

ORDINANCE 2009 - 07

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT UNDER THE ZONING REGULATIONS FOR THE PROPERTY DESCRIBED AS ARANSAS HOLDING COMPANY SUBDIVISION "C", LOTS 1 THRU 10, BLOCK 79, PORT ARANSAS, NUECES COUNTY, TEXAS (THE "PROPERTY"), TO BE USED FOR TWO (2) RESIDENTIAL-2 MULTI FAMILY FOUR-PLEX LOTS REQUESTING RESIDENTIAL-2 SINGLE FAMILY/DUPLEX LOT USE.**

**WHEREAS**, application was made for a Special Use Permit allowing a use not otherwise permitted in the R-2 zoning district where the property which is the subject of this Ordinance and permit is located;

**WHEREAS**, Section 25-270 Port Aransas Code of Ordinances, provides that, uses not allowed in a particular zoning district may be authorized by a special permit;

**WHEREAS**, notices have been given and published and public hearings held, all on the question of said application, as required by law;

**WHEREAS**, after hearing and consideration of the matter, the Commission made its recommendation to the Council; and

**WHEREAS**, after hearing and consideration of the matter, the plans, the present zoning and use of each of the properties in the surrounding area, the comprehensive plan of the city, the future development of the city as a whole, and other relevant factors, the Council is of the opinion and finds as follows:

1. The property use will not adversely affect the surrounding property or the health, safety and general welfare of the public;
2. Such safeguards as are reasonable or necessary in order to protect surrounding property, persons, and neighborhood values will be provided; and
3. Granting of a Special Permit is in the best interest of the health, safety and welfare of the City and its inhabitants.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, COUNTY OF NUECES, STATE OF TEXAS:**

Section 1. Grant of Special Use Permit. A Special Use Permit is hereby granted for the property hereinafter described for the use hereinafter specified in accordance with the plans hereto attached,

provided and for so long as the said plans and conditions hereafter set forth are adhered to, to-wit:

- (a) Property Description: The real property which is the subject of this ordinance and for which a Special Use Permit is being granted is described as Aransas Holding Company Subdivision "C", Lots 1 thru 10, Block 79, Port Aransas, Nueces County, Texas (the "Property").
- (b) Use: Two (2) Residential-2 Multi family four-plex lots requesting Residential-2 Single family/Duplex lot use.

Section 2. 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 and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Port Aransas.

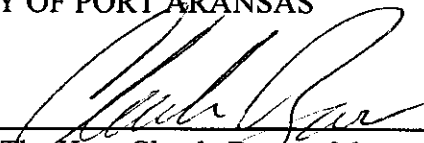
Section 3. Reading. As provided by Article III, Section 13 and Article III, Section 12.b. of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

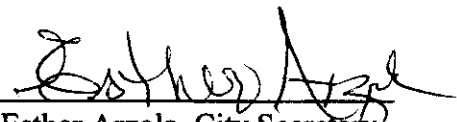
Section 5. Publication. As provided by Article III, Section 12.C., this ordinance shall be published one time in the official newspaper of the City of Port Aransas, Nueces County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

**PASSED, ORDAINED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of May, 2009.

CITY OF PORT ARANSAS

By:   
The Hon. Claude Brown, Mayor

ATTEST:

  
Esther Arzola, City Secretary