

ORDINANCE NO. 2016-13

AN ORDINANCE OF THE PORT ARANSAS CITY COUNCIL AMENDING CHAPTER 25 “ZONING”, ARTICLE III. “DISTRICTS” SECTION 25-111 BY ADDING A NEW DISTRICT KNOWN AS CPOZ – COASTAL PROTECTION OVERLAY ZONE AND ADDING SECTION 25-129 TO DEFINE SAID DISTRICT; UPDATING SECTION 25-124 NPUD-NEWPORT PUD TO INCLUDE PBPUD-PALMILLA BEACH; PROVIDING FOR SEVERANCE, READING, AND EFFECTIVE DATE.

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

SECTION 1. AMENDMENT

That Chapter 25 “Zoning”, Article III. ‘Districts’ is hereby amended to wit:

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

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

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(13) CPOZ - Coastal Protection Overlay Zone

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

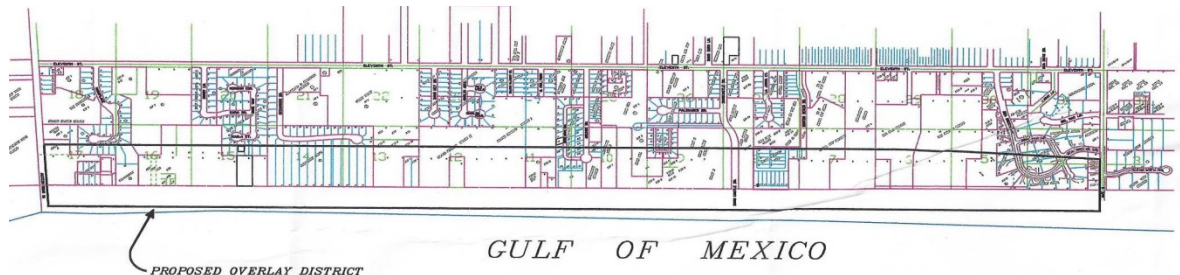
In this district no land or building shall be used, erected for, or converted to any use other than:

- (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.

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Section 25-129 CPOZ – Coastal Protection Overlay Zone

The area described by this zone is bound by the thousand (1,000') foot 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.



- (a) 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.

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

1. Any and all development within the Coastal Protection Overlay Zone must still conform to the City's Coastal Management Plan.
2. Property may be platted per Chapter 21 Article III. - Plat Contents and Approval Procedure provided there is no subdivision of the property.
3. Development of property is limited to a maximum of 3 dwelling units per acre.
4. No structure shall exceed thirty-five (35') feet in height.
5. 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.
6. 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.

Sections 25- 130 through 25-145. - Reserved.

SECTION 2. SEVERABILITY

It is the intention of the City Council of the City of Port Aransas that if any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

SECTION 3. READING

As provided by Article III, Section 13 and Article III, Section 12(b) of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

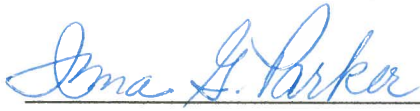
SECTION 4. EFFECTIVE DATE

As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption after third and final reading and on publication in the Ordinance caption in the official newspaper of the City.

PASSED, ORDAINED, APPROVED and ADOPTED this the 2nd day of AUGUST, 2016.

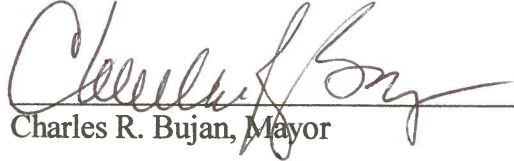


ATTEST:



Irma G. Parker

CITY OF PORT ARANSAS, TEXAS


Charles R. Bujan, Mayor

1st Reading: June 16, 2016

2nd Reading: July 21, 2016

3rd Reading: August 2, 2016