

ORDINANCE NO. 2026-03

AN ORDINANCE OF THE PORT ARANSAS CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS AMENDING CHAPTER 25, “ZONING,” Article I. “IN GENERAL”, SECTION 25-1 “DEFINITIONS”; AMENDING ARTICLE III. “DISTRICTS”; AND AMENDING ARTICLE IV “SUPPLEMENTAL DISTRICT DEVELOPMENT AND USE REGULATIONS” TO PROVIDE FOR MOBILE FOOD VENDOR USES, INCLUDING ZONING DISTRICTS ALLOWANCES AND PARKING REQUIREMENTS; AND PROVIDING FOR SEVERANCE, READING, AND EFFECTIVE DATE.

WHEREAS, the 89th Texas Legislature enacted House Bill 2844, codified in part in Chapter 437B of the Texas Health and Safety Code, establishing a statewide licensing framework for mobile food vendors; and

WHEREAS, House Bill 2844 preempts municipal ordinances that require local health licenses or permits to operate as a mobile food vendor, while preserving limited municipal authority to regulate land use, zoning, parking, traffic circulation, public safety, nuisance conditions, and the use of City owned property, to the extent permitted by state law; and

WHEREAS, the City of Port Aransas previously prohibited mobile food vendors with limited exceptions and now seeks to adopt regulations that are consistent with state law while providing clear, objective, and non-discriminatory standards governing where and how mobile food vendors may operate; and

WHEREAS, the City Council finds that reasonable site standards and operational regulations are necessary to protect public health, safety, and general welfare, minimize adverse impacts on surrounding properties, and ensure compatibility with existing development patterns; and

WHEREAS, the City Council further finds that administrative review of mobile food vendor locations and site conditions is necessary to ensure compliance with zoning, parking, sanitation, and nuisance standards, and that reasonable fees may be imposed to recover the cost of such administrative review;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS:

Section 1. AMENDMENT

That Chapter 25, “Zoning” is hereby amended to wit:

Sec. 25-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory dwelling unit, a secondary dwelling unit, either in, added to, or detached from an existing single-family residence, for use as a complete, independent living, dwelling unit.

Accessory use or building means a use or building which is customarily and clearly incidental and secondary in aspects such as size, scale, and use, but is consistent with the main use to which the property is put.

Administrator shall be the city manager or his designated appointee.

Bar means a facility for the purchase and consumption of alcoholic beverages on premises and includes taverns, saloons, lounges, pubs.

Bed and breakfast means a house located in a short-term rental district, where no more than five (5) rooms or ten (10) guests are provided for short-term lodging, and where breakfast-only meals are provided but limited to the bed and breakfast's overnight guests.

Bedroom. See "sleeping room."

Bedroom unit is any room in a dwelling unit in which fixtures or furnishings are provided for sleeping. This shall not be interpreted to include a room in which furniture such as fold-down beds or convertible couches are provided on a permanent basis for regular accommodation of residents, temporary or otherwise.

Commercial use or establishment is an establishment or use offering for sale, rent or lease any type of consumer goods or services on a retail/wholesale basis.

Condominium means a real estate project, a plan or development created and governed under V.T.C.A., Property Code, ch. 81 and/or ch. 82, as a condominium regime or project.

Density is the quantity or number of units per ground area.

District is a section of the city for which regulations governing use of land and buildings are uniform.

Duplex (two-family dwelling) means a residential building containing two (2) dwelling units under a single roof and situated on a single lot.

Dwelling unit means one (1) room, or rooms within the same structure connected together, constituting a separate, independent housekeeping establishment containing living, kitchen, sleeping, and sanitation facilities, and physically separated from any other rooms or dwelling units which may be in the same structure.

Full shielded light fixtures means light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test as defined by the Illuminating Engineering Society of North America (IESNA), the bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a "full cut-off fixture."

Green space means open land area upon which there is no impermeable surface. Green space includes, by way of illustration and not limitation, land area which is bare, or planted in grass, bushes, trees, shrubs, flowers, ivies, cactus, or other living plant life, landscaped with rocks or gravel, xeriscaped, or sodded, and it may include ponds, provided the pond or ponds do not exceed twenty-five (25) percent of the required green space. No area which is impermeably surfaced may be included as part of green space, including, by way of illustration and not limitation, walk-ways, parking areas or drives, streets, roads, driveways, buildings, a gazebo with a bare ground floor but roof designed to shed water, etc.

Height is the vertical distance of a building, excluding chimneys, cooling towers, elevator bulkheads, tanks, water towers, radio towers, ornamental cupolas, domes or spires and parapet walls not exceeding four (4) feet in height, measured from the average building site elevation to: the highest point of the roof's surface is a flat surface; or to the deck line of mansard roofs; or to the mean height level between eaves and ridge for hip and gable roofs.

High rise building means a multi family dwelling which consists of four (4) or more liveable stories.

Home occupation is an occupation or profession which meets the following requirements: it is carried on inside and is limited to a building used as a residence; the activity is clearly incidental and secondary to the dwelling use; it is carried on by a person who lives on the premises; not more than one (1) person not residing on the premises may be engaged in the activity; no commodity may be sold at retail on the premises; no advertising signs or displays visible from outside the premises shall be allowed, except one (1) painted or printed, non-electrified, sign, not exceeding four (4) square feet in surface area and which must be affixed to a wall of the building; off-street parking must be provided; the business shall not generate any substantial volume of vehicular or pedestrian traffic; except for the single permitted sign, there shall be no indication visible from outside the premises that the premises is other than a residential dwelling; no equipment shall be used which creates noise, vibrations, smoke, heat, dust, glare, odors, electrical interference which is offensive to persons with ordinary sensibility in the neighborhood; it is limited to occupations such as art studios, professional offices such as those of a doctor, physician, dentist, lawyer, engineer, architect, accountant, real estate agent, barber shops, beauty parlors, massage therapy, physical therapy, or insurance agent, and teaching the playing of musical instruments, provided there are no more than two (2) pupils taught at the same time. The following are examples of occupations which may not be home occupations: commercial auto or boat repair, restaurants, businesses involving retail sales on premises, engine repair, and tattoo shops.

HUD-Code manufactured home means 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 (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on-site, is three hundred twenty (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, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3283.8(g) or as otherwise defined by V.A.T.S., Article 5221f, as now written and as hereafter amended.

Impermeable surface means a material laid over the ground through which water does not readily permeate, and includes, by way of illustration and not limitation, concrete, asphalt, caliche, wood and similar materials.

Long term rental means rentals in which the duration of occupancy is equal to or greater than thirty (30) days.

Lot means land occupied or to be occupied by a building and its accessory building and including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place. In addition, as to lots and lots lines:

- (1) Lot, corner means a lot situated at the intersection of two (2) streets.
- (2) Lot line, front shall be the line which runs along the width of the lot. On irregularly shaped lots, the front lot line shall be the line which runs parallel to the street right-of-way line.
- (3) Lot line, rear means any lot line not a front or a side lot line.
- (4) Lot line, side shall be the line which runs along the depth of the lot. The side lot on corner lots shall be on the street which runs along the depth of the lot.

Low rise building means a multifamily dwelling which consists of no more than three (3) liveable stories.

Low voltage lighting means lighting of forty-eight (48) volts or less.

Luminaire means a complete lighting system including a lamp or lamps and a fixture.

Manufactured housing or manufactured home means a HUD-Code manufactured home or a mobile home and collectively means and refers to both or as otherwise defined by V.A.T.S., Article 5221f as now written and as hereafter amended.

Mobile food vendor (MFV) means any person who dispenses food or beverages from a food vending vehicle for immediate service or consumption. An MFV may cook, cool, hold, prepare, reheat, or conduct other activities allowed by the Food Code to fulfill food orders for immediate consumption. An MFV may not perform food manufacturer or food wholesaler activities under Texas Health and Safety Code (HSC) Chapter 431. An MFV does not include any operation that is not readily moveable. MFVs are divided into three categories:

- (A) Type I means an MFV that dispenses only non-time and temperature control for safety (TCS) prepackaged food and does not sell TCS beverages, or an MFV that otherwise poses a low risk of harm to the public as determined by the department;**
- (B) Type II means an MFV that dispenses prepackaged TCS foods or food that requires limited handling and preparation, or TCS foods that are prepared to order and served for immediate consumption; processes may include preparing, cold holding, thawing, and/or reheating of commercially processed and/or packaged products for immediate consumption; and**

(C) Type III--an MFV that prepares, cooks, holds, and serves food from a food vending vehicle; processes may include hot holding, cold holding, thawing, cooking, cooling, reheating, or conducting other activities allowed by the Food Code.

Mobile home means a structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on-site, is three hundred twenty (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 or as otherwise defined by V.A.T.S., Article 5221f as now written and as hereafter amended.

Motel-hotel means any establishment whose primary function is to provide a bedroom unit for patrons on a transient, temporary rental basis. Motel-hotel as used herein shall include any structure which meets this definition, regardless of the number of living or dwelling units or rooms contained within the structure.

Multifamily means a single lot containing two (2) or more dwelling units in either attached or detached structures. It may consist of detached single-family dwellings, duplexes, multifamily structures, apartments, townhomes, and condominiums.

Multi-story building means a building higher than a ground floor and two (2) other stories.

Multifamily structure or dwelling means a building containing two (2) or more dwelling units under a single roof.

Off-site parking means an area for the parking of a motor vehicle in which the parking space is located outside of a lot's boundary for which the parking space is required.

Off-street (on site) parking means an area for the parking of a motor vehicle in which the parking space is located entirely within a lot's boundary for which the parking space is required.

On-street parking means an area for the parking of a motor vehicle in which the parking space is located within the boundaries of a public or private right-of-way.

Open spaces means open land areas reserved in perpetuity of bare or planted ground without any building, vehicle roadways or parking areas thereon, provided that swimming pools, tennis courts, and similar recreational areas can be considered open space. The term open space shall include, up to defined limits, bodies of water owned or under riparian rights of the appropriate property owner.

Parking space means an area nine (9) feet wide by eighteen (18) feet in length for the parking of a motor vehicle.

Prepackaged food means commercially labeled and processed food that is already in a package to stop direct contact with the food during distribution by the manufacturer, food facility, or other approved source. Prepackaged does not include food only wrapped or placed in a carry-out container by a food employee, at the consumer's request.

Pushcart means a non-self-propelled food vending vehicle limited to serving foods requiring a limited amount of preparation as authorized by the regulatory authority and readily movable by one or two people. A pushcart is classified as a food vending vehicle. A pushcart does not include non-self-propelled units owned and operated within a retail food store. This type of vehicle requires the support of a central preparation facility.

Readily moveable means able to easily move without delay or difficulty; free of alterations, attachments, additions, placement, or change in, under, or upon the mobile food unit that prevent or otherwise reduce the ability to easily move without delay or difficulty. Readily moveable also includes any other requirements set forth by the regulatory authority.

Riparian right means a right, as access to or use of, the shore, bed and water of one (1) owning land located on the bank of a watercourse. When areas covered by riparian right are to be used to accommodate open space requirements, the owner shall demonstrate his ownership or right of access thereto.

Setback means the distance between a building and the lot line nearest thereto.

Sideyard means an open, unoccupied space or spaces on one (1) or two (2) sides of a main building and on the same lot with the building, situated between the building and a sideline of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or a front line shall be deemed a sideline.

Single-family dwelling or residence is a residential building containing one (1) dwelling unit, under a single roof.

Sleeping room means any enclosed habitable space within a dwelling unit which complies with the minimum room dimension requirements of the adopted International Residential Code and has:

- (1) A closet; or
- (2) An area that is usable as a closet; or
- (3) An area that is readily convertible for use as a closet.

This shall not be interpreted to include living rooms, family rooms and other similar rooms in which furniture such as fold-down beds or convertible couches are provided on a permanent basis for regular accommodation or residents, temporary or otherwise. Occupancy loads to be determined by administrator.

Stacked parking means the arrangement of parked vehicles, where one (1) vehicle is parked behind another vehicle, in effect, blocking the first vehicles means of egress.

Story, in reference to a building, means a single level or floor of a building. Livable story, in reference to a building, means a single level or floor of a building in which human habitation can occur as part of a dwelling unit. The term livable story does not include a space enclosure just for the purpose of the parking of vehicles.

Street means any public or private thoroughfare not designated as an alley. (For street standards see, "The City of Port Aransas Design Specifications" guidelines, adopted by Resolution 89-24, April 13, 1989 and subsequent updates).

Structural alterations means any change in the supporting member of a building such as bearing walls, columns, beams or girders.

TCS means time/temperature control for safety.

TCS food means time and temperature control for safety food, as defined in Food Code §1-201.10.

Townhouse is two (2) or more single-family dwelling units constructed in a series or group and connected by common fire resistant walls of exterior type construction extending from foundation to roof eave. The area of connectivity between units measured in square footage is at a minimum fifty (50) percent of the total area of the larger of the two (2) connected wall planes. Each group of units is a freestanding, separate building with the individual units owned, together with the land on which it is located, without side yards between the units, and where each is structurally independent of the other.

Townhouse development means a development which is a series of townhouse buildings and may include such things as common areas, maintenance buildings, office, recreational areas, and pool house, and may include single-family residences provided the single-family building structure is not less than thirty-five (35) feet wide and the lots on which said single-family residence is constructed meets the yard requirements of section 25-148.

Transient, temporary rental means rentals in which the duration of occupancy is less than thirty (30) days, but excluding rentals pending closing of sales contracts.

Vehicle means any conveyance in or by which people or objects are transported, especially one fitted with wheels, and propelled or drawn by mechanical power. This term includes but is not limited to motorcycles, recreational vehicles, motor homes, commercial vehicles, boats.

ARTICLE III. DISTRICTS

Sec. 25-111. Districts listed, zoning map and rules for interpreting district boundaries.

(a) The city is hereby divided into the following zoning districts:

- (1) T transitional;
- (2) R-1 residential—Single-family/residential;
- (3) R-2 residential—Medium density residential;
- (4) TR-1 tourist/recreational;
- (5) TR-2 tourist/recreational;
- (6) TR-3 tourist/recreational;
- (7) C-1 commercial;
- (8) C-2 commercial;

- (9) I-1 industrial—Light;
 - (10) HI—Harbor Island;
 - (11) CZ-1 corridor zone;
 - (12) CZ-2 zone;
 - (13) CPOZ—Coastal protection overlay zone.
- (b) The boundaries of the various districts created hereby are shown on the official zoning map. The map and all markings, notations, references and other information shown on said map shall be and are hereby made a part of this chapter as if all were fully set forth or described herein. The original drawing of this map, properly signed and attested, is on file with the city secretary. The city secretary shall maintain said map in the office of the city secretary. The map shall be updated as changes are made in zoning district classification of any property.
 - (c) Yards, parking space or lot area required for one (1) building or use cannot be used for another building or use.
 - (d) Every building shall be on a platted lot.
 - (e) Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules apply:
 - (1) The district boundaries are either streets or alleys unless otherwise shown, and where the district designated on the zoning map are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
 - (2) 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 zoning map are bounded 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.
 - (3) In any unsubdivided property the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map.
 - (4) In the case of a district boundary line dividing a property into two (2) parts, the district boundary line shall be construed to be the property line nearest the district line as shown.
 - (5) Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control.

(Ord. No. 97-8, § 1, 7-17-97; Ord. No. 2000-3, § 1, 5-18-00; Ord. No. 2002-08, § 3, 7-18-02; Ord. No. 2002-17, § 1, 9-12-02; Ord. No. 2010-05, § 1, 3-18-10; Ord. No. 2016-13, § 1, 8-2-16)

Sec. 25-112. T transitional district regulations.

The purpose of the transitional district is to grant a provisional, temporary designation to newly annexed areas of the city. This district functions as a holding district where no land and no building shall be used for any purpose except those purposes and uses allowed in an R-1 single-

family residential district. The city shall expeditiously establish the appropriate zoning district designation for all such property.

(Ord. No. 97-8, § 1, 7-17-97)

Sec. 25-113. R-1 single-family residential district regulations.

In this district no land or building shall be used, erected for, or converted to any use other than:

- (1) Single-family residence. Long term rental is allowed. Temporary, transient rental of single-family residence structures is not allowed, except as a blanket special permit under section 25-271);
- (2) Churches, schools, and parks;
- (3) Accessory uses and buildings which are accessory to the uses expressly allowed in this district.

(Ord. No. 97-8, § 1, 7-17-97; Ord. No. 99-2, § 1, 2-18-99; Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-114. R-2 medium density residential district regulations.

In this district no land or building shall be used, erected for, or converted to any use other than:

- (1) Any use allowed in an R-1 district. Within this district long term rental and temporary, transient rental of single-family residence structures is allowed;
- (2) Bed and breakfast;
- (3) Multifamily uses, attached or detached, not exceeding four (4) dwelling units per lot and commercial operations included in the complex for the benefit of occupants, such as coin-operated laundries and vending machines. Temporary, transient rental of multifamily uses is allowed);
- (4) Home occupations;
- (5) HUD-Code manufactured homes (temporary, transient rental of HUD-Code manufactured homes is not allowed);
- (6) Accessory uses and building which are accessory to the uses expressly allowed in this district.

(Ord. No. 97-8, § 1, 7-17-97; Ord. No. 99-2, § 1, 2-18-99; Ord. No. 2010-05, § 1, 3-18-1)

Sec. 25-115. TR-1 tourist/recreational district regulations.

In this district no land or building shall be used, erected for, or converted to any use other than:

- (1) Any use allowed in an R-1 district;
- (2) Any use allowed in an R-2 district;

(3) Hotels, motels and multifamily dwellings and commercial operations included in the complex for the benefit of the occupants, such as, coin-operated laundries, **and vending machines, and Type I Mobile Food Vendors with administrative authorization in accordance with Chapter 12 Section;**

~~(4) Outdoor recreational facilities, such as swimming pools, athletic tracks, tennis courts, and sport fields;~~

(45) RV parks, RV subdivisions, HUD-Code manufactured home parks, and HUD-Code manufactured home subdivisions, except in the area extending from Access Road 1A/Piper Boulevard south to the city limit line; temporary transient rental of recreational vehicles is allowed in accordance with section 14-2(m);

(56) Buildings for public benefit, such as museums, libraries, police and fire stations;

(67) Accessory uses and buildings which are accessory to the uses expressly allowed in this district.

(Ord. No. 97-8, § 1, 7-17-97; Ord. No. 2000-11, § 1, 11-13-00; Ord. No. 2010-05, § 1, 3-18-10; Ord. No. 2024-04, § 1, 7-18-24)

Sec. 25-116. TR-2 tourist/recreational district regulations.

In this district no land or building shall be used, erected for, or converted to any use other than:

(1) Any use allowed in a R-1 district;

(2) Any use allowed in a R-2 district;

(3) Any use allowed in a TR-1 district;

(4) Accessory uses and buildings which are accessory to the uses expressly allowed in this district, including cafes and restaurants **and Type I, II and III Mobile Food Vendors with administrative authorization in accordance with Chapter 12)**, provided they are an attendant business of a hotel, motel, or multifamily dwelling and are located in the complex primarily for the benefit of occupants and without alcohol sales, except in-room sales (as approved by the administrator). **Mobile Food Vendors shall not be permitted to sell or serve alcohol.**

(Ord. No. 97-8, § 1, 7-17-97; Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-117. TR-3 tourist/recreational district regulations.

In this district no land or building shall be used, erected for, or converted to any use other than:

(1) Any use allowed in a R-1 district;

(2) Any use allowed in a R-2 district;

(3) Any use allowed in a TR-1 district;

(4) Any use allowed in a TR-2 district;

- (5) Golf courses;
- (6) Assisted living complexes;
- (7) Accessory uses and buildings which are accessory to the uses expressly allowed in this district including bars, retail sales, rental facilities, cosmetology, hair salons, spas, massage, and game rooms, provided they are located in a hotel, motel or attached multifamily dwelling structure (as approved by the administrator).

(Ord. No. 97-8, § 1, 7-17-97; Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-118. C-1 commercial district regulations.

In this district no land or building shall be used, erected for, or converted to any use other than:

- (1) Any use allowed in an R-1 district;
- (2) Any use allowed in an R-2 district;
- (3) Any use allowed in a TR-1 district;
- (4) Any use allowed in a TR-2 district;
- (5) Any use allowed in a TR-3 district;
- (6) Professional offices such as the offices of dentists, physicians, psychiatrists, psychologists, mental health counselors, chiropractors, doctors, attorneys, real estate brokers and appraisers, financial advisors, accountants, mortgage brokers, title companies, insurance agents;
- (7) Government buildings and offices;
- (8) Offices;
- (9) Studios, such as photographic, artist, and music;
- (10) Financial institutions, such as savings and loans, credit unions, and banks;
- (11) Retail sales and rental facilities;
- (12) Cosmetology, barber and beauty shops;
- (13) Dry cleaners, laundries, laundromats and washaterias;
- (14) Accessory uses and buildings which are accessory to the uses expressly allowed in this district.

(Ord. No. 97-8, § 1, 7-17-97; Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-119. C-2 commercial district regulations.

In this district no land or building shall be used, erected for, or converted to any use other than:

- * (1) Single-family and multifamily detached dwelling units (see additional conditions);

- (2) Multifamily attached dwellings (townhomes, condominiums, apartments, two (2) units or greater);
- (3) Churches;
- * (4) Schools/day cares (see additional conditions);
- (5) Home occupations;
- (6) Parks;
- * ☐ (7) HUD-Code manufactured homes (temporary transient rentals prohibited (see additional conditions));
- (8) Hotel, motels;
- (9) Medical, dental, clinics;
- * ☐ (10) Hospitals (see additional conditions);
- * (11) Outdoor recreational facilities (such as pools, tracks, tennis courts, and ball fields (see additional conditions));
- * ☐ (12) RV parks and RV subdivisions (see additional conditions);
- (13) Buildings for public benefit such as museums, libraries, police and fire stations;
- (14) Cafes/restaurants/bakeries;
- (15) Bars/night clubs/music venues;
- (16) Professional offices;
- *(17) Government/public utility building facilities (see additional conditions);
- (18) Studios, artist, music;
- (19) Financial institutions;
- (20) Retail sales and rental facilities;
- (21) Barber/beauty shops/spas/massage;
- * (22) Dry cleaners/laundromat (see additional conditions);
- (23) Micro breweries;
- (24) Gasoline service stations;
- * ☐ (25) Storage facilities (see additional conditions);
- (26) Marinas/boat docks/marine charters/bait stands and fish cleaning and sales customarily associated with marinas and docks;
- (27) Recreation facilities (miniature golf, game arcade room, bowling alley, skating rink, movie theaters);
- * (28) Boat, trailer, RV, and automobile service and engine repairs, excluding body work, welding, spray painting or sand blasting (see additional conditions);

- *☐ (29) Ice plants and cold storage (excluding ice vending machines) (see additional conditions);
- *☐ (30) Airports and airport support facilities (see additional conditions);
- * (31) Car/boat washes (see additional conditions);
- * (32) Boat and car sales (see additional conditions);
- * (33) Home improvement outdoor retail, lumberyards, nurseries (see additional conditions);
- * (34) Dry stack boat storage (see additional conditions);
- *☐ (35) Carpenter/furniture shops (see additional conditions);
- *☐ (36) Indoor veterinary hospitals and kennels (outdoor day use exercise yards may be approved by the administrator (see additional conditions));
- (37) Accessory uses and buildings which are accessory to the uses expressly allowed in this district.

(38) Type I, II or III Mobile Food Vendors, or Mobile Food Vendor Multi-Vendor Site

Additional Conditions:

- * This use, directly fronting or directly adjacent to Alister Street is prohibited unless an allowable use structure of equal size or greater, lies between this proposed use and the Alister Street right-of-way (as approved by the administrator).
- ☐ This use, directly fronting or directly adjacent to Avenue G (the portion of Avenue G from the Alister Street intersection to the beach) and Cotter Avenue is prohibited unless an allowable use structure of equal size or greater, lies between this proposed use and the Avenue G and Cotter Avenue rights-of-way (as approved by the administrator).

(Ord. No. 97-8, § 1, 7-17-97; Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-120. I-1 light industrial district regulations.

In this district no land or building shall be used, erected for, or converted to any use other than:

- (1) Any use allowed in any other district, except the I-2 heavy industrial district;
- (2) Storage and distribution of products, goods, and services such as: food and beverages, apparel and other finished clothing products;
- (3) Boat, trailer, RV, and automobile body and engine service and repair, provided all spray painting and sandblasting shall be done in an enclosed building;
- (4) Contractors or storage yards;
- (5) Monument or marble works, finishing and carving only;
- (6) Paint shops, spray painting or paint mixing, in an enclosed building. Outdoors on a limited use not to exceed ninety (90) days in any calendar year;

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- (7) Stables, public or riding;
 - (8) Storage in fully enclosed warehouses for commodities and materials;
 - (9) Welding shops, custom work, not including structural welding;
 - (10) Accessory uses and buildings which are accessory to the uses expressly allowed in this district.

(Ord. No. 97-8, § 1, 7-17-97; Ord. No. 2000-11, § 4, 11-13-00; Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-121. HI Harbor Island district regulations.

In this district no land or building shall be used, erected for, or converted to any use other than:

- (1) Any lawful, non-dwelling, non-residential use listed in R-1, R-2, TR-1, TR-2, TR-3, C-1, C-2, or I-1;
- (2) Light manufacturing;
- (3) Marine terminals;
- (4) Storage Facilities for oil and/or gas;
- (5) Ship yards;
- (6) Fabrication yards;
- (7) Offshore oil/gas support services;
- (8) Cruise ship/Gaming ship terminal;
- (9) Research and testing laboratories;
- (10) Communication towers;
- (11) Concrete and asphalt batch plants;
- (12) Seafood processing, packing, and storage;
- (13) Dwellings for resident watchmen/caretakers;
- (14) Dredge material placement areas.

Planned unit developments are encouraged.

(Ord. No. 97-8, § 1, 7-17-97; Ord. No. 2010-05, § 1, 3-18-10; Ord. No. 2014-06, § 1.b, 2-20-14)

Sec. 25-122. P&OS Parks and open space district regulations.

In this district no land or building shall be used, erected for or converted to any use other than:

- (1) Open space preserve areas and associated facilities and programming;
- (2) Public parks and recreation facilities;
- (3) Campgrounds and amenities;

-
- (4) Fishing piers and retail/food and beverage sales provided they are clearly incidental and secondary with the main use to which the property is put.

(Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-123. CSPUD Cinnamon shore planned unit development district regulations.

In this district no land or building shall be used, erected for, or converted to any use other than:

- (1) As regulated by Ordinance No. 2007-21.

(Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-124. NPUD Newport and PBPUD Palmilla Beach planned unit development district regulations.

In this district no land or building shall be used, erected for, or converted to any use other than:

- (1) NPUD—Newport as regulated by Ordinances Nos. 2003-04, 2008-19 and 2010-05.
- (2) PBPUD—Palmilla Beach Resort as regulated by Ordinance No. 2015-10.

(Ord. No. 2010-05, § 1, 3-18-10; Ord. No. 2016-13, § 1, 8-2-16)

Sec. 25-125. BPUD Brookdale planned unit development district regulations.

In this district no land or building shall be used, erected for, or converted to any use other than:

- (1) As regulated by Ordinance No. 2008-18.

(Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-126. CZ-1 corridor zone.

- (a) *Use regulations.* As there are multiple zoning districts within this corridor zone, each district's allowable uses shall be permitted with the following exceptions:

- (1) RV parks and RV subdivisions are not permitted;
- (2) HUD-Code manufactured homes, sites and HUD-Code manufactured home parks and HUD-Code manufactured home subdivisions are not permitted;
- (3) Storage facilities for the storage of personal effects, boats, RVs and other motor vehicles are not permitted.

Notwithstanding the above, no adult motion picture theater, adult book store, or commercial sexual exhibition as defined at section 25-211 and no sexually oriented commercial activity as defined at section 25-226 is allowed in the CZ-1 corridor zone.

- (b) *Setback/yard regulations.* Save and except for existing platted lots that do not face Highway 361, a building setback from the lot line fronting Highway 361 shall be a minimum of forty (40) feet or twenty-five (25) feet if the setback incorporates twenty (20) feet of greenbelt landscaping to include sod, plantings, and/or trees and impervious surface does not exceed seven hundred forty (740) square feet within the twenty (20) foot greenbelt;
- (c) *Driveway regulations.* All driveways shall be built to comply with the Texas Department of Transportation's regulations for access drives to state highways, and in addition the following requirements shall apply:
- (1) The width of all drives with highway access shall be a minimum of sixteen (16) feet and a maximum of thirty-seven (37) feet with a maximum radius of twenty-five (25) feet;
 - (2) All highway access drives shall be constructed using hot mix asphalt, concrete material, brick, decorating stone, or grass crete from the edge of the pavement of Highway 361 to the building setback line;
 - (3) In order to have a driveway accessing Highway 361, properties platted after the date of this section must have a minimum of one hundred (100) feet of frontage along Highway 361. For lots with over three hundred (300) feet of frontage on Highway 361, additional driveway access points to Highway 361 will be allowed according to the table below:

Continuous Frontage Along State Hwy 361	Number of Driveways Allowed
0—99	0
100—300	1
301—600	2
	One (1) additional driveway is allowed for each additional three hundred (300) feet of frontage along Highway 361.

Some platted developments may contain a platted lot fronting on Highway 361, which lot has less than one hundred (100) feet of frontage along Highway 361 and which lot is legally dedicated to private roadway purposes, providing vehicular access to Highway 361 from the other lot or lots in the platted development. The lot which is dedicated by plat to such private roadway purposes is not a "lot" for the purposes of this subsection (3), and the construction of a driveway within or upon such lot onto Highway 361 is not intended to be precluded by this subsection (3).

- (4) For lots platted prior to the date of this section, one (1) driveway per parcel shall be allowed along Highway 361. Additional driveways shall be allowed in accordance with the table above;
 - (5) Drainage structures under the driveway shall be in accordance with the master drainage plan and shall be approved by the city engineer.
- (d) *Lighting standards.* All lighting fixtures shall comply with the division 3 outdoor lighting standards as set forth in this chapter.

- (e) *Utility lines.* All new utility lines shall be placed underground.
 - (f) *Environmental controls.* To promote safety and preserve an attractive appearance in the corridor zone district, the following rules shall apply:
 - (1) Satellite dishes over twenty (20) inches in diameter shall be completely screened from view from any adjacent property or public way.
 - (2) All dumpsters shall be located at the rear of the property or shall be completely screened on three (3) sides and must be screened from any adjacent property or public way. All trash and debris shall be kept out of sight.
 - (3) Television, microwave and radio towers are prohibited in this district.
 - (4) This district allows outdoor display of products that are sold regularly and that pertain to the business use of the property in question. Outdoor storage of any goods is prohibited. This provision supplements section 12-1, et seq., Port Aransas Code of Ordinances.
 - (g) *Sign regulations.* The following rules apply to all outdoor signs:
 - (1) On-premises signs are allowed;
 - (2) No new off-premises signs will be permitted for a period of one (1) year commencing on May 18, 2001;
 - (3) Off premises signs lawfully existing on the effective date of this article shall be allowed as nonconforming uses and structures, in accordance with other applicable provisions of this Code.
 - (h) *Minimum lot size.*
 - (1) Any lot fronting Highway 361 shall be a minimum of twelve thousand (12,000) square feet in area and have a minimum of one hundred (100) feet of continuous frontage on Highway 361. Some platted developments may contain a platted lot fronting on Highway 361, which lot has less than one hundred (100) feet of frontage along Highway 361 and which lot is legally dedicated to private roadway purposes, providing vehicular access to Highway 361 from the other lot or lots in the platted development. It is not intended that this subsection (1) preclude such a lot or development.
 - (2) Any lot lawfully platted at the time of this section does not require the above minimum area and frontage. The above minimum area and frontage shall be required if the lot is replatted.
- (Ord. No. 2000-3, § 4, 5-18-00; Ord. No. 2000-11, § 2, 1-13-00; Ord. No. 2001-04, § 1, 7-19-01; Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-127. CZ-2 zone.

- (a) This zone is an overlay zone. The regulations imposed by this section will apply to all real property located within the zone regardless of the underlying zoning designation of said

property. In the event of a conflict between a regulation imposed by this section and a regulation imposed by the underlying zoning district in which a particular property is located, this regulation shall apply.

(b) The following regulations apply to all properties within this zone.

- (1) *Height.* No structure shall exceed thirty-five (35) feet in height as defined in section 25-1.
- (2) *Glass.* No structure shall have more than four (4) square feet of glass per linear foot of exterior front or sidewall. The allowable glass area can be placed in any location or configuration within the wall for which it was calculated. Glass must be contiguous with associated floor area, meaning that glass must be located in the wall where a floor is abutting that wall. Any additional floor must be composed of at least twenty-five (25) percent of the square footage of the bottom floor.
- (3) *Roofs and equipment.* If a building has a roof slope of three (3) to one (1) or less, a two (2) feet minimum or greater parapet wall not to exceed the height limit as stated in subsection 25-153(b)(1), awning, dormer, or mansard roof shall be attached on the front of the building.
- (4) *Above-ground storage containers.* All above ground storage containers such as dumpsters, grease storage containers, and metal storage containers, located within the property, shall be completely screened from view from any public right-of-way. In no case shall this provision require screening in excess of eight (8) feet above average grade.
- (5) *Utility lines.* All new construction service lines must be located underground.
- (6) *Antenna towers.* No antenna towers over fifty (50) feet in height are allowed.
- (7) *Landscaping.* All new construction shall have an area of landscaping equal to a minimum twenty-five (25) percent of front twenty (20) feet as measured from front property line. For construction with internal parking circulation this area shall be located between the parking area and the street and for frontal pull-in parking the area shall be forward of the front building line.
- (8) *Lighting standards.* All lighting fixtures shall comply with the division 3 lighting standards as set forth in this chapter.
- (9) *Building scale design.*

- a. *Definitions:* The following are definitions of specialized terms and phrases used in this chapter.

Colonnade shall mean a series of ornamental or structural columns used to support a roof, deck or trellis on the outer surface of a wall plane.

Column shall mean an ornamental or structural, vertical supporting member used to support a roof, deck or trellis on the outer surface of a wall plane.

Mezzanine shall mean one (1) or more intermediate levels between the floor and ceiling of a story.

Perceptually separated shall mean when a wall plane appears to be separated by a prescribed method.

Physically separated shall mean when two (2) wall plane segments are considered separated by a prescribed dimension.

Scale shall mean a measure of size as it relates to a specific proportion.

Wall plane shall mean a two-dimensional surface that represents the outside face of one (1) side of a building envelope.

Wall plane segment shall mean a segment of a wall plane that represents a proportion with a desirable scale.

- b. The following regulations apply to all properties that are larger than eighteen hundred (1,800) square feet for single story and twenty-four hundred fifty (2,450) square feet for multi-story. Mezzanines shall have no effect on the number of stories; however, their area shall contribute to the total square footage of a building.
 1. Large wall planes facing a street and adjacent to these properties shall be separated into smaller wall segments. The wall segments will be no larger than thirty-five (35) by twenty-two (22) feet or twenty-two (22) by thirty-five (35) feet.
 2. To accomplish the use of smaller wall planes at least one (1) of the following methods must be used:
 - (a) Wall planes shall be considered physically separated, accomplishing horizontal and vertical offsets, if:
 - i. An offset of five (5) feet or more is utilized between them;
 - ii. Turned at a corner not greater than one hundred thirty-five (135) degrees and extend a minimum of five (5) feet in length beyond the corner;
 - (b) Wall planes shall be considered perceptually separated if:
 - i. Use of colonnades. A minimum of three (3) columns shall be placed no less than five (5) feet off the wall plane and the columns shall be spaced no more than fourteen (14) feet on center. Each wall surface framed between a pair of columns, the finished floor, and structure above, not exceeding one hundred thirty (130) square feet shall be considered a wall segment. The height of wall or beam over the colonnade shall not exceed two (2) feet, and any wall plane above and behind the colonnade shall not exceed three hundred (300) square feet. Single-level or multi-level colonnades can be used;
 - ii. Use of colonnades to accomplish horizontal off-sets. They must extend the whole length of the wall segment or within eighteen (18) inches of the corner to be considered separated. A minimum of three (3) columns will be no less than five (5) feet off the wall, and the columns shall be spaced no more than twelve (12) feet on center. The space framed between pairs of columns, finished floor and structure above shall not exceed

one hundred thirty (130) square feet. Single-level or multi-level colonnades can be used;

- iii. Using a covered stoop or balcony to accomplish vertical offsets. They must extend within eighteen (18) inches of the whole height for the wall segment to be considered separated. A minimum of two (2) columns will be no more than twelve (12) feet apart on center or less than five (5) feet off of the wall. The space framed between pairs of columns, finished floor and structure above shall not exceed one hundred thirty (130) square feet. Single-level or multi-level balconies can be used;

- (c) Through setbacks. If front, side, or rear setbacks are increased by ten (10) feet or greater, the wall segment length or width may be increased by one-half ($\frac{1}{2}$) foot for every foot of setback. At least twenty-five (25) percent of the additional setback area should be used for green space or landscaping.

- (d) Through materials. Door, window, or sculptural elements and material changes will not be acceptable to accomplish a wall offset.

(c) *Non-conformity/compliance.*

- (1) Height, glass, building materials, roof and roof equipment. If associated structure is altered, damaged, or destroyed, the building shall be allowed to be reconstructed to the existing configuration so long as the building permit process is initiated within one (1) year of the alteration, damage, or destruction.
- (2) Above-ground storage containers. All above-ground storage containers such as dumpsters, grease storage containers, and metal storage containers shall meet current codes within one (1) year of the adoption of this ordinance.
- (3) Lighting standards. All lighting fixtures shall comply with the division 3 lighting standards as set forth in this chapter.
- (4) Building scale design. Any addition to an existing building, creating an area over eighteen hundred (1,800) square feet for single story and twenty-four hundred fifty (2,450) square feet for multi-story, shall meet all regulations of chapter 25.

Any building which is legally existing on the date of passage of section 25-139(b)(9) but which is not in conformity with that subsection is covered as a legal, nonconforming building by sections 25-241 and 25-242, and additionally, notwithstanding any conflicting provisions of section 25-241 or section 25-242: if (1) said building is destroyed or damaged by fire or other accidental or natural cause or said building is altered, and (2) the damage or destruction or the alteration work includes the exterior or any part of it, and (3) the cost to repair all of the damage or destruction or the cost to complete all of the alteration work exceeds fifty (50) percent of the appraised value of the building according to the Nueces County Tax Appraisal District at the time of the occurrence of said alteration, damage or destruction, the building must be made to conform to the requirements of subsection (b)(9).

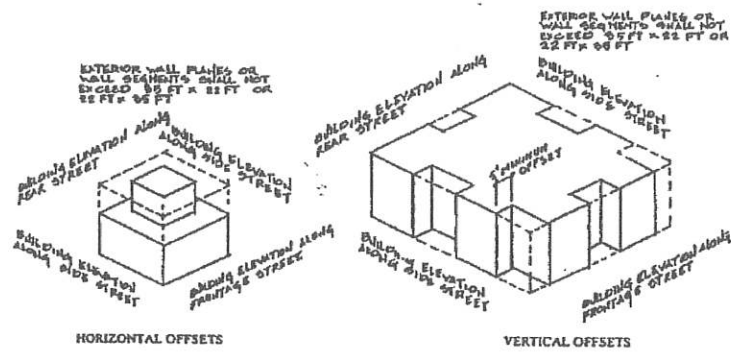


FIGURE 1

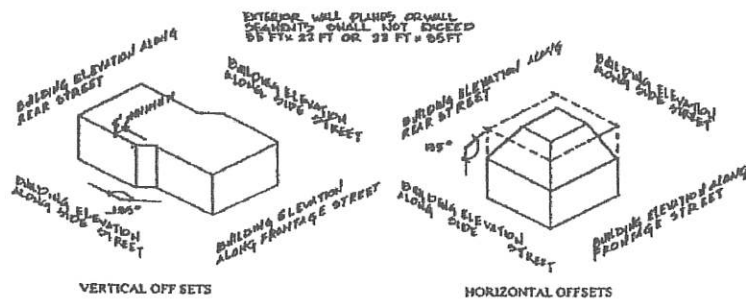


FIGURE 2

Horizontal and Vertical Offsets—(Figs. 1, 2)

ZONING

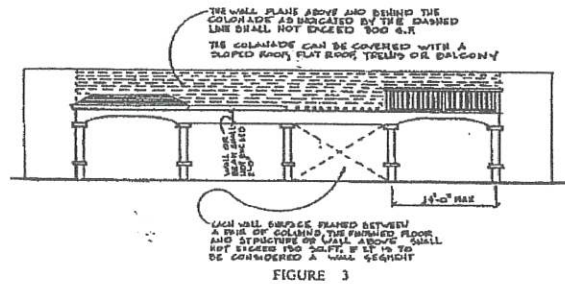


FIGURE 3

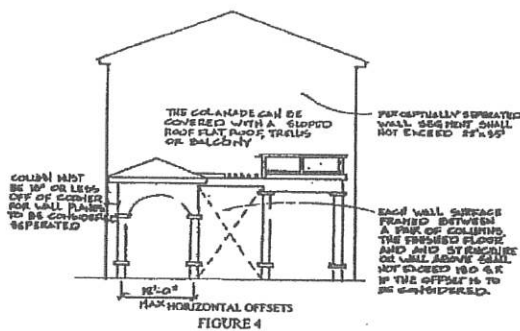
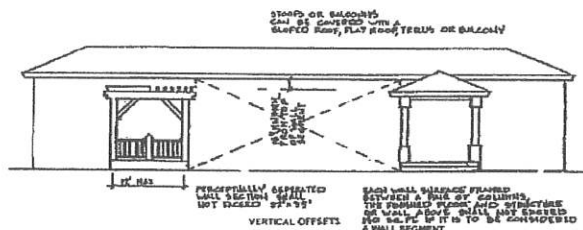


FIGURE 4



Wall plane, Colanade, stoops or balconies (Figs. 3, 4)

(Ord. No. 2002-08, § 3, 7-18-02; Ord. No. 2002-17, § 1, 9-12-02; Ord. No. 2003-03, § 1, 2-20-03; Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-128. New and unlisted uses.

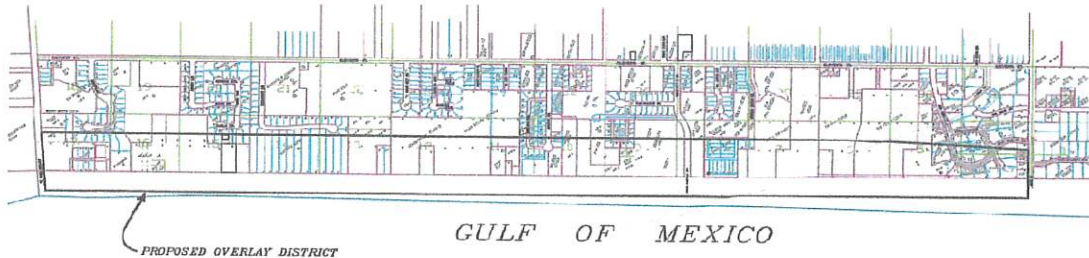
In order to provide for new and unlisted uses, a determination as to the appropriate classification of such uses shall be made in the same way as any other change to regulations applicable within a zoning district is made.

(Ord. No. 97-8, § 1, 7-17-97; Ord. No. 2000-3, § 2, 5-18-00; Ord. No. 2002-08, § 3, 7-18-02; Ord. No. 2002-17, § 1, 9-12-02; Ord. No. 2010-05, § 1, 3-18-10)

Cross reference(s)—Administration, Ch. 2.

Sec. 25-129. CPOZ—Coastal protection overlay zone.

The area described by this zone is bound by the thousand-foot (1,000)(dune protection line to the west, mean high tide line to the east, Access Road 1A to the south and Avenue G to the north.



- (1) This zone is an overlay zone. The regulations imposed by this section will only apply to all real property located within the zone whose sole access is derived from the beach road abutting the Gulf of Mexico regardless of the underlying zoning designation of said property. These regulations will apply unless or until such time as the real property and each lot therein secures frontage on a paved street. In the event of a conflict between a regulation imposed by this section and a regulation imposed by the underlying zoning district in which a particular property is located, this regulation if applicable shall apply.
- (2) The following special regulations apply to applicable properties within this zone.
 - a. Any and all development within the coastal protection overlay zone must still conform to the city's coastal management plan.
 - b. Property may be platted per chapter 21, article III, plat contents and approval procedure, provided there is no subdivision of the property.
 - c. Development of property is limited to a maximum of three (3) dwelling units per acre.
 - d. No structure shall exceed thirty-five (35) feet in height.
 - e. Access from the Gulf Beach Road is limited to one (1) access per property regardless of the number of dwelling units. Access must be approved by the city and when applicable the Texas General Land Office.
 - f. New access requested after September 1, 2016 when so permitted resulting in a cut through the dune system must be restored to its previous state within one hundred eighty (180) days at such time approved landward access from a paved street becomes available. When approved landward access is obtained, any associated Texas General Land Office ingress/egress leases shall immediately be vacated.

(Ord. No. 2016-13, § 1, 8-2-16)

Secs. 25-130—25-145. Reserved.

DIVISION 2. OFF-STREET PARKING AND LOADING

Sec. 25-158. Off-street parking facilities required.

Off-street parking facilities required. Off-street parking facilities shall be provided for all development within the city pursuant to the requirements of this Code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve. It shall be unlawful for any owner or operator of any building or land use affected by the code to cause or permit the discontinuance or reduction of required parking or loading facilities without the establishment of alternative parking or loading facilities which meet the requirements of and are in compliance with this article and approved by the city manager or his or her designee. It shall be unlawful to discontinue or dispense with, or cause the discontinuance or reduction of, the required parking facilities apart from the discontinuance of the building, use, or structure without establishing alternative off-street parking facilities that meet these requirements.

(Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-159. Surfacing standards.

All parking areas shall have durable surfaces for vehicle use areas, shall be properly drained and shall be designed with regard to pedestrian safety. A durable surface shall consist of an improved surface, including concrete, asphalt, stone, compacted shell and other permanent surfaces. Each parking space shall be accessible from a driveway.

(Ord. No. 2010-05, § 1, 3-18-10)

Sec. 25-160. General standards.

- (a) Each off-street parking space for automobiles shall have an area of not less than nine (9) by eighteen (18) feet and for commercial uses each stall shall be striped or marked with a parking bumper (wheel stop). This standard size shall apply for off-street parking for all uses including single-family residential, duplexes, multifamily, townhouses, and detached single-family uses. Single-family structures and duplexes are not required to stripe parking spaces or place parking bumpers.
- (b) A sixteen (16) foot paved space (ninety (90) degree only) may be utilized where the space abuts a low profile landscaped island in which the front of the vehicle can protrude two (2) feet over the island. A sixteen (16) foot space may also be used when adjacent to a sidewalk in which the front of the vehicle can protrude two (2) feet over the sidewalk provided that the minimum width of the sidewalk is six (6) feet.

- (c) Each parking space intended for use by the handicapped shall be designed in accordance with the standards of the Texas Architectural Barriers Act (TABAA) administered by the Texas Department of License and Regulation.
- (d) Each parking space and the maneuvering area thereto shall be located entirely within the boundaries of the building plot except where shared parking is approved by the city.
- (e) All parking spaces, aisles, and modules shall meet the minimum requirements, as shown in the following table. All dimensions are measured from wall to wall.

Parking Space and Aisle Dimensions

A	B	C
Angle (degrees)	Width of stall	Depth of stall 90° to aisle
0	9 feet	18.0 feet
45	9 feet	21.1 feet
60	9 feet	22.3 feet
90	9 feet	20.0 feet

- (f) If the required parking for all the combined uses of a lot exceed ten (10) spaces or more, the following shall apply:
 - (1) Only nine (9) spaces (per street frontage) shall be permitted to back into a public way;
 - (2) Only one (1) driveway is allowed for lots with up to fifty (50) feet of frontage. Corner lots are allowed one (1) entrance and one (1) exit on each abutting street. If necessary to meet this requirement, uses shall arrange for shared egress;
 - (3) Such parking lots shall be screened from any abutting residential use;
 - (4) Facilities shall be so sized and arranged that no vehicles need back onto or off of a public way or be parked on a public way while loading, unloading or waiting to do so. (See also subsection (g) below).
- (g) If internal parking conditions are possible, then backing out onto the major arterials of Alister Street, Highway 361, Eleventh Street between Avenue G and Beach Access Road 1A, Avenue G, Cut-Off Road, and Cotter Ave. west of Station Street is prohibited.

Sec. 25-161. Number of off-street parking spaces required.

In computing the number of parking spaces required, the following rules shall govern:

- (1) Off-street parking spaces shall be provided upon the erection of any building or structure **or for any administrative authorization of an allowable commercial use that does not require a building or structure.** Whenever a building or use constructed or established after the effective date of this section is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, floor area or otherwise, parking requirements shall be met on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this section is enlarged,

the enlarged building or increased use shall then and thereafter comply with the parking requirements set forth herein;

- (2) In all zoning districts off-street parking requirements are exclusive of individually owned/assigned enclosed garages. Common use covered garage spaces (example: a parking garage) in multi-family uses shall be counted towards parking requirements;
- (3) The parking space requirements for a use not specifically listed shall be the same as those for the most similar to the proposed use, as determined by the administrator;
- (4) Where fractional spaces result when computing required parking spaces, the required number of spaces must be increased to the nearest whole number;
- (5) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately;
- (6) When a developer presents an alternative development plan (i.e., PUD, NUD) and can demonstrate that such development will require fewer parking spaces than required by the standards of this section without endangering the health, safety and general welfare of the public, the administrator may permit a reduction in the number of required parking spaces for the development. Such a reduction in parking spaces shall be justified through the development of a parking study prepared by a professional engineer or transportation planner and submitted to the administrator. The balance of the land necessary to meet these requirements may be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or underestimated parking demand;
- (7) Stacked parking shall be permitted for residential dwelling units only, where the required parking can be assigned to a particular dwelling unit. The stacking of parking for a commercial use shall be prohibited except where expressly allowed. Additional parking approved in a separately designated area or by an approved alternative parking plan as described in this division, must be within two hundred fifty (250) feet of the lot or property for which the parking is being required;
- (8) Parking is **expressing expressly** prohibited in any location that results in a safety issue or obstructs visibility from adjacent driveways or street corners; and
- (9) Parking requirements based on square footage shall be based upon the gross floor area, unless otherwise stated. Service areas such as mechanical rooms, restrooms, and closets shall be included in the calculation of "gross floor area" for determining required parking spaces; Where requirements are established on the basis of the number of seats, such requirements shall be based on the seating capacity as determined by the administrator or building official; Where the basis for parking requirements are the number of bedrooms/sleeping rooms, such requirements shall be based on a determination by the administrator or building official.

Minimum Off-Street Parking Requirements: SR - Sleeping Room; DU - Dwelling Unit;
MFV-Mobile Food Vendor

Use	Category	Unit	Parking Spaces Per Unit	Additional Information
Residential	R-1 single-family dwelling	DU	2.0	No transient rental allowed.
	HUD-Code manufactured home	DU	2.0	Transient rental of HUD manufactured home is not allowed.
	All dwelling units (ADU) other than R-1	SR	1.0	2 space minimum per dwelling unit excluding ADU. Occupancy load to be determined by administrator.
	Bed & Breakfast	SR	1.0	1 Additional parking space required for proprietor
Commercial	Arcades, game room		1.0	For every 250 SF of gross floor space
	Airport			As determined by the administrator
	Auto - repair, sales, rentals		1.0	For every 400 SF of gross floor area.
	Auto - service station		2.0	Four (4) spaces for each service bay.
	Auto - wash	Wash bay	2.5	Each stall shall have a minimum on-site storage lane capacity of three (3) motor vehicles.
	Bank, savings & loan, financial institution	250 SF	1.0	Each drive-in teller window or ATM machine shall have a minimum on-site storage lane capacity of three (3) motor vehicles.
	Barbershop, beauty parlors	Each employee station	2.0	
	Bowling alley			As determined by the administrator
	Car wash (self-serve)	Wash bay	1.0	1.0 space per vacuum bay

	Churches/other places or public assembly			1 space for every three (3) seats within the main auditorium, or if there are no fixed seats, 1 space for every 35 SF of Gross Floor Area within the main auditorium.
	Convalescent, nursing homes	Bed	0.25	
	Convenience stores	250 SF	1.0	
	Day care center, nursery schools	250 SF	1.0	
	Driving range - Golf	Tee station	1.0	
	Golf course - regulation	Hole	6.0	
	Health studio/club	250 SF	1.0	
	Hospital			As determined by the administrator
	Hotel/motel	DU/room	1.0	1 space for every 200 SF meeting room
	Laundromat	250 SF	1.0	
	Lumber yards, nursery	250 SF	1.0	Plus 1 space for every 5,000 SF of exterior ground area.
	Manufacturing			As determined by the administrator
	Medical, dental, clinic - offices	200 SF	1.0	
	Miniature golf	Hole	1.5	
	Mini-storage, boat barns			No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 FT and through access or turnaround space is provided. Parking shall be required for the square footage devoted to other uses on the site.
	<u>Mobile Food Vendors (Up to 18' Long)</u>	<u>Each MFV</u>	<u>3.0</u>	<u>Plus 1 space for every 4 seats available.</u>

				<u>Administrator may require additional parking spaces based on the operational characteristics of the mobile food vendor, including but not limited to the number of service windows, walk up ordering areas, drive up service, on site customer congregation areas, and site layout. The Administrator may also require parking for areas intended for customer use where seating is not provided, consistent with the treatment of similar areas for restaurant uses.</u>
	<u>Mobile Food Vendors (Over 18' Long)</u>	<u>Each MFV</u>	<u>4.0</u>	<u>Plus 1 space for every 4 seats available</u> <u>Administrator may require additional parking spaces based on the operational characteristics of the mobile food vendor, including but not limited to the number of service windows, walk up ordering areas, drive up service, on site customer congregation areas, and site layout. The Administrator may also require parking for areas intended for</u>

				<u>customer use where seating is not provided, consistent with the treatment of similar areas for restaurant uses.</u>
	<u>Mobile Food Multi-Vendor Sites</u>	<u>Each MFV</u>	<u>2.0</u>	<u>Plus 1 space for every 4 seats available.</u> <u>Administrator may require additional parking spaces based on the operational characteristics of the mobile food vendor, including but not limited to the number of service windows, walk up ordering areas, drive up service, on site customer congregation areas, and site layout. The Administrator may also require parking for areas intended for customer use where seating is not provided, consistent with the treatment of similar areas for restaurant uses.</u>
	<u>Mobile Food Vendors-Push Carts</u>	<u>Each Cart</u>	<u>1.0</u>	<u>Plus 1 space for every 4 seats available.</u> <u>Administrator may require additional parking spaces based on the operational characteristics of the mobile food vendor, including but not limited to the number</u>

				<u>of service windows, walk up ordering areas, drive up service, on site customer congregation areas, and site layout. The Administrator may also require parking for areas intended for customer use where seating is not provided, consistent with the treatment of similar areas for restaurant uses.</u> <u>Administrator may apply the parking requirements of pushcarts to a Type I mobile food vendor when the Administrator determines that the scale and operational characteristics of the vendor are comparable.</u>
	Neighborhood pocket parks			Minimum 1 handicap parking space per park
	Night clubs	75 SF	1.0	
	Office buildings - administrative, business, governmental, utility	250 SF	1.0	
	Restaurant	Per 4 seats	1.0	Administrator may charge for open spaces that show no tables, such as deck space or space at bar showing no bar stools.
	Retail sales & service - department store	250 SF	1.0	
	Retail sales & service - furniture/appliance store	500 SF	1.0	

	Rooming, boarding, bed & breakfast		1.0	For every room for rent
	Shopping strip centers	250 SF	1.0	Covers all tenant uses
	Theaters, movies	Seat	0.25	Plus 1 space for each employee on biggest shift
	Theme, amusement parks			As determined by the administrator
	Warehouse, storage			1 space for every 1,000 SF of gross floor area for the first 20,000 SF devoted to warehousing
	Vending machine, kiosk in existing parking lot	Per employee	1.0	3 on-site stacking spaces per window (cannot take away required parking)
Marine-related	Dry boat storage facility	Per boat space	0.5	1 Parking Space for every 4 boat storage spaces. Required auto parking spaces cannot be used for wash/dry racks or for boats or trailers.
	Party vessels: fishing, sight-seeing, dining			1 space per 3 seats on boat plus 1 space for crew per boat. stacking of vehicles is allowed, plus required parking for any other uses on the site.
	Marinas	Per public/private slip	1.5	And additional parking requirements for other uses specified herein.

(Ord. No. 2010-05, § 1, 3-18-10; Ord. No. 2015-04, § 2, 5-21-15; Ord. No. 2021-05, § 1, 8-9-21)

Sec. 25-162. Alternative parking plans.

- (a) *Scope.* An alternative parking plan represents a proposal to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios established in section 25-159, number of off-street parking spaces required.
- (b) *Applicability.* Applicants who wish to provide fewer on site parking spaces than allowed above shall be required to secure approval of an alternative parking plan, in accordance with the standards of this section. The administrator may require that an alternative parking plan be submitted in cases where the administrator deems the listed standard to be inappropriate based on the unique nature of the use or in cases where the applicable standard is unclear.
- (c) *Contents.* Alternative parking plans shall be submitted in a form established by the administrator and made available to the public. At a minimum, such plans shall detail the type of alternative proposed and the rationale for such a proposal.
- (d) *Review and approval procedure.* The city council, upon recommendation of the planning and zoning shall be authorized to approve alternative parking plans.
- (e) *Recording.* An attested copy of an approved alternative parking plan shall be submitted to the county clerk's office for recordation on forms made available in the department of planning and projects. Proof of recordation of the agreement shall be presented to the administrator prior to issuance of a building permit. Minor amendments to an approved alternative parking plan may be approved by the administrator.
- (f) *Eligible alternatives.* A number of specific parking and access alternatives are described below. The city council shall, however, be authorized to consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates that the proposed plan shall result in a better situation with respect to surrounding neighborhoods, city-wide traffic circulation, and urban design than would strict compliance with otherwise applicable off-street parking standards.
 - (1) *Shared parking.* The city council may authorize a reduction in the number of required off-street parking spaces for multiple-use developments or for uses that are located near one another and that have different peak parking demands or different operating hours. Shared parking shall be subject to the following standards:
 - a. *Location.* Shared off-street parking spaces shall be located no farther than two hundred fifty (250) feet from the building site. The city council may waive this distance limitation, if adequate assurances are offered that van or shuttle service shall be operated between the shared lot and the principal use;
 - b. *Zoning classification.* Shared-parking areas shall be considered accessory uses of principal uses that the parking spaces are intended to serve. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area;

- c. *Required study and analysis.* The applicant shall submit a shared parking analysis to the city council that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the administrator and made available to the public. It shall address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that shall be sharing off-street parking spaces. The city council shall have the authority to require a revised study and analysis should conditions change that may result in a change in site parking conditions;
 - d. *Shared parking agreement.* A shared parking plan shall be enforced through written agreement among the owners of record. An attested copy of the agreement shall be submitted to the county clerk's office for recreation on forms made available in the planning and projects department. Proof of recordation of the agreement shall be presented to the administrator prior to issuance of a building permit. A shared parking agreement may be revoked by the parties to the agreement only if off-street parking is provided pursuant to this section, or if an alternative parking plan is approved by the administrator;
 - e. *Revocation.* Failure to comply with the shared parking provisions of this section shall constitute a violation of this chapter and shall specifically be cause for revocation of a certificate of occupancy or building permit.
- (2) *Off-site parking.* The administrator may permit a portion of the required off-street parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, subject to the standards of this section. No more than fifty (50) percent of the required parking shall be allowed off-site.
- a. *Location.* Shared off-street parking spaces shall be located no farther than two hundred fifty (250) feet from the building site. The city council may waive this distance limitation, if adequate assurances are offered that van or shuttle service shall be operated between the shared lot and the principal use;
 - b. *Zoning classification.* Off-site parking areas shall be considered accessory uses of principal uses that the parking spaces are intended to serve. Off-site parking areas shall require the same or a more intensive zoning classification than that required for the use served;
 - c. *Off-site parking agreement.* In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement among the owners of record shall be required. An attested copy of the agreement between the owners of record shall be submitted to the county clerk's office for recreation on forms made available in the office of the administrator. Proof of recordation of the agreement shall be presented to the administrator prior to issuance of a building permit. An off-site parking agreement may be revoked by the parties to the agreement only if off-street parking is provided on-site pursuant to section 25-159, off-street parking standards or if an alternative access and parking plan is approved by the city council.

- (3) *Bicycle parking.* The city council may authorize a reduction in the number of required off-street parking spaces for developments or uses that make special provisions to accommodate bicyclists. Examples of accommodations include bicycle lockers, employee shower facilities, and dressing areas for employees.

SECTION 2. FINDINGS.

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the CITY and made a part of this ordinance for all purposes and findings of fact.

SECTION 3. EFFECTIVE DATE.

This ordinance shall be effective from and after its date of passage.

SECTION 4. SEVERABILITY.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 5. OPEN MEETINGS.

It is hereby found and determined that the meetings at which this ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

PASSED, ORDAINED, APPROVED and ADOPTED this the 18th day of JUNE, 2026.



ATTEST:

CITY OF PORT ARANSAS, TEXAS



Wendy Moore, Mayor



Francisca Nixon, City Secretary

First Reading: April 21, 2026
Second Reading: May 20, 2026
Third Reading: June 18, 2026