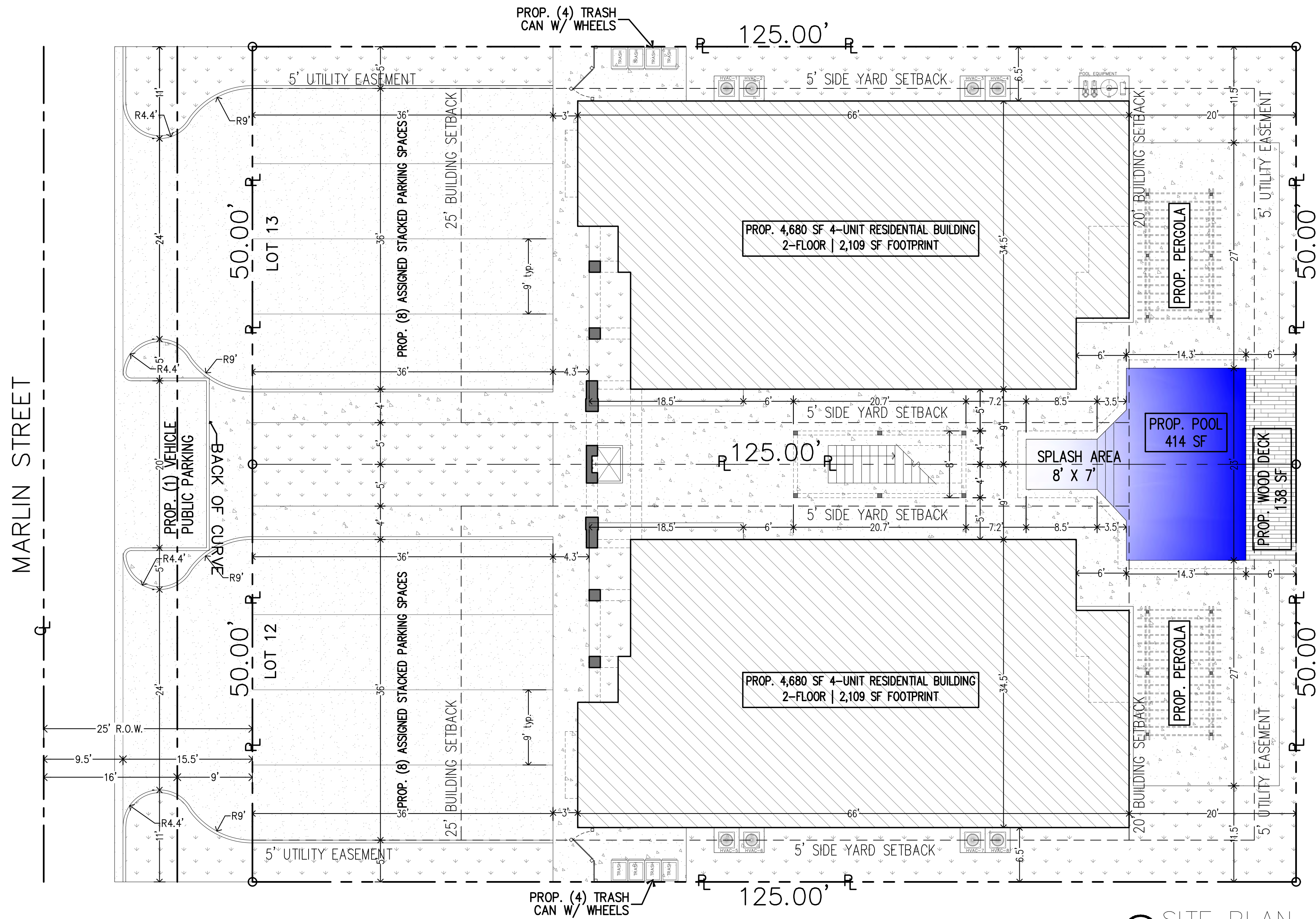
Sec. 20-7.1. - District "B-2"- Residential & Multi-family Dwelling District  
 (A) Area, width, and depth of lots, sanitation and temporary building provisions are the same as District "A."  
 (B) Use Regulations. In District "B-2", no land shall be used and no buildings shall be erected for or converted to any use other than:  
 (1) Single family dwellings, multi-family dwellings; apartment buildings, condominiums and Townhomes.

Sec. 20-14. - Parking Regulations.  
 (A) General Requirements:  
 (A)(5) Commercial parking lots are prohibited within Districts "A", "B-2" and "E".  
 (B) Number of Parking Required:  
 (B)(7) Multi-family dwellings shall provide two (2) off-street parking spaces per unit; or, may provide parking at a ratio of 1.5 spaces per unit and comply with In-Lieu Parking Fee as an alternative to compliance with the parking standard established in this section. (Ord No. 11-09)

Sec. 20-21. - Required Landscaping.  
 (C) Minimum Area, and Location of Landscaping:  
 (C)(3) Commercial/Multifamily Uses (Hotel, Motel, Condominium, Duplex, etc.). The area of required landscaping shall not be less than 20% of the front-of-building area in accordance with the requirements of this Section 20-21. Commercial properties may substitute up to 20% of their required parking spaces only for additional landscaped areas (above and beyond these minimum requirements) if the owner can reasonably justify that the parking is not needed for the business.  
 (D) Tree Requirements. For the purposes of this section, trees shall be planted within the required landscaped area at a ratio of one tree per 300 square feet of required landscaped area; provided, however, that no less than one (1) tree shall be planted on each lot. Within the required landscaping area, all plantings shall be kept outside of the wetlands. For residential developments, the required number of tree plantings may be waived by the city manager's designee if existing wetlands do not provide enough room for planting spaces.  
 (E) Lines of Sight. To minimize traffic hazards at street or driveway intersections, all landscape installations must provide unobstructed views in accordance with sight triangle requirements as denoted within Article 2.22 of the Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island, Texas.

**Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island, Texas:**

2.22 Clear View of Intersecting Streets:  
 (A) Sight Triangle Required: In order to provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear vision formed by the two intersecting streets. The size of the triangular area is a function of traffic volume and speed.  
 (B) Sight Triangle to Remain Clear: On any portion of a lot that lies within the triangular area described and illustrated below, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of thirty (30) inches above walk grade to a height of six (6) feet above walk grade.  
 (C) Specification: The triangular area shall be formed by a point on each street right-of-way line located fifty (50) feet (FOR LOCAL STREETS) from the intersection of the street right-of-way lines, as indicated below, and a third line connecting the two points.



**1 SITE PLAN**  
SCALE: 1:8

AREA TABULATIONS: LOT 12-13	
BUILDING FOOTPRINT AREA	4,218 SF
WOOD DECK AREA	138 SF
POOL AREA	414 SF
PAVEMENT AREA	5,619 SF
GREEN/ LANDSCAPING AREA	2,111 SF
<b>TOTAL AREA</b>	<b>12,500 SF</b>

8- APARTMENT UNITS  
 LOTS 12-13, BLOCK 27  
 PADRE BEACH SUBDIVISION SECT. III  
 CITY OF SOUTH PADRE ISLAND, TEXAS

TBPE FIRM REGISTRATION NO. F-7481  
**VANGUARD ENGINEERING**  
 4019 EAST EXPRESSWAY 83  
 WESLACO, TX, 78596  
 (956) 514-5086

THIS IS THE PROPERTY OF THE PROFESSIONAL ENGINEER WHOSE SEAL APPEARS ON THIS DRAWING AND IT IS UNLAWFUL TO REUSE THIS DRAWING ON ANY OTHER PROJECT, OR TO COPY, TRACE OR IN ANY WAY, REPRODUCE ANY OR ALL PARTS OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

*[Signature]* P.E.

DATE: Nov. 05, 2021

**SITE PLAN**

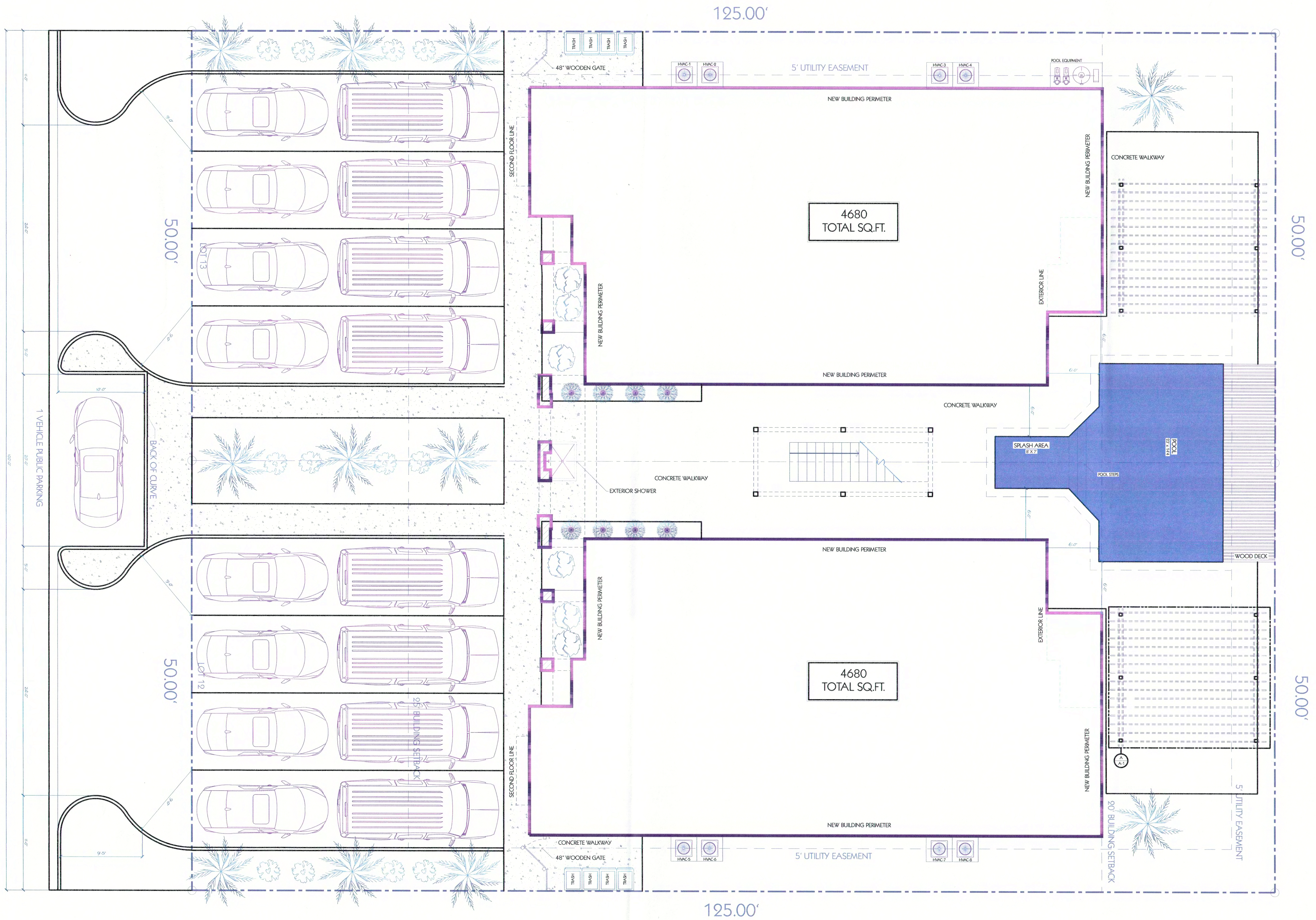
CLIENT MARIA HERNANDEZ	SHEET NO. <b>C 1.0</b>
PROJECT NO. ENG.2021.019	

COPY RIGHT 2021

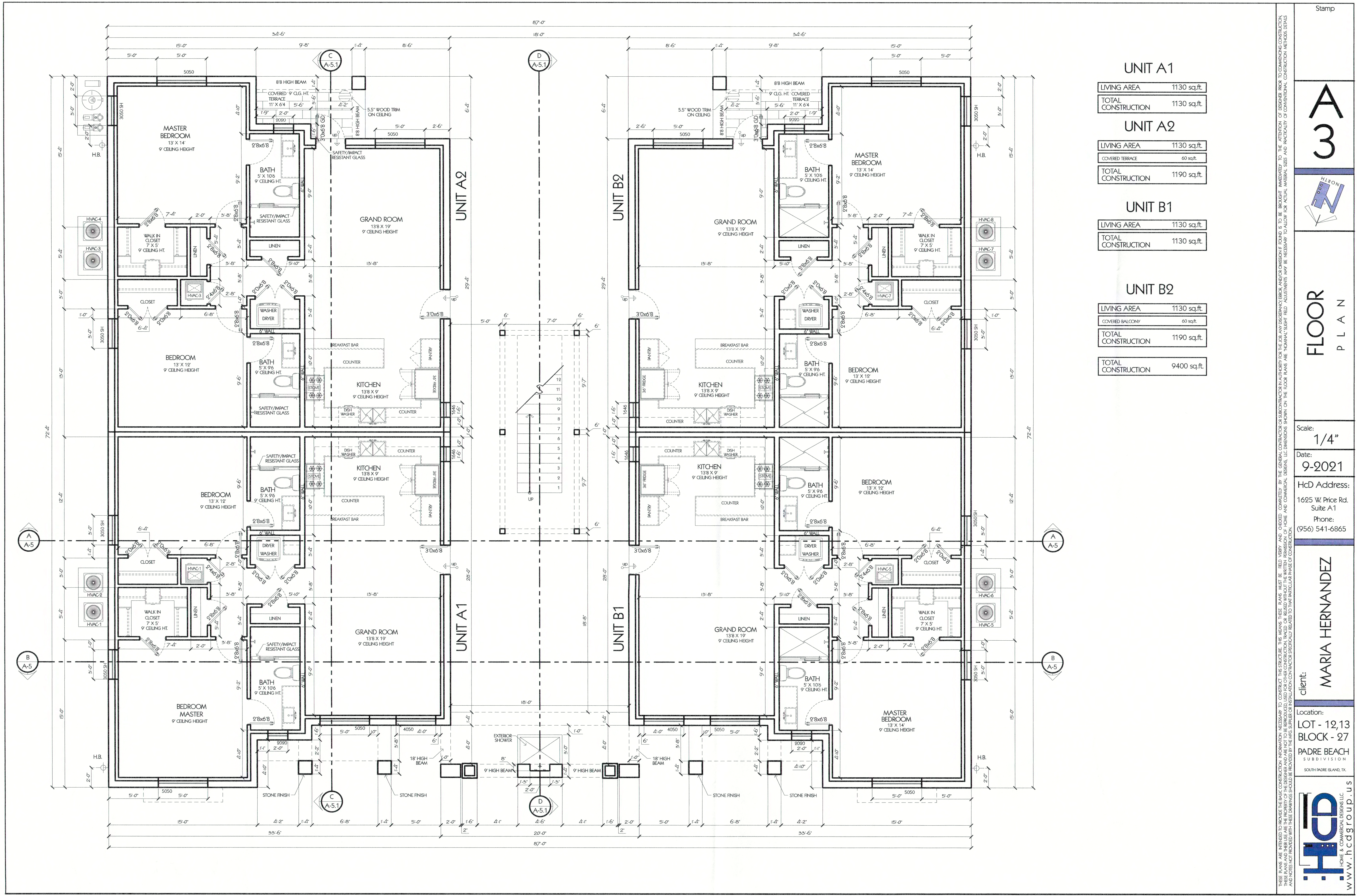


MARLIN STREET

4



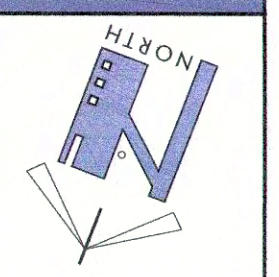




UNIT A1	
LIVING AREA	1130 sq.ft.
TOTAL CONSTRUCTION	1130 sq.ft.
UNIT A2	
LIVING AREA	1130 sq.ft.
COVERED TERRACE	60 sq.ft.
TOTAL CONSTRUCTION	1190 sq.ft.
UNIT B1	
LIVING AREA	1130 sq.ft.
TOTAL CONSTRUCTION	1130 sq.ft.
UNIT B2	
LIVING AREA	1130 sq.ft.
COVERED BALCONY	60 sq.ft.
TOTAL CONSTRUCTION	1190 sq.ft.
TOTAL CONSTRUCTION	9400 sq.ft.

Stamp

# A3



## FLOOR PLAN

Scale: 1/4"

Date: 9-2021

HcD Address:  
 1625 W. Price Rd.  
 Suite A1  
 Phone:  
 (956) 541-6865

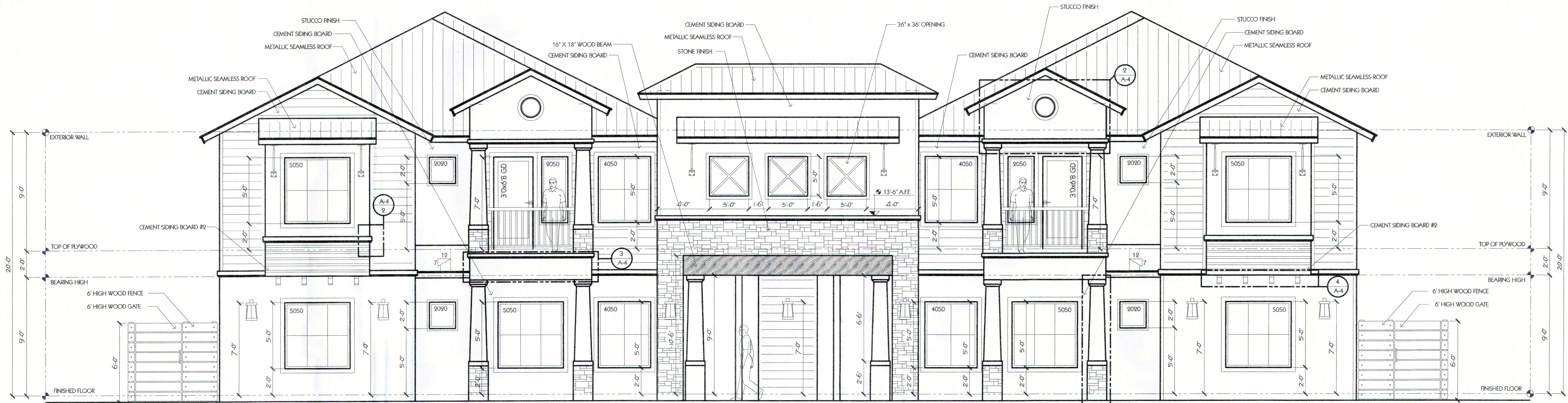
client:  
**MARIA HERNANDEZ**

Location:  
**LOT - 12,13**  
**BLOCK - 27**  
**PADRE BEACH**  
 SUBDIVISION  
 SOUTH PADRE ISLAND, TX.

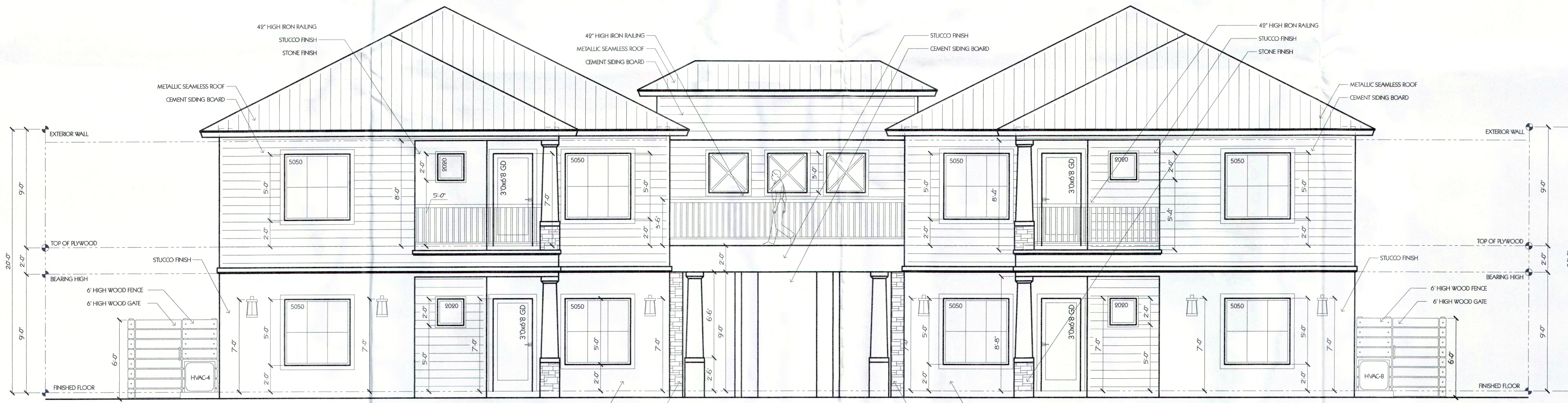
**HCD**  
 HOME & COMMERCIAL DESIGNERS, LLC  
 www.hcdgroup.us

THESE PLANS ARE INTENDED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY TO CONTRACT THIS STRUCTURE. THESE PLANS MUST BE FIELD VERIFIED AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR OR ARCHITECT/ENGINEER FOR THE JOB AND ANY DISCREPANCIES SHOULD BE REPORTED IMMEDIATELY TO THE ARCHITECT/ENGINEER PRIOR TO COMMENCING CONSTRUCTION. THESE PLANS AND THEIR USE ARE THE PROPERTY OF THE DESIGNER AND ARE NOT TO BE REPRODUCED, COPIED, REUSED, OR OTHERWISE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF HOME AND COMMERCIAL DESIGNERS, LLC. DIMENSIONS SHOWN ON THE FLOOR PLANS ARE NOMINAL. SLIGHT FIELD ADJUSTMENTS MAY BE NECESSARY TO ALLOW FOR ACTUAL MATERIAL SIZES AND PRACTICES OF CONVENTIONAL CONSTRUCTION METHODS. DETAILS AND NOTES NOT PROVIDED WITH THESE DRAWINGS SHOULD BE PROVIDED BY THE HING SUPPLIER OR INSTALLATION CONTRACTOR SPECIFICALLY RELATED TO THAT PARTICULAR PHASE OF CONSTRUCTION.

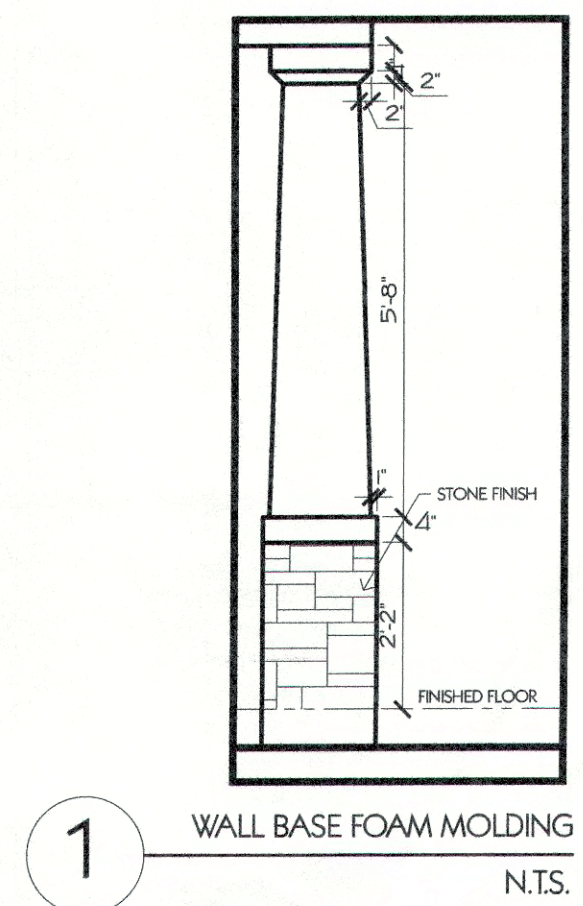




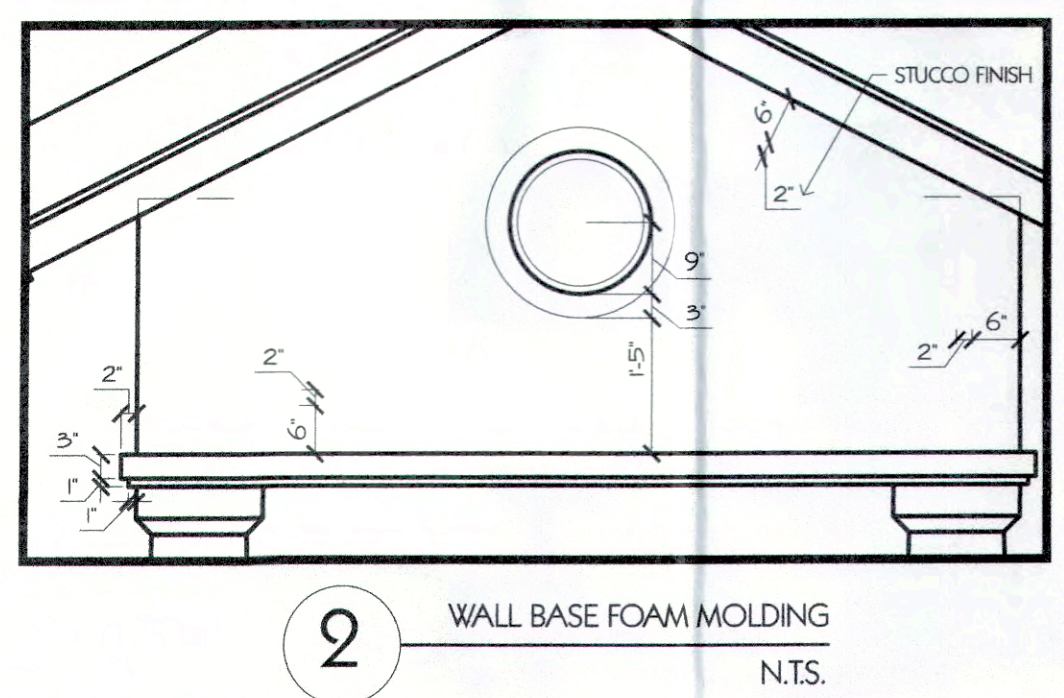
NORTH ELEVATION (FRONT)



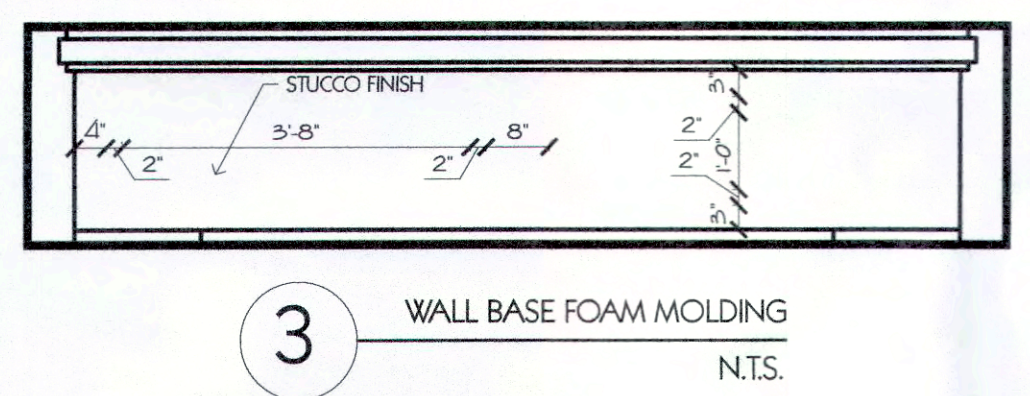
SOUTH ELEVATION (REAR)



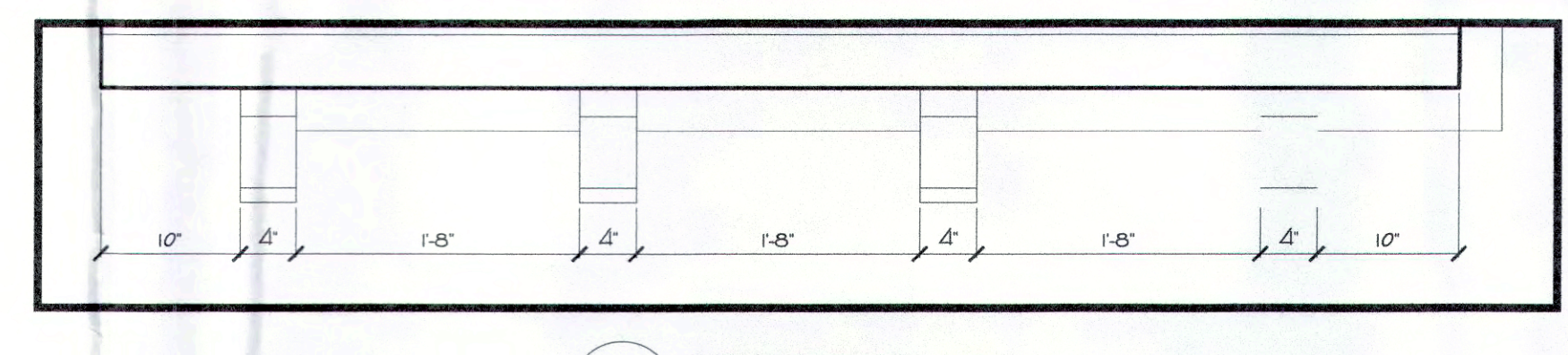
1 WALL BASE FOAM MOLDING N.T.S.



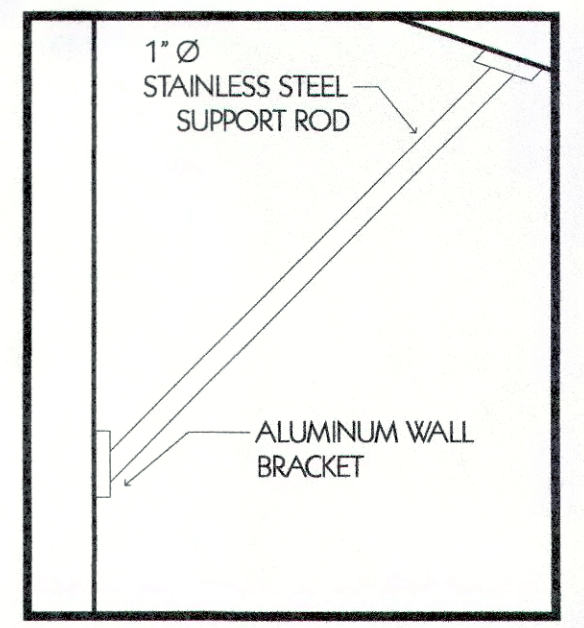
2 WALL BASE FOAM MOLDING N.T.S.



3 WALL BASE FOAM MOLDING N.T.S.



4 WALL BASE FOAM MOLDING N.T.S.



5 WALL BASE FOAM MOLDING N.T.S.

Stamp  
 A4  
 NORTH  
 ELEVATIONS PLAN  
 Scale: 1/4"  
 Date: 9-2021  
 HcD Address: 1625 W. Price Rd. Suite A1  
 Phone: (956) 541-6865  
 client: MARIA HERNANDEZ  
 Location: LOT - 12,13 BLOCK - 27 PADRE BEACH SUBDIVISION SOUTH PADRE ISLAND, TX  
 HCD HOME & COMMERCIAL DESIGN, LLC www.hcdgroup.us