

ZONING ORDINANCE AMENDMENT

Contains regulatory language relevant to the following Ordinance Best Management Practices:

- *ORD 1 to incentivize sustainable renovations*
- *ORD 2 to incentivize identification and preservation of sensitive areas*
- *ORD 6 to improve parking specifications by requiring permeable surfaces when the parking provided exceeds the required minimum by more than 25 percent.*
- *ORD 14 to regulate cut and fill practices for a broader range of project types.*
- *ORD 16 to establish Green Stormwater Infrastructure criteria and incentivize implementation of green stormwater infrastructure for both new development and redevelopment*
- *ORD 17 to broaden applicability of development permit to capture a broader range of project types*

ORDINANCE NO. ____ - ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS, SETTING FORTH ENVIRONMENTAL CONTROLS AND SURFACING STANDARDS IN THE ZONING ORDINANCE; PROVIDING FOR A PENALTY; PROVIDING FOR ASSOCIATED FEES; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City Council finds the City of Port Aransas is a Texas Home-Rule Municipality as that term is defined by Texas law; and

WHEREAS, the City Council has decided to amend the Code of Ordinances as more specifically set forth herein; and

WHEREAS, the City Council of the City of Port Aransas has determined that the provisions of this Ordinance will promote the health, safety, morals and the general welfare of the City of Port Aransas and its surrounding areas; and

WHEREAS, this Ordinance was adopted at a meeting held in strict compliance with the Texas Open Meetings Act;

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

Section 1: The City of Port Aransas Code of Ordinances Chapter 25, Sec. 25-146., is amended as follows:

Sec. 25-146. – Environmental Controls Established.

- (a) Screening. Open storage and loading or service areas shall be screened from any adjacent residence or public way by six-foot, opaque fencing, junk, trash or debris shall be confined out of sight.
- (b) Green space. In any multifamily dwelling development there shall be three hundred twenty-five (325) square feet of green space per dwelling unit average.

The City of Port Aransas, in order to encourage implementation of stormwater management practices supportive of reduced stormwater runoff rates and volumes, reduced quantities of water-borne pollutants, reduced erosion and enhance hydrologic response of local watersheds, and to recognize the aesthetic value of low impact development stormwater infrastructure, has adopted the following green space incentive credits:

- (1) New Development: The area of a lot delineated as an approved stormwater treatment practice under Chapter 16, Article V Stormwater Management and Drainage shall count two (2) times for the purposes of satisfying the amount of green space per dwelling unit average.
 - (2) Redevelopment of a Previously Developed Lot: The area of a lot delineated as an approved stormwater treatment practice under Chapter 16, Article V Stormwater Management and Drainage shall count three (3) times for the purposes of satisfying the amount of green space per dwelling unit average.
- (c) No machine, process, or procedure shall be employed on any property in the city, in which:
 - (1) Emission of smoke, dust, or noxious, toxic or lethal gases that are deemed "excessive" above normal operations that produce such emissions, and that are detectable beyond the perimeter of the property that causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity;
 - (2) Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, contain oil or grease, wood, cellulose fibers, hair, feathers, or plastic, or have a pH factor greater than nine (9) or less than six (6);
 - (3) Vibration is discernible beyond the property line.

- (d) Septic systems. In the absence of public water or public sewer, no building permit shall be issued until the lot meets all applicable requirements of this chapter, and a septic system meeting State regulations has been approved by Nueces County Water Control District No. 4.
- (e) Drainage and stormwater management. If a development project is not directly associated with a building permit or subdivision development a development permit shall be required for any manmade change in improved and unimproved real estate, said development including but not limited to excavation or fill of material, mining, grading, or paving. If the development is associated with a building permit or subdivision, the required development information shall be included with the submitted construction plans.
 - (1) For drainage and stormwater design, all development within the city shall utilize the policies and technical information standards as set forth in the latest edition of the City of Port Aransas "Storm Drainage Design manual." (For more information, see also: Chapter 8, flood damage prevention, **Chapter 16 Article V, stormwater management and drainage, and/or** the development permit on file with the building department).
 - (2) The development permit shall identify and preserve wetlands, critical habitat areas, natural depressions and storage, and buffers of such sensitive areas.
- ~~(f) Exemptions from development permit.
 - (1) The project is solely for the blanket filling of a residential or commercial property with a fill depth less than one (1) foot in depth.
 - (2) The project consist of filling isolated portions of a residential or commercial property that exceed one (1) foot in depth and are determined by the building official to be inconsequential in regards to its effect on the properties drainage or impacts to adjacent properties.~~
- (g) Wetlands. It is the sole responsibility of the property owner to determine whether or not their proposed development activity impacts wetlands that are under the jurisdiction of the U.S. Army Corps of Engineers.

Section 2: The City of Port Aransas Code of Ordinances Chapter 25, Sec. 25-159., is amended as follows:

Sec. 25-159. – Surfacing Standards

- (a) 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.

- (b) If the total amount of parking spaces provided exceeds twenty-five (25) percent of the minimum parking spaces required by Sec. 25-161, at least twenty-five (25) percent of all hardscape and paving (other than the building footprint) shall be comprised of permeable surfaces allowing the infiltration of stormwater.

Section 2: If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 3. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

Section 4. Effective Date. Pursuant to Section 3.12(c) of the City Charter, this ordinance is effective upon adoption, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance in a newspaper designated as the official newspaper of the City. An ordinance required by the Charter to be published shall take effect when the publication requirement is satisfied..

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PASSED, APPROVED AND ADOPTED by the City Council of the City of Port Aransas, on this the ____ day of _____, 2021.

APPROVED:

Charles Bujan, Mayor

ATTEST:

(CITY SEAL)

City Secretary
City of Port Aransas, Texas

