

ORDINANCE NO. 2019-09

EMERGENCY

AN EMERGENCY ORDINANCE PROVIDING FOR A MORATORIUM PRECLUDING THE ISSUANCE OF PROPERTY DEVELOPMENT PERMITS OR APPROVALS FOR DEVELOPMENT OF ANY HARBOR ISLAND PROPERTIES FOR HEAVY INDUSTRIAL USES, PROVIDING FOR EFFECTIVE DATE, READING, PUBLICATION, AND SEVERANCE

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

Section 1. This is an emergency ordinance passed in accordance with Sections 3.12 and 3.13 of the Charter of the City of Port Aransas. Because this moratorium impacts only heavy industrial property uses, it is not subject to the procedures and limitations set forth in Subchapter E of Texas Local Government Code Chapter 212.

Section 2. In August, 2017, Hurricane Harvey devastated the middle Texas Coast and inflicted significant infrastructure and property damage to the City of Port Aransas. Among the many City services impacted by the Category 4 hurricane was the City's fire department, which was effectively destroyed as every single piece of firefighting equipment was lost. While the City is currently in the process of rebuilding its fire department, the City does not have the capability to provide fire protection services and emergency response to heavy industrial uses on Harbor Island and, in particular, oil and gas related operations. As a result, a public emergency exists which adversely affects the life, health, property, and public peace of those properties located on Harbor

Island. To ensure that these life safety concerns are protected, a temporary moratorium on further heavy industrial development on Harbor Island is warranted until adequate fire protection services and emergency response are available.

Section 3. The City of Port Aransas developed as a fishing village. It is a non-industrial town and relatively clean and free of the pollutants which normally accompany some industrial developments. Its commercial structures historically were small and primarily wooden with peaked roofs. The City in its commercial area had and still has the flavor and ambiance of a small fishing village which imbues it with a distinctive charm and character. The City has in the past few years, experienced extremely rapid growth and is in danger of losing the charm which makes it an attractive, unique venue. In recognition of this situation the City Council is considering re-zoning some of Harbor Island, and/or the imposition of additional controls upon new development on Harbor Island. In order to prevent the development of Harbor Island in a way which would adversely affect, damage or destroy the aesthetics or environment of the City, and to recognize the historical uses of Harbor Island, the Council considers it necessary to pass this temporary moratorium on an emergency basis to allow the City to study and, if determined to be appropriate, institute additional zoning and other development controls on Harbor Island.

Section 4. From and after the passage of this ordinance and for a period of 60 days thereafter, unless sooner repealed by the Council, no development permits or approvals shall be issued for development of Harbor Island property. Under Section 3.13 of the City Charter, unless extended

by further Council action, this emergency ordinance will automatically expire on the sixty-first (61st) day after its enactment.

Section 5. Effective Date. As provided by Sections 3.12 and 3.13 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption.

Section 6. Reading. As provided by Sections 3.12 and 3.13 of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at one city council meeting.

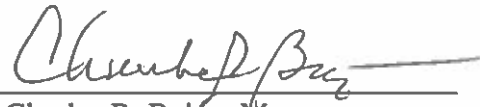
Section 7. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 8. Publication. As provided by Sections 3.12 and 3.13 City Charter of the City of Port Aransas 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 on one reading on this 29th day of August, 2019.



CITY OF PORT ARANSAS

BY: 
Charles R. Bujan, Mayor

ATTEST:


City Secretary