

CITY OF PORT ISABEL

COMPREHENSIVE PLAN

PLANNING PERIOD 2005-2015

APRIL, 2005

K.1 EXISTING “REVISED” ZONING ORDINANCE

The Office of Rural Community Affairs in conjunction with the United States Department of Housing and Urban Development furnished financial support to the Activity described in this publication which does not necessarily indicate the concurrence of the Office of Rural Community Affairs or of the United States Department of Housing and Urban Development with the statements or conclusions contained in this publication

The data, information, analysis, and recommendations presented herein are exclusively for planning and budgeting purposes and do not constitute engineering analysis or detailed cost estimates. Engineering for each of the recommended tasks are beyond the scope of these studies and should be performed in the customary fashion as projects are defined and implemented.

Prepared by:

RGACONSULTANTS

RICARDO GOMEZ & ASSOCIATES

Urban Planning & Management Consultants

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ISABEL, TEXAS REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; REGULATING AND DETERMINING THE DENSITY AND USE OF LAND, LOT AREAS AND OTHER OPEN SPACES, AND FOR SAID PURPOSE DIVIDING THE CITY INTO ZONING DISTRICTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT, A PLANNING AND ZONING COMMISSION, AND FOR A BOARD OF ADJUSTMENT; INCORPORATING AND AMENDING ORDINANCE NOS. 605, 605-A, 605-B, 605-C, AND 605-D; PROVIDING FOR ZONING CHANGES, VARIANCES, AND SPECIAL USE PERMITS; PROVIDING FOR CRIMINAL OFFENSES AND PENALTIES; PROVIDING FOR CIVIL ENFORCEMENT; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, PUBLICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PORT ISABEL, TEXAS as follows:

SECTION 1: NAME OF ORDINANCE

This Ordinance shall be known as the Port Isabel Zoning Ordinance.

SECTION 2: PURPOSE OF ORDINANCE

The Zoning Regulations and Districts as herein established are made in accordance with the Port Isabel Comprehensive Plan for the purpose of promoting the health, safety, and general welfare of the citizens of the City of Port Isabel. They are designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public improvements. They are made with the reasonable consideration for the character of the Districts, their suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of the land throughout the City of Port Isabel.

SECTION 3: INTERPRETATION AND DEFINITIONS

In the interpretation of this Ordinance words used in the present tense include future tense and vice-versa; words in the plural number include the singular and vice-versa; and the word "shall" means mandatory, not discretionary. The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning.

Abutting: Lying adjacent or contiguous along a common border.

Accessory Building: A subordinate building or portion of the main building, the use of which is

incidental to that of the main building.

Alley: A public thoroughfare generally not over 20 feet in width at the rear of the dwelling.

Apartment: A room or suite of rooms within an apartment house arranged, intended, or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

Automobile Sales Area: An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises. No dismantling of cars or sale or keeping of used car parts or junk on the premises is permitted.

Building: The word "building" shall include the word "structure" and means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property.

Building, Height of: The vertical distance from the grade (average elevation of the ground around the structure) to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

Bulkhead: A structure placed near or above the shoreline with the purpose of separating and protecting the earth from the water, having the ability to withstand the force and weight of the elevated earth on the landward side, but not necessarily having the ability to withstand the normal wave and tidal action from the seaward side.

Certificate of Occupancy or Compliance: An official certificate issued by the City through the Enforcement Officer which indicates a conformance with an approved conditional waiver from the Zoning Regulations and authorizes a legal use of the premises for which it is issued.

City: The City of Port Isabel, Texas.

Clinic: Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for hospitalization of patients.

Condominium: A condominium is a dwelling unit.

Day Nursery: A place where six (6) or more children are left for care of a part of the twenty-four (24) hours of the day.

Depth of Lot: The mean horizontal distance between the front and rear lot lines.

Driveway: A vehicular entrance to a site.

Dwelling: Any building or portion thereof designed and used exclusively for residential purposes.

Dwelling, Single-Family: A building designed for or occupied exclusively by one family as a residence.

Dwelling, Two-Family: A building designed for or occupied exclusively by two families, living independently of each other, for residential purposes, including duplexes.

Dwelling, Multi-Family: A building designed or occupied exclusively by three or more families, living independently of each other, for residential purposes, with separate housekeeping and toilet facilities.

Enforcement Officer: The Building Official of the City of Port Isabel or his designee.

Family: One or more individuals living together as a single housekeeping unit in which not more than two (2) individuals are unrelated by blood, marriage, or adoption.

Farm: An area for the growing of the usual farm products and their storage on the area, as well as the raising thereon of usual farm animals.

Frontage: All the property abutting upon one side of a street or intersecting streets measured along the street line.

Front Yard: An open unoccupied space on the same lot with a building, between the building and the front line of the lot.

Garage, Private: A building used for the housing of motor vehicles which are the property of and for the private use of the occupants of the lot on which it is located. Not more than one (1) of the vehicles may be commercial vehicles and such vehicle shall be parked in a completely enclosed garage while on the lot.

Garage, Public: A garage other than a private garage where motor vehicles are equipped for operation, repairs, or kept for remuneration, hire or sale.

Home Occupation: Any occupation or profession carried on by a member of the immediate family residing on the premises; provided no product or property is sold upon the premises; no person is employed other than a member of the immediate family and two assistants; and no mechanical equipment is used which will be obnoxious or offensive by reason of traffic, vibration, noise, light, odor, dust, smoke, or fumes.

Hotel/Motel: A building occupied as a temporary abiding place of individuals who, for consideration, are lodged with or without meals.

HUD-Code Manufactured Homes: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is

built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

Lodging (or Boarding) House: A building other than a hotel where lodging and meals for three (3) or more persons are provided for compensation.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory building, open spaces, and parking spaces required by this Ordinance and having its principal frontage upon a street.

Lot, Corner: A lot abutting upon two (2) intersecting streets at their intersection.

Lot, Depth of: The mean horizontal distance between the front and rear lot lines.

Lot, Width: The mean horizontal distance measured at right angles to its depth.

Lot of Record: A lot or parcel of land, the plat of which has been recorded in the County Clerk's Office of Cameron County, Texas.

Mobile Home: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

Mobile Home Park: Any lot or parcel of land which is used or offered for the accommodation of one (1) or more mobile homes which are used for living and sleeping purposes.

Motor Homes: A self-propelled completely self contained vehicle which contains some or all of the conveniences of a home including cooking, sleeping, and/or permanent sanitary facilities, and in which the driver's seat is accessible in a walking position from the living quarters, and designated for temporary recreation, camping, or travel use.

Motor Vehicle: Any vehicle of title such as automobile, truck, water craft, motor home, travel trailer, motorcycle, or trailer.

Non-conforming Uses: Any building or land lawfully occupied and used prior to August 23, 1982 which does not conform with the regulations of the district within which it is located.

Occupancy: The use or intended use of the land or building by proprietors or tenants.

Paved: An area permanently topped with a material such as asphalt or concrete.

Person: Any individual, partnership, corporation, company, venture, association, trust, estate, foundation, institution, organization, group, governmental subdivision or agency, and any other entity recognized by law as the subject of rights and duties whether operated for profit or not for profit.

Planning and Zoning Commission: An advisory board as authorized by Section 3.07 of the City Charter and as established by City Ordinance No. 141 and its subsequent amendments.

Public Building: A structure owned by a governmental entity designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Recreational Vehicle: Motor homes, travel trailers, camping trailers, fifth wheel trailers, and truck campers as defined herein.

Recreational Vehicle Park: Any lot or parcel of land which is used or offered for the accommodation of one (1) or more recreational vehicles which are used for living and sleeping purposes

Retaining Wall: A structure placed anywhere with the purpose of separating an elevated area of earth from a lower area of earth, having the ability to withstand the force and weight of the elevated earth.

Screening Fence: A fence or wall of at least six (6) feet in height which substantially obscures the view of the fenced location from the area outside of the fenced location. Brick walls and wooden plank fences with no more than a one-half inch space between planks are examples of screening fences. Examples on non-screening fences are chain link fences and picket fences.

Seawall: A structure placed at or near the shoreline with the purpose of separating the earth from the water and protecting the earth by its imperviousness to water, having the ability to withstand the force of normal wave and tidal action from the seaward side, and having the ability to withstand the force and weight of the elevated earth on the landward side.

Semi-trailer: A device designed to be drawn by a truck tractor to transport persons or property and constructed so that part of the vehicle's weight and load rests on or is carried by the motor vehicle.

Site: One or more or part of a parcel of land utilized for a particular use as herein defined.

Story: That portion of a building, other than basement, included between the surface of any floor and the surface of the floor next above it; or if there is no floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more that three (3) feet above the top floor level, and in which space not more than

sixty (60) percent of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupants of the floor immediately below.

Story, Standard: A story not exceeding ten (10) feet in distance between the floor and ceiling immediately above.

Street: The width between the boundary lines of a publicly maintained way any part of which is open to the public for motor vehicle traffic.

Structures: Anything constructed or erected, the use of which requires permanent location on the ground.

Structural Alterations: Any change in structural members of a building, such as bearing walls, columns, beams or girders.

Trailer: A device designed to be drawn by a motor vehicle and to transport persons or property.

Travel Trailer: A structure, transportable in one section, which is eight body feet or less in width and is less than thirty-two body feet in length, and which is built on a permanent chassis, and designed to be used as a mobile dwelling without permanent foundation, and may or may not be connected to the utilities systems contained therein.

Travel Trailers, Camping Trailers, And Fifth Wheel Trailers: Vehicles designed as living quarters for temporary recreation, camping, or travel use, which do not have their own motor power, but are designed to be drawn by another vehicle.

Truck Camper: Any unit primarily designed as temporary living quarters for recreation, camping, or travel use, which is capable of being occupied and designed to be temporarily attached to the bed or frame of a truck.

Townhouse: A Townhouse is a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

Water Frontage: A residential, commercial, or industrial property that fronts or abuts (rear or side) a navigable water source accessible to the Laguna Madre Bay or Intracoastal Canal.

Yard: An open space on the same lot with a building unobstructed from the ground upward.

Yard, Front: The open area extending from the front of the lot between the side lot lines and being the minimal horizontal distance between the right-of-way fronting the lot and the front wall of the building, other than the projection from the front of the building of steps, unenclosed porches, or entrance ways not exceeding five (5) feet in length.

Yard, Rear: The open area extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear wall of

the main building, other than the projection from the rear of the building of steps, unenclosed porches or entrance ways not exceeding five (5) feet in length.

Yard, Side: A yard between the main building and the side line of the lot extending from the front lot line to the rear lot line.

SECTION 4: DISTRICT DESCRIPTIONS, DEFINITIONS PURPOSES AND GENERAL REGULATIONS

For the purpose of this Ordinance, the City is divided into Twelve (12) Zoning Districts to be known as follows:

A. DISTRICTS:

1. Non-Zoned, or N District.
2. Single-family residence district, or R-1 District.
3. Single-family residence district, or R-1-A District.
4. Two-family residence district, or R-2 District.
5. Multi-family residence or hotel-motel district, or A-1 District.
6. Mobile home/Recreational vehicle park district, or A-2 District.
7. First business district, or B-1 District - Fire Zone.
8. First business district, or B-1 District-Outside Fire Zone.
9. Second business district, or B-2 District.
10. Industrial district, or H-1 District.
11. Planned development district, or PDD District.
12. Entertainment, resort & park district, or ERP District.

The boundaries of the districts are shown upon a map which is incorporated by reference and made a part of this Ordinance and which map is designated as the "District Map". The District Map and all the information shown thereon is a part of this Ordinance and has the same force and effect as if the District Map and all the information shown thereon were all fully set forth or described herein. The original of this map is properly attested and on file with the City Secretary. No building shall be erected or structurally altered, nor shall any building or premises be used for any purpose other than as allowed by the use regulations for the district in which such building or premises is located. No lot area shall be reduced or diminished so that yards shall be smaller than described by this Ordinance, nor shall the lot area per family be reduced in any manner except in conformity with the regulations hereby established for the district in which such building is located.

B. DEFINITION AND PURPOSE OF ZONING DISTRICTS

1. N Non-Zoned District. This district is intended for use of property which is not zoned at the time of the effective date of this Ordinance or which is annexed into the City without a zoning designation.
2. R-1 Single-Family Residential District. This district is intended to be composed of Single-Family, detached dwellings on lots of not less than six thousand (6,000) square feet.

3. R-1-A Modern Venice Residential District. This district is intended to be composed of Single-Family Dwellings, Mobile Homes and HUD-Code Manufactured Homes. Mobile Homes and HUD-Code Manufactured Home are allowed in the East addition, but prohibited in the West addition to the Modern Venice Subdivision.
4. R-2 Two-Family Residential District. This district provides a low density dwelling classification in the form of two-family or duplex dwellings.
5. A-1 Multi-Family Residential District. This district is comprised of all attached dwellings for more than two families in apartments, condominiums, townhouses, motels and hotels.
6. A-2 Mobile Home/Recreational Vehicle Park District. This district is intended for the operation of Mobile Home, HUD-Code Manufactured Homes and Recreational Vehicle Parks, recreational buildings, swimming pools, private clubs, laundry and storage facilities for use of the residents of the parks.
7. B-1 Business District - Fire Zone. This district allows for concentration of shopping oriented activities, administrative offices and medical service activities.
8. B-1 Business District - Outside Fire Zone. This district allows all activities allowed in B-1 Business District - Fire Zone and also allows R-1, R-2 and A-1 uses.
9. B-2 Business District. This district concentrates business and service activities, wholesale-warehouse and storage activities.
10. H-1 Industrial District-Heavy. This district provides for the location of enterprises that tend to emit odors, noises, dust, and vibration and that are least compatible with other uses.
11. PDD Planned Development District. This district provides for the location of developments and enterprises that, because of their size and proposed uses, are not compatible with other defined districts.
12. ERP District. This district is a multi-use district and is intended for the area known as Cameron County's Isla Blanca Park within the City's corporate limits.

C. TERRITORY ANNEXED INTO CITY LIMITS

All territory that may hereafter be annexed by the City shall be considered to be zoned N District non-zoned unless otherwise zoned at the time of annexation.

D. GENERAL REGULATIONS

Unless otherwise specified hereinafter, the following general regulations shall apply in all zoning districts.

1. Sanitation. All buildings with toilet facilities shall have water and sewer service provided by the Laguna Madre Water District. Chemical toilets may be located and used only temporarily during construction.
2. Code Obedience. All construction subject to this Ordinance shall comply with the current building codes adopted by the City of Port Isabel.
3. Fire Prevention. All walls, ceilings, and floors which separate living areas from work areas, garages, utility rooms or storage rooms shall be constructed to provide a minimum one-hour fire barrier. In buildings consisting of two or more dwelling units, each dwelling unit shall be separated by not less than a one-hour fire barrier. All wall fire barriers shall extend from the foundation continuously to the underside of the roof sheathing. Wooden shingles are prohibited on new construction.
4. Accessory Buildings. Accessory buildings are allowed in all districts and are restricted to the rear of lot behind the main building. The total floor area of an accessory building shall not exceed twenty percent (20%) of the main building. Accessory buildings shall observe the same minimum side-yard required by the district, shall be distanced at least ten feet (10') from the main building and any other structure, shall be no closer than five feet (5') from the rear lot line unless otherwise allowed by this Ordinance, and shall occupy no more than twenty-five percent (25%) of the rear yard area. No accessory buildings shall be used for dwelling purposes except for domestic servants employed on the premises. No accessory building may be constructed upon a lot until construction of the main building has commenced.
5. Temporary Buildings. Temporary buildings used in connection with construction are allowed in all districts for the duration of construction. Temporary buildings used as field offices for the initial sale or lease of property being developed are allowed for six (6) months. No more than one temporary building per project site is allowed. Permits shall be required prior to the installation of a temporary building.
6. Satellite Dish Installation. All satellite dish installation locations with dish assemblies larger than one meter in diameter shall be restricted to the rear of houses or buildings in a manner so as to be unobtrusive as possible. All dish bases shall be constructed of concrete.
7. Yards. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in the rear yard and except for the ordinary projection of sills, cornices, and ornamental features projecting not to exceed eighteen (18) inches. For the purpose of side yard regulations, a two-family, group house or a multiple dwelling shall be considered as one building occupying one lot.
8. Fences. Fences may be constructed to a height not to exceed six (6) feet on the front yard line and eight feet on the side and rear yard property lines. Fences on corner lots must be located no less than fifty (50) feet from the center of the street intersection or at a 45 degree angle from the corner of the curb edge. In no instance shall any fence be

constructed to

obstruct the view of vehicles approaching any intersection. Where a fence would square on the corner that abuts an intersection, the section of fence entering the fifty (50) feet limitation from the intersection shall allow for seventy percent 70% visibility.

9. Multiple Buildings. More than one (1) industrial, commercial, multiple-dwelling or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, nor shall any building be less than ten feet (10') from any other structure, nor shall there be any change in the intensity of use for that zoning district.
10. Water Frontage. The following regulations apply to all property in all districts with water frontage:
 - a. In those areas where docks, wharf's, seawalls or other similar improvements are required or allowed, no such improvement shall be installed, erected or constructed without a building permit.
 - b. All plans for boat docks, boat decks, boathouses, wharves, or other similar improvements on the water shall be certified by a professional engineer.
 - c. All waterfront property with a building or dwelling located thereon shall have an approved seawall.
 - d. A seawall shall be erected, installed or constructed prior to or simultaneously with the construction of any building on the property.
 - e. The seawall shall run the full width of the water frontage, separating land from water. Due regard shall be given to adjacent, like improvements with respect to size, similarity of design and in the method of connecting the adjacent improvements.
 - f. There shall be no building meant for habitation built above the seawall, where it extends over the water and/or beyond the seawall.
11. Seawalls: The following regulations shall apply to seawalls:
 - a. All seawalls shall be constructed with such materials and in such a manner so as to embody its defined abilities and to serve its defined purpose. Seawalls constructed of vertical panels, of sufficient strength for their particular application, made of steel, concrete, treated lumber, or synthetic products, or a combination of these materials, submerged below the level of the sea floor and protruding above the sea floor to the earth level, each panel securely fitted or fastened to the next panels and all panels horizontally secured as one by a cap of similar material, and secured to the elevated earth using a "deadman" technique or a similar securing method shall be acceptable. Any other method of seawall construction which has been or can be shown to possess the

definitional qualities and abilities of a seawall, except use of asbestos sheets or any other harmful material which is expressly forbidden herein, may be approved by the Building Official. In all permit applications for a seawall, the Building Official shall have the right to require sufficient information or an engineer's certification satisfactorily assuring the proposed construction meets the definitional qualities and abilities set forth in this ordinance as well as meeting the construction and strength requirements for the particular application as set forth herein.

b. Broken concrete or other discarded building materials (rip-rap) placed at the shoreline does not qualify as a seawall or bulkhead. Such materials may only be placed in areas above the water line as a method of storm wave dissipation. Such materials may not be used near or in any navigable waters within the city limits of Port Isabel and shall not be used in any other way which may pose a hazard to navigation.

12. Placement of Mobile Homes and HUD-Code Manufactured Homes:

a. Placement shall be made in such a manner that there is no overhang over a water surface.

b. Placement shall be in a fixed position, with wheels removed.

c. Mobile Homes and HUD-Code Manufactured Homes shall meet the required wind zone category for Port Isabel, be firmly anchored to the ground so they do not become a destructive object during hurricanes, high wind or flooding, and shall be installed at the required elevation and tied down, pursuant to the provisions of state law.

d. There shall be no aluminum wiring in the electrical system.

e. Connections to the water and sewer shall be performed by a state licensed plumber.

f. The connection to electrical power shall be performed by a licensed electrician.

g. Prior to placement, the owner must obtain approval for the placement location from the Building Department by fully completing an Application for Placement of HUD-Code Manufactured Home which shall include: (1) the name of the home manufacturer, the make and model, HUD label or Texas Seal number, serial number, date of manufacture, wind zone rating, and length and width size, and (2) the name, address, telephone number and registration number of the installer of the home. In addition, prior to placement, the owner must apply for a Certificate of Occupancy to be issued by the Building Department after satisfactory inspection and approval. A fee must be paid in advance with the application for the Certificate of Occupancy.

h. Skirting shall be installed within thirty (30) days of placement of the Mobile Home or HUD-Code Manufactured home. Skirting shall be constructed of aluminum or vinyl specially designed for skirting; or a manufactured treated wood lattice; or concrete or masonry blocks.

SECTION 5: "N" NON-ZONED DISTRICT REGULATIONS

- A. Non-Zoned District shall apply to all undeveloped, unsubdivided open-space land, and newly annexed territory unless otherwise zoned at the time of annexation. Until property in such district is zoned otherwise, the property shall be subject to the rules, regulations, and restrictions herein provided for the R-1 Single Family Dwelling District.
- B. Municipal buildings, public parks, telephone facilities (not including public business, repair, or storage), fire stations, and water supply facilities shall be allowed in the N District.
- C. No permit for the construction, remodeling, or expansion of any building or structure shall be issued in the N District. No permit allowing any business may be issued in the N District.
- D. Prior to the issuance of a permit to a person for construction, remodeling or expansion of a building or structure in an N District, such person shall seek a zoning designation from the City.

SECTION 6: "R-1" SINGLE FAMILY DWELLING DISTRICT REGULATIONS

- A. Use Regulations:
 - 1. Single family dwellings.
 - 2. Public schools and churches, provided the site includes a corner lot.
 - 3. Public Parks, playgrounds and libraries owned by the City of Port Isabel.
 - 4. Kindergartens and day nurseries meeting all local, county, state, and federal regulations.
 - 5. Home occupations.
- B. Height Regulations:
 - 1. No building shall exceed three (3) standard stories in height.
- C. Area Regulations:
 - 1. Front Yard
 - a. There shall be a front yard having a minimum depth of fifteen (15) feet from the lot

line.

b. Where dwelling lot(s) have double frontage, the required front yard shall be provided on both streets.

2. Side Yard

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 cornices, porches, stairways, carports, etc. Eaves may overhang the structure but, not to exceed one and one-half (1½) feet into the side yard. For the construction of boat houses, and other similar related construction, except for boat docks, there shall be a side setback on each side of the lot having a clear width of not less than three (3') feet, including cornices, porches, stairways, and eaves. The side yard adjacent to a street shall not be less than ten (10) feet, provided that the buildable width of such a lot of record shall not be reduced to less than thirty five (35) feet.

3. Rear Yard

a. There shall be a rear yard having a depth of not less than twenty (20) feet from the dwelling to the rear lot line.

b. Where canals, bay front, and yacht basins occur at rear of lots, buildings may extend to the seawall, but no further.

4. Area of Lot & Building

a. The minimum area of a lot shall be 6,000 square feet, or as recorded in the Official Records of Cameron County as of August 23, 1982, except as set forth in subsection C 5 below. However, no dwelling structure shall be constructed on a lot less than 4,000 square feet.

b. Width of Lot: The minimum width of a lot shall be fifty (50) feet, except as set forth in subsection C 5 below.

c. Depth of Lot: The minimum depth of a lot shall be one hundred and twenty (120') feet, except as set forth in subsection C 5 below.

d. Area of Building: The minimum area of a dwelling structure shall be nine hundred (900) square feet.

5. Lots Less Than 6,000 Square Feet

a. Subdivisions recorded prior to August 23, 1982, with a lot or lots containing less than 6,000 square feet of lot area but having at least 4,000 square feet may have a single family residence constructed on the lot provided that the minimum dwelling area, and off-street parking requirements are met, as set forth in the zoning district, and the front

yard set back shall be not less than fifteen (15') feet, the rear yard set back (where required) shall be no less than twenty (20') feet, the side yard adjacent to a street shall be not less than seven (7') feet, and the side yard adjacent to neighboring property shall not be less than five (5') feet.

b. There shall be a twenty-five (25') foot height limit for buildings on lots less than 6,000 square feet.

D. Parking Regulations:

A paved off street parking space shall be provided on each site for at least two (2) motor vehicles per dwelling unit and the parking spaces shall be directly accessible from the street by means of a paved driveway. No supporting member of any garage, carport, or any garage structure shall be located within the required front yard depth. Dwelling units which contain more than one kitchen area shall provide two (2) such parking spaces for each kitchen area.

SECTION 7: "R-1-A" MODERN VENICE, EAST AND WEST ADDITION DISTRICT REGULATIONS

A. Use Regulations:

1. Single family dwellings.

2. Mobile Homes and HUD-Code Manufactured Homes are prohibited in the West Addition to the Modern Venice Subdivision, and shall be prohibited from new installation in the East Addition after September 1, 2000. After September 1, 2000, any Mobile Home or HUD-Code Manufactured Home installed prior to September 1, 2000 in the East Addition may be replaced with a HUD-Code Manufactured Home in accordance with Article 5221f, V.A.T.S.

3. Public Park and Refuge Harbor owned and operated by the City. City has a public park located on the East End of Block 3-B.

4. Home occupations.

B. Height and Area Regulations:

1. Height: No building shall exceed thirty (30) feet in height.

2. Lot Area: No minimum lot size is established due to the topographical lay out of the subdivision. Boat basins are allowed from the water property lines into the lot.

3. Dwelling Area: No dwelling unit shall contain less than 700 square feet of indoor living area. No Mobile Home or HUD-Code Manufactured Home shall contain less than 500 square feet of indoor living area. Only one single family dwelling is permitted per

lot.

4. Coverage: The maximum coverage of the lot by a dwelling shall be determined by setbacks in relation to the size and shape of the lot. The City will be the final authority in determining the maximum size a building can be constructed on a lot less than 50 feet wide.

5. Front Yard: The structure on mobile home overhangs, porches, carports, or garage, or any other building, shall be a minimum five (5) feet from the front lot line.

6. Rear Yard: No rear yard depth restrictions. Dwelling structures may extend to the seawall, but no further.

7. Side Yard: - There shall be a side yard on each side of the lot having a clear width of not less than five (5') feet, including cornices, porches, stairways, carports, etc. Eaves may overhang the structure, but not to exceed one and one-half (1½') feet into the side yard. For the construction of boat houses, and other similar related construction, except for boat docks, there shall be a side setback on each side of the lot having a clear width of not less than three (3') feet, including cornices, porches, stairways, and eaves. The side yard adjacent to a street shall not be less than seven (7') feet.

8. Width: The minimum width of a lot shall be fifty (50) feet for each single family dwelling unit or, since the lots vary greatly in size, the City will determine allowable construction area on lots of less than fifty (50) feet.

C. Parking Regulations:

A paved off street parking space shall be provided on each site for at least two (2) motor vehicles per dwelling unit and the parking spaces shall be directly accessible from the street by means of a paved driveway. Dwelling units which contain more than one kitchen area shall provide two (2) such parking spaces for each kitchen area.

SECTION 8: "R-2" TWO-FAMILY DWELLING DISTRICT REGULATIONS

A. Use Regulations:

1. Any use permitted in the R-1 Residential District.
2. Duplex dwelling with separate plumbing and electrical facilities for each dwelling.
3. Telephone exchange and private utilities office located on a collector or major street only.

B. Height Regulations:

1. No building shall exceed three (3) standard stories in height.

C. Area Regulations:

1. Front Yard

- a. There shall be a front yard having a minimum depth of fifteen (15) feet from the lot line.
- b. Where dwelling lot(s) have double frontage, 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 cornices, porches, stairways, carports, etc. Eaves may overhang the structure but, not to exceed one and one-half (1½) feet into the side yard. For the construction of boat houses, and other similar related construction, except for boat docks, there shall be a side setback on each side of the lot having a clear width of not less than three (3') feet, including cornices, porches, stairways, and eaves. The side yard adjacent to a street shall not be less than ten (10) feet, provided that the buildable width of such a lot of record shall not be reduced to less than thirty five (35) feet.

3. Rear Yard

- a. There shall be a rear yard having a depth of not less than twenty (20) feet from the dwelling to the rear lot line.
- b. Where canals, bay front, and yacht basins occur at rear of lots, buildings may extend to the seawall, but no further.

4. Area of Lot & Building

- a. The minimum area of a lot shall be 6,000 square feet, or as recorded in the Official Records of Cameron County as of August 23, 1982, except as set forth in subsection C 5 below. However, no dwelling structure shall be constructed on a lot less than 4,000 square feet.

b. Width of Lot

The minimum area of a lot shall be 6,000 square feet, or as recorded in the Official Records of Cameron County as of August 23, 1982, except as set forth in subsection C 5 below. However, no dwelling structure shall be constructed on a lot less than 4,000 square feet.

c. Depth of Lot

The minimum depth of a lot shall be one hundred and twenty (120') feet, except as set forth in subsection C 5 below.

d. Area of Building

The minimum area of a dwelling structure shall be nine hundred (900) square feet.

5. Lot Less than 6,000 square feet.

a. Subdivisions recorded prior to August 23, 1982, with a lot or lots containing less than 6,000 square feet of lot area but having at least 4,000 square feet may have a single family residence constructed on the lot provided that the minimum dwelling area, and off-street parking requirements are met, as set forth in the zoning district, and the front yard set back shall be not less than fifteen (15') feet, the rear yard set back (where required) shall be no less than twenty (20') feet, the side yard adjacent to a street shall be not less than seven (7') feet, and the side yard adjacent to neighboring property shall not be less than five (5') feet.

b. There shall be a twenty-five (25') foot height limit for buildings on lots less than 6,000 square feet.

6. Duplex dwellings must have a minimum lot area of 6,000 square feet and a minimum building area of 1,200 square feet.

D. Parking Regulations:

Paved off street parking spaces directly accessible from the street, by means of a paved driveway, shall be provided on the lot to accommodate at least two (2) motor cars for each dwelling unit. No supporting member of any garage, carport or any garage structure, shall be located within the set back area required for the front yard.

SECTION 9: "A-1" HOTEL, MOTEL, MULTI-FAMILY DISTRICT REGULATIONS

A. Use Regulations:

1. Any use permitted in the R-2 District.

2. Townhouses.

3. Apartment buildings.

4. Boarding and lodging houses.

5. Hotels, Motels, and Condominiums: Hotels, Motels, and Condominiums which may have businesses such as cafes, barber shops, beauty parlors, gift shops and other similar businesses normally associated with such businesses located within the confines of the

hotel, motel, or condominium.

6. Hospitals, clinics, convalescent homes and day care centers meeting all local, county, state and federal regulations.

B. Height Regulations:

There are no maximum height of buildings, but yard requirements for buildings higher than six (6) standard stories shall meet the requirements of Subsection C 4, and in no case shall the height of the building exceed the total width of the street right of way on which it faces plus the depth of the front yard.

C. Area Regulations:

1. Front Yard:

- a. There shall be a front yard having a minimum depth of 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.
- c. The minimum front yard shall be increased one (1) foot for each two (2) feet in height if building exceeds six (6) standard stories.

2. Side Yard:

- 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 from the side of the building, such as, eaves, cornices, porches, stairways, and carports. For the construction of boat houses, boat sheds and similar construction, there shall be a side setback on each side of the lot having a clear width of not less than three (3) feet, including cornices, porches, stairways, and eaves, but excluding boat docks. The side yard adjacent to a side street shall not be less than ten (10) feet, provided that the buildable width of such lot a lot of record shall not be reduced to less than thirty five (35) feet. Except for boat houses and similar construction, there shall be no building or structure built above the seawall in the setback area where it extends over the water or beyond the seawall. The seawall must extend to the property line on each side of the property.
- b. The side yard shall be increased four (4) feet for each story the building exceeds three (3) standard stories in height, including eaves, cornices, porches, stairways and carports.

3. Rear Yard:

- a. No house or structure of any classification shall be erected any closer than ten (10) feet of the rear lot line.

b. Accessory buildings shall be at least five (5) feet from the rear lot line.

c. The 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.

d. Where canals, bay fronts and yacht basins occur at rear of lots, buildings may extend up to the seawall, but no further.

4. Area of Lot:

The minimum area of a lot shall be ten thousand (10,000) square feet, except as set forth in paragraph 8 below.

5. Width of Lot:

The minimum width of a lot shall be one hundred (100) feet, except as set forth in paragraph 8 below.

6. Depth of Lot:

The minimum depth of a lot shall be one hundred (100') feet, except as set forth in paragraph 8 below.

7. Areas of Building:

The minimum area of a building structure shall be one thousand five hundred (1,500) square feet.

8. Lots Less than 6,000 Square Feet:

Subdivisions legally recorded prior to August 23, 1982, containing less than 6,000 square feet but, more than 4,000 square feet of lot area, may have a dwelling structure constructed on the lot, provided all set back, minimum dwelling area, and off street parking requirements are met, as set forth in this zoning district.

D. Parking Regulations:

1. Whenever a structure is erected or converted for single family or multiple family dwelling units, two (2) paved off street parking spaces, directly accessible from the street by means of a paved driveway, shall be provided on the lot for each dwelling unit in the structure.

2. Churches shall provide one (1) off street parking space for each five (5) seats.

3. Schools shall provide one (1) off street parking space for each ten (10) students plus

one (1) space for each employee.

4. Hospitals shall provide two (2) off street parking spaces for each five (5) beds.

5. Clinics shall provide two (2) off street parking spaces for each two hundred fifty (250) square feet of floor space within the building but in no case shall there be less than five (5) off street parking spaces provided.

6. Hotels and Motels shall provide two (2) off street parking spaces for each rental unit in the building.

7. Lodging and boarding houses shall provide a minimum of two (2) off street parking spaces plus one (1) parking space for each guest bedroom.

8. Condominiums shall provide two (2) off street parking spaces for each dwelling unit.

9. No parking garage or structure shall be erected in a required front or side yard.

10. All parking spaces shall be a minimum of nine feet (9') in width and eighteen feet (18') in length. They shall be paved and be directly accessible from the street by means of a paved driveway.

E. Other Regulations:

1. No multi-family dwelling over one standard story in height shall be constructed as a Type VI structure as that type of construction is defined by Section 608 of the 1999 Standard Building Code.

2. No building over one standard story in height, if constructed as a Type VI structure as that type of construction is defined by Section 608 of the 1999 Standard Building Code, shall be used or occupied as a multi-family dwelling

F. R-1 or R-2 in A-1 District:

1. Any R-1 or R-2 use in A-1 Districts shall conform to all the Area and Parking regulations of R-1 or R-2 Districts.

SECTION 10: "A-2" MULTI-FAMILY, MOBILE HOME AND RECREATIONAL VEHICLE PARK DISTRICT

A. Use Regulations:

1. Any use permitted in the A-1 district.

2. Mobile Homes, HUD-Code Manufactured Homes and Recreational Vehicle parks.

3. Any use permitted in the B-1 business districts will be permitted provided such uses

front on State Highway. 100.

B. Height Regulations:

There are no maximum height of buildings, but yard requirements for buildings higher than six (6) standard stories shall meet the requirements of Subsection C 4, and in no case shall the height of the building exceed the total width of the street right of way on which it faces plus the depth of the front yard.

C. Area Regulations:

1. Front Yard:

- a. There shall be a front yard having a minimum depth of 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.
- c. The minimum front yard shall be increased one (1) foot for each two (2) feet in height if building exceeds six (6) standard stories.

2. Side Yard:

- 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 from the side of the building, such as, eaves, cornices, porches, stairways, and carports. For the construction of boat houses, boat sheds and similar construction, there shall be a side setback on each side of the lot having a clear width of not less than three (3) feet, including cornices, porches, stairways, and eaves, but excluding boat docks. The side yard adjacent to a side street shall not be less than ten (10) feet, provided that the buildable width of such lot a lot of record shall not be reduced to less than thirty five (35) feet. Except for boat houses and similar construction, there shall be no building or structure built above the seawall in the setback area where it extends over the water or beyond the seawall. The seawall must extend to the property line on each side of the property.
- b. The side yard shall be increased four (4) feet for each story the building exceeds three (3) standard stories in height, including eaves, cornices, porches, stairways and carports.

3. Rear Yard:

- a. No house or structure of any classification shall be erected any closer than ten

(10) feet of the rear lot line.

b. Accessory buildings shall be at least five (5) feet from the rear lot line.

c. The 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.

d. Where canals, bay fronts and yacht basins occur at rear of lots, buildings may extend up to the seawall, but no further.

4. Area of Lot:

The minimum area of a lot shall be ten thousand (10,000) square feet, except as set forth in paragraph 8 below.

5. Width of Lot:

The minimum width of a lot shall be one hundred (100) feet, except as set forth in paragraph 8 below.

6. Depth of Lot:

The minimum depth of a lot shall be one hundred (100') feet, except as set forth in paragraph 8 below.

7. Areas of Building:

The minimum area of a building structure shall be one thousand five hundred (1,500) square feet.

8. Lots Less Than 6,000 Square Feet

Subdivisions legally recorded prior to August 23, 1982, containing less than 6,000 square feet but, more than 4,000 square feet of lot area, may have a dwelling structure constructed on the lot, provided all set back, minimum dwelling area, and off street parking requirements are met, as set forth in this zoning district.

D. Parking Regulations

1. Whenever a structure is erected or converted for single family or multiple family dwelling units, two (2) paved off street parking spaces, directly accessible from the street by means of a paved driveway, shall be provided on the lot for each dwelling unit in the structure.

2. Churches shall provide one (1) off street parking space for each five (5) seats.
3. Schools shall provide one (1) off street parking space for each ten (10) students plus one (1) space for each employee.
4. Hospitals shall provide two (2) off street parking spaces for each five (5) beds.
5. Clinics shall provide two (2) off street parking spaces for each two hundred fifty (250) square feet of floor space within the building but in no case shall there be less than five (5) off street parking spaces provided.
6. Hotels and Motels shall provide two (2) off street parking spaces for each rental unit in the building.
7. Lodging and boarding houses shall provide a minimum of two (2) off street parking spaces plus one (1) parking space for each guest bedroom.
8. Condominiums shall provide two (2) off street parking spaces for each dwelling unit.
9. No parking garage or structure shall be erected in a required front or side yard.
10. All parking spaces shall be a minimum of nine feet (9') in width and eighteen feet (18') in length. They shall be paved and be directly accessible from the street by means of a paved driveway.

SECTION 11: "B-1" BUSINESS DISTRICT - FIRE ZONE

A. Use Regulations:

1. No more than two (2) apartments, provided they are located above the first floor and above a business use permitted in this district, and further provided that a special permit for same, after public hearing and review of the plans and specifications for same, has been recommended for approval by the Planning & Zoning Commission and approved by the City Commission. However, in no event shall such apartments be allowed above dry cleaning plants, gasoline service stations, or other hazardous uses as specified in the City's building codes.
2. Banks and Offices.
3. Restaurants, Cafes and Bars.
4. Retail Stores.
5. Dry Cleaners and Laundromats.
6. Bakeries.

7. Barber and Beauty Shops.
8. Theaters.
9. Gasoline service stations permitted only if they are located on a corner lot.
10. Post Offices and other governmental buildings.
11. Liquor sales.
12. The above specified stores, shops or businesses shall be establishments selling merchandise primarily at retail and conducted wholly within an enclosed buildings.

B. Height Regulations:

The Port Isabel Lighthouse has long been a symbol of the city and identifies the uniqueness of the city to its citizens and to all persons which pass through. In order to preserve unrestricted visual access to this most valuable and symbolic structure the following height limitations shall apply. No building shall exceed two (2) stories, or twenty-five (25) feet in height in block numbers 7,21,34,47,56,73, or eighteen (18) feet in block 119, all such lots being located between state Highway 100 and Maxan Street running from Yturria Street to the Laguna Madre. All other buildings and structures within the B-1 business district shall not exceed thirty (30) feet in height.

C. Area Regulations:

1. Front Yard - No Restrictions.
2. Side Yard - All structures shall either be on the line or be set back at least (5) feet from the line. For those structures abutting a side street the building may be built up to the property line on the side street.
3. Rear Yard - No Restrictions.
4. Area of Lot - The minimum area of a lot shall be 6,000 square feet or as recorded in the Cameron County Courthouse as of August 23, 1982.
5. Width of Lot - The minimum width of the lot shall be fifty (50) feet or as recorded in the Cameron Courthouse as of August 23, 1982.
6. Depth of Lot - The minimum depth of the lot shall be one hundred twenty (120) feet as recorded in the Cameron County Courthouse as of August 23, 1982.
7. Size of Structure - The minimum size of the structure shall be nine hundred (900) square

feet.

D. Parking Regulations:

1. Theaters shall provide off street parking in a ratio of one (1) space for each ten (10) seats.
2. Restaurants and cafes shall provide off street parking in a ratio of one and one half (1½) space for each one hundred (100) square feet of dining area.
3. Retail stores and office buildings shall provide off street parking on the lot in a ratio of one (1) space for each three hundred (300) square feet of sales or office area, excluding restrooms, mechanical equipment rooms, closets and storage rooms.
4. Retail, office and service buildings shall provide and maintain off street facilities for the loading and unloading of merchandise and goods such that no part of the truck or trailer will be in the dedicated street, alley or easement during loading or unloading.
5. All parking spaces shall be paved and be directly accessible from the street by means of a paved driveway and a minimum of eight and one-half feet (8.5') in width and eighteen feet (18') in depth.
6. New businesses seeking certificates of occupancy in existing buildings which, because of the building's proximity to City rights-of-way cannot provide the required parking, shall not be required to meet the parking regulation requirements of 1 through 4 of this subsection.

SECTION 12: "B-1" BUSINESS DISTRICT - OUTSIDE FIRE ZONE

- A. Use Regulations: Any use permitted in "B-1" Fire Zone and any use permitted in R-1, R-2 and A-1.
- B. Height Regulations: No building shall exceed sixty (60) feet in height.
- C. Other Regulations: All other regulations of "B-1" FIRE ZONE shall apply, except when used as R-1, R-2 or A-1 the regulations for those districts shall apply.

SECTION 13: "B-2" BUSINESS DISTRICT

A. Use Regulations:

1. Any use permitted in the B-1 Business District - Fire Zone and B-1 Business District-
Outside Fire Zone with special permission.
2. Any use permitted in the A-1 district by special permission.

3. Automotive service garages, automobile sales areas and public garages..
4. Lumber yards.
 5. Storage yards and storage buildings. All properties or any part thereof used primary for storage of property, including vehicles, not otherwise obscured by a building or structure shall be fenced with a screening fence on all sides of the property.
6. Docks for storage of small boats or pleasure craft.
7. Small boat or pleasure craft sales and service.
8. Bowling alleys and skating rinks.
9. Wholesale business.
10. Light manufacturing.
11. Car wash.
12. Any similar uses not likely to create noise, traffic, vibration, dust, smoke, odor, light, glare or other objectionable influences greater than the amount normally resulting from other uses permitted, such permitted uses being generally wholesale, service industries, and other business uses.

B. Height Regulations

There are no maximum height of buildings, but yard requirements for buildings higher than six (6) standard stories shall meet the requirements of Subsection C 4, and in no case shall the height of the building exceed the total width of the street right of way on which it faces plus the depth of the front yard.

C. Area Regulations:

1. Front Yard - No Restrictions.
2. Side Yard - All structures shall either be on the line or be set back at least (5) feet from the line. For those structures abutting a side street the building may be built up to the property line on the side street.
3. Rear Yard - No Restrictions.
4. Area of Lot - The minimum area of a lot shall be 6,000 square feet or as recorded in the Cameron County Courthouse as of August 23, 1982.

5. Width of Lot - The minimum width of the lot shall be fifty (50) feet or as recorded in the Cameron Courthouse as of August 23, 1982.
6. Depth of Lot - The minimum depth of the lot shall be one hundred twenty (120) feet as recorded in the Cameron County Courthouse as of August 23, 1982.
7. Size of Structure - The minimum size of the structure shall be nine hundred (900) square feet.
8. Parking Regulations -
 - a. Theaters shall provide off street parking in a ratio of one (1) space for each ten (10) seats.
 - b. Restaurants and cafes shall provide off street parking in a ratio of one and one half (1½) space for each one hundred (100) square feet of dining area.
 - c. Retail stores and office buildings shall provide off street parking on the lot in a ratio of one (1) space for each three hundred (300) square feet of sales or office area, excluding restrooms, mechanical equipment rooms, closets and storage rooms.
 - d. Retail, office and service buildings shall provide and maintain off street facilities for the loading and unloading of merchandise and goods such that no part of the truck or trailer will be in the dedicated street, alley or easement during loading or unloading.
 - e. All parking spaces shall be paved and be directly accessible from the street by means of a paved driveway and a minimum of eight and one-half feet (8.5') in width and eighteen feet (18') in depth.
 - f. New businesses seeking certificates of occupancy in existing buildings which, because of the building's proximity to City rights-of-way cannot provide the required parking, shall not be required to meet the parking regulation requirements of 1 through 4 of this subsection.
9. Protection To Adjacent Property - In such cases where a B-2 use adjoins, abuts, or faces an A-1, A-2, R-1, or R-2 district, adequate landscaping or screening fence shall be provided to visually separate both uses.

D. A-2 in B-2 District:

Any A-2 use in the B-2 District shall conform to all the area and parking requirements of the A-2 District.

SECTION 14: "H-1" INDUSTRIAL DISTRICT REGULATIONS

A. Use Regulations:

1. Any use permitted in the B-2 District.
2. Any use not in conflict with the laws of the State of Texas, or any ordinance of the City of Port Isabel, Texas; provided, that no building or premises shall be used for any of the following specific purposes until approved by and subject to such requirements as the Port Isabel City Commission may consider necessary to protect adjacent property and prevent hazardous, polluting, noisy or offensive conditions; to wit:

Chemical manufacturing, dead animals, distillations of animal parts, fat rendering, fertilizer manufacturing, food processing plants, garbage disposal, glue manufacturing, junk yards or auto salvage, stock yards or slaughtering of animals, kennels, storage of semitrailers, propane sales; see C below; or any other use of buildings, or land, that could constitute a nuisance or would be hazardous to the public health, safety or general welfare.

B. Height, Area and Other Regulations:

1. Height - No restrictions.
2. Lot Area - No restrictions.
3. Coverage - No restrictions.
4. Front Yards - No restrictions.
5. Side Yards - No restrictions.
6. Rear Yards - No restrictions.
7. Parking:
 - a. Theaters shall provide off street parking in a ratio of one (1) space for each ten (10) seats.
 - b. Restaurants and cafes shall provide off street parking in a ratio of one and one half (1½) space for each one hundred (100) square feet of dining area.
 - c. Retail stores and office buildings shall provide off street parking on the lot in a ratio of one (1) space for each three hundred (300) square feet of sales or office area, excluding restrooms, mechanical equipment rooms, closets and storage rooms.

d. Retail, office and service buildings shall provide and maintain off street facilities for the loading and unloading of merchandise and goods such that no part of the truck or trailer will be in the dedicated street, alley or easement during loading or unloading.

e. All parking spaces shall be paved and be directly accessible from the street by means of a paved driveway and a minimum of eight and one-half feet (8.5') in width and eighteen feet (18') in depth.

f. New businesses seeking certificates of occupancy in existing buildings which, because of the building's proximity to City rights-of-way cannot provide the required parking, shall not be required to meet the parking regulation requirements of 1 through 4 of this subsection.

8. Lot Dimensions - No restrictions.

9. Protection To Adjacent Property - Where a heavy industrial use abuts, adjoins, or faces an A-1, A-2, R-1, or R-2 district screening fence or wall shall be provided to visually separate the districts.

C. Other Restrictions:

Propane sales and storage, whether mobile or stationary shall be allowed only in H-1, Heavy Industrial district. When mobile, the truck shall service customers at various addresses throughout the city and return to it's location in the H-1 District. Propane storage whether stationary or mobile, shall be a minimum of Five Hundred (500) feet from any residential lot line.

SECTION 15: "PPD" PLANNED DEVELOPMENT DISTRICT REGULATIONS

1. **PLANNED DEVELOPMENT DISTRICT:** The City Commission of the City of Port Isabel, Texas after public hearing and proper notice to all parties affected and after recommendation from the City Planning and Zoning Commission, may authorize the creation of Planned Development Districts of designated size, of a minimum of five (5) acres, permitting but not limited to, the following uses:

- (a) Shopping center; hotel-condominium complex; country club-golf course;
- (b) Residential development with neighborhood services or A-2 Mobile Home/Recreational Vehicle Park District;
- (c) Medical center and hospital;
- (d) Civic center and community center;
- (e) Office or Business center;

- (f) Recreation center;
- (g) Industrial center;
- (h) A combination of any of the developments listed in (a) through (g) above with the exception of A-2 Mobile Home/Recreational Vehicle Park District as set out in (b).

2. REQUIREMENTS OF PLANNED DEVELOPMENT DISTRICT: In establishing a Planned Development District in accordance with this section, the City Commission shall require a comprehensive site plan of the development. Such site plan shall be approved and filed as part of an ordinance prior to issuance of any building permit in a Planned Development District. Such required plan and ordinance shall set forth the requirements for ingress and egress to the property, public or private streets or drives with adequate right-of-way to conform to the thoroughfare plan of the City of Port Isabel, and shall include sidewalks, utilities, drainage, parking space, height of building, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary to create a reasonable transition into and protection of adjacent properties. In approving the Planned Development District, the City Commission may impose conditions which shall be complied with before a Certificate of Occupancy is issued for the use of the land or any structure which is part of the Planned Development District.

3. MOBILE HOME/RECREATIONAL VEHICLE PLANNED DEVELOPMENT DISTRICT: Mobile Homes and Recreational Vehicles shall not be permitted in a Planned Development District if a residential development is submitted as a part of such Planned submission. It is the intent of this ordinance to allow either the residential development with neighborhood services or Mobile Home /Recreational Vehicle planned development within one overall Planned Development District, but not both.

SECTION 16: "ERP" ENTERTAINMENT, RESORT & PARK DISTRICT REGULATIONS

- A. ENTERTAINMENT, RESORT & PARK DISTRICT regulations shall apply to the area located within Cameron County's Isla Blanca Park on South Padre Island.
- B. The "ERP" District is a unique area of combined land use established for tourism. The area includes entertainment, resort, recreation and county park uses. Cameron County, as the owner of the area, is uniquely qualified to determine appropriate land use and regulate building in the area.
- C. Use Regulations:

In the "ERP" District the following uses shall be allowed if allowed by Cameron County, as follows:

- 1. Hotels, motels, resorts, condominiums and sales and services customarily associated

with such businesses.

2. Retail trade include apparel, arts and art galleries, bait shops, bicycle sales and rentals, book stores, cruise ships, department stores, drug stores, fishing charters and guides, florists, gift shops, grocery stores, hardware stores, ice cream shops, liquor sales, marinas, restaurants, sporting goods, taverns and bars, and variety and general merchandise.

3. Cultural, entertainment, and recreational facilities including amusement centers, aquariums, aqua sports, arcade, auditorium, banquet halls, billiard halls, boat ramps, boat rentals, dinner theater, exhibition halls, gaming and gambling (to the extent allowed by law), health clubs-gymnasiums, miniature golf, parks, piers, recreation centers, roller skating, skateboarding, and surfing.

4. Personal services including barber and beauty shops, boat repair and health spas.

5. Medical facilities including doctor's, dentist's and chiropractic offices, clinics, hospitals and medical related facilities.

6. Financial services including banks, savings and loan associations, credit unions, and credit institutions.

7. Offices for business and professional services.

D. Height, Area, and Parking Requirements:

There are no height, area or parking requirements or restrictions. Cameron County may impose such requirements and restrictions as it deems necessary and desirable.

E. Signage Regulation:

Signage shall be regulated and governed by the Cameron County Parks Director.

F. Building Permits and Inspection:

All building permits and inspections for buildings and structures owned by Cameron County shall be issued and performed by Cameron County. All building permits and inspections for buildings and structures not owned by Cameron County shall be issued and performed by the City.

SECTION 17: NON-CONFORMING USES AND SPECIAL PERMITS

1. The lawful use of a building existing prior to August 23, 1982 may be continued even though such use does not conform with the provisions herein. Use of a building which becomes non-conforming due to a change of zoning may be continued. However, when the non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a non-conforming use or a less restricted use.

2. No building which has been damaged to the extent of more than fifty (50) percent of its market value may be repaired except in conformity with the regulations of this Ordinance.

3. In the event that the non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of six (6) months, the use of the same shall thereafter conform to the regulations of the district in which it is located.

4. A non-conforming use occupying only a portion of a building may be extended throughout the building if the same has been lawfully acquired and actually devoted to such use prior to August 23, 1982.

5. The City Commission of the City of Port Isabel may, by special permit, after public hearing and subject to such protective restrictions that are deemed necessary, authorize the location, extension or structural alteration of any of the following buildings or uses, or an increase in their height, in any district from which they are prohibited or limited by this Ordinance.

- a. Any public building erected and used by a department of a municipal, county, state or federal government.
- b. Hospitals, clinics and institutions, except institutions for criminals or those for persons who are mentally ill or have contagious diseases; provided, however, that such buildings may occupy not over fifty (50) percent of the total area of the lot or tract and will not have any serious or depreciating effect upon the value of the surrounding property, and provided further, that the buildings shall be set back from all yard lines heretofore established an additional distance of not less than one (1) foot for every foot of building height, and that adequate off-street parking space will be provided.
- c. Cemetery or mausoleum.
- d. Landing field, or landing strip for aircraft.
- e. Greenhouses and Nurseries.
- f. Farms.
- g. Roadside stands commercial amusement or recreational development for temporary or seasonal periods.
- h. Removal of gravel, topsoil, or similar materials.
- i. Riding stables.
- j. Parking lots on land not more than three hundred (300) feet from the boundary of

any commercial or industrial district, under such conditions as will protect the character of surrounding property.

- k. Areas for the dumping or disposal of trash.
- l. Radio towers and radio broadcasting stations.
- m. Incinerator chimneys, cooling towers, grain elevators, fire towers, monuments, stacks, stage towers, tanks, water towers, ornamental towers, spires, and church steeples.
- n. Unusual construction features which are part of or affixed to a building, structure or land which are not normal structural or architectural components of a building or signage and which are designed or intended to attract public attention to a product, place, activity, person, service, institution, business or establishment. "Unusual construction features" include but are not limited to murals, logos, fountains, illustrations, icons, images, manufactured objects, sculptures, and ornamental objects.
- o. Any use that is not a nuisance per se and which is generally similar to the uses permitted in the district in which such use is located by special permit.

SECTION 18: BOARD OF ADJUSTMENTS

1. As previously created and as herein continued, there shall be a Board of Adjustment consisting of five (5) members, and two (2) alternate members, each to be appointed by the City Commission for a term of two years and removable for cause by the City Commission. Members shall be residents of Port Isabel, Texas. Vacancies shall be filled by appointment of the City Commission. The replacement shall serve out the unexpired term of any member whose place on the Board has become vacant for any cause.

A. Number of Members: The Board shall consist of five (5) members, four (4) being a minimum for a quorum. No elected official or employee of the City shall serve on the Board.

B. Meetings: Board of Adjustments meetings shall be held on the 1st Tuesday of the month, 6:30 p.m. with, at minimum, one scheduled meeting per month. Additional meetings may be held from time to time upon the request of the Chairman.

C. Absentees: Three (3) consecutive absences from meetings of the Board shall cause the position to be vacated. In addition, the position of any member who has four (4) absences in a twelve (12) month period shall also cause the position to be vacated.

D. Election of Officers: Officers shall be elected annually at the first regular scheduled meeting in the month of June.

E. Waiting Period: The Board may have a waiting period of ten (10) minutes after the scheduled time to achieve a quorum to proceed.

The Board is hereby vested with power and authority in appropriate cases and subject to appropriate conditions and safeguards to make such exemptions to the terms of this ordinance in harmony with its general purpose and intent and in accordance with general or special rules therein contained for the purpose of rendering full justice and equity to the general public.

The Board may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this ordinance or law. Meetings of the Board shall be held at the call of the Chairman and at such other time as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oath and compel the attendance of witnesses. All meetings of the

Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote, indicate such fact and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Board and shall be a public record.

2. Appeals to the Board of Adjustment may be taken by any person aggrieved by, or by any officer, department, board or bureau of the City affected by any decision of the Enforcement Officer. Such appeal shall be taken within fifteen (15) days time after the decision has been rendered by the Enforcement Officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The official from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the appealed action was taken.

An appeal shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise, than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall set a reasonable time for the hearing of an appeal, give the public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by attorney or by agent.

3. The Board of Adjustment shall have the following powers:

a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administration official in the enforcement of this zoning ordinance.

b. To hear and decide special exceptions to the terms of this zoning ordinance upon which the Board is required to pass.

c. To authorize upon appeal in special cases, such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to special

conditions, the literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

d. In exercising its powers the Board may, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.

e. The concurring vote of seventy-five percent (75%) of the Board in attendance shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to affect any variance under the zoning ordinance.

f. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustments or any taxpayer, or any officer, department, board or bureau of the City may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the Office of the Board and not thereafter. Proceedings in said court shall be as provided in the Texas Local Government Code.

SECTION 19: OCCUPANCY PERMITS

1. No change in the use or occupancy of land, nor any change of use occupancy in an existing building, except solely for single family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose, nor shall any new business begin operation, nor shall any ongoing business operated by a new individual or entity begin operation until a certificate of occupancy has been issued by the Enforcement Officer. Every certificate of occupancy shall state the new occupancy complies with all provisions of this Ordinance and any applicable building codes. A fee will be charged for each certificate of occupancy and said fee shall include an inspection to insure compliance.

SECTION 20: PLATS

1. Each application for a building permit shall be accompanied by a plat in duplicate, or duplicate prints thereof, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the buildings to be erected, the size, shape and location of any existing buildings, and such other information as may be necessary to provide for the enforcement of this Ordinance. A record of applications and plats shall be kept in the office of the Enforcement Officer.

SECTION 21: BOUNDARIES OF DISTRICTS

1. Rules Where Uncertainty May Arise: Where uncertainty exists with respect to the

boundaries of the various districts as shown on the map accompanying and made a part of this Ordinance, the following rules apply:

A. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

B. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Ordinance are approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

C. In any un-subdivided property the district boundary lines on the District Map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the map.

SECTION 22: ENFORCEMENT

It shall be the duty of the Enforcement Officer to enforce this Ordinance. Appeal from the decision of the Enforcement Officer may be made to the Board of Adjustment.

SECTION 23: ZONING CHANGES, VARIANCES, AND SPECIAL USE PERMITS

1. The regulations imposed and the districts created by this Ordinance may be amended from time to time. Before any variance, zoning change or special use request is granted or considered by the City Commission, Board of Adjustments, or the Planning & Zoning Commission, a notice shall be published in a newspaper of general circulation in the City of Port Isabel, Texas, at least fifteen (15) days prior to said hearing advising the public of such hearing date, time, and place and giving the legal description and address of the property in question. In addition, the City Secretary shall cause a notice to be mailed to all property owners owning property within two hundred feet (200') of the site in question at least fifteen (15) days prior to any public hearing held on such variance, zoning change, or special use request. The notice and mailed notifications shall explain the protest rights of property owners set forth in Paragraph 4 herein and shall contain a response form. A charge shall be assessed against the applicant for a variance request, zoning change, or special use request, to cover publication and administrative expenses.

2. Variances and special use permits are to be used within ninety (90) days of issuance by the person requesting it. Variances and special use permits are non-transferable and, if not implemented within ninety (90) days, the use reverts back to its previous designation as if no variance or special use permit had been allowed.

3. If the zoning change is for an existing structure and the new zoning is not utilized within one (1) year after rezoning, the property's zoning reverts back to its previous zoning designation.

If the zoning change is for proposed development, the development must be substantially complete within two (2) years after rezoning or the property's zoning reverts back to its previous zoning designation.

4. If, after notification, twenty percent (20%) of the property owners within two hundred feet (200') of the site in question file a letter of protest, which includes their address and signature, with the City Secretary, or if the Planning & Zoning Commission recommends against the proposed request, such request may be approved and passed by the City Commission only upon a three-quarter (3/4) vote in favor of such proposed request.

SECTION 24: INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinances, agreements, or covenants, the provisions of this Ordinance shall control.

SECTION 25: CRIMINAL PENALTY

1. Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00).
2. Each day that a violation occurs shall constitute a separate offense.
3. This is a strict liability offense for which no mens rea is required for prosecution.

SECTION 26: CIVIL ENFORCEMENT

In addition to the criminal enforcement provision provided herein and other remedies otherwise provided by law, the City Attorney or his designee may enforce the provisions of this Ordinance through any and all civil remedies available. Civil remedies shall include injunctive and equitable relief. In such event, persons, against whom enforcement is sought and against whom civil remedies are granted, shall be jointly and severally liable for all damages, court costs, attorney's fees, and all costs and expenses reasonably related to the civil enforcement action.

SECTION 27: SEVERABILITY

If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be finally adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 28: REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts or ordinances replaced by or in conflict herewith are hereby repealed on the effective date of this Ordinance.

SECTION 29: EFFECTIVE DATE

This Ordinance shall become effective from and after its passage, approval, and publication of its descriptive caption as provided by law.

PASSED AND APPROVED on the first reading on the _____ day of _____, 2005.

PASSED AND APPROVED on the second and final reading on the _____ day of _____, 2005.

Patrick H. Marchan, Mayor

Attest:

Nancy Davalos, City Secretary