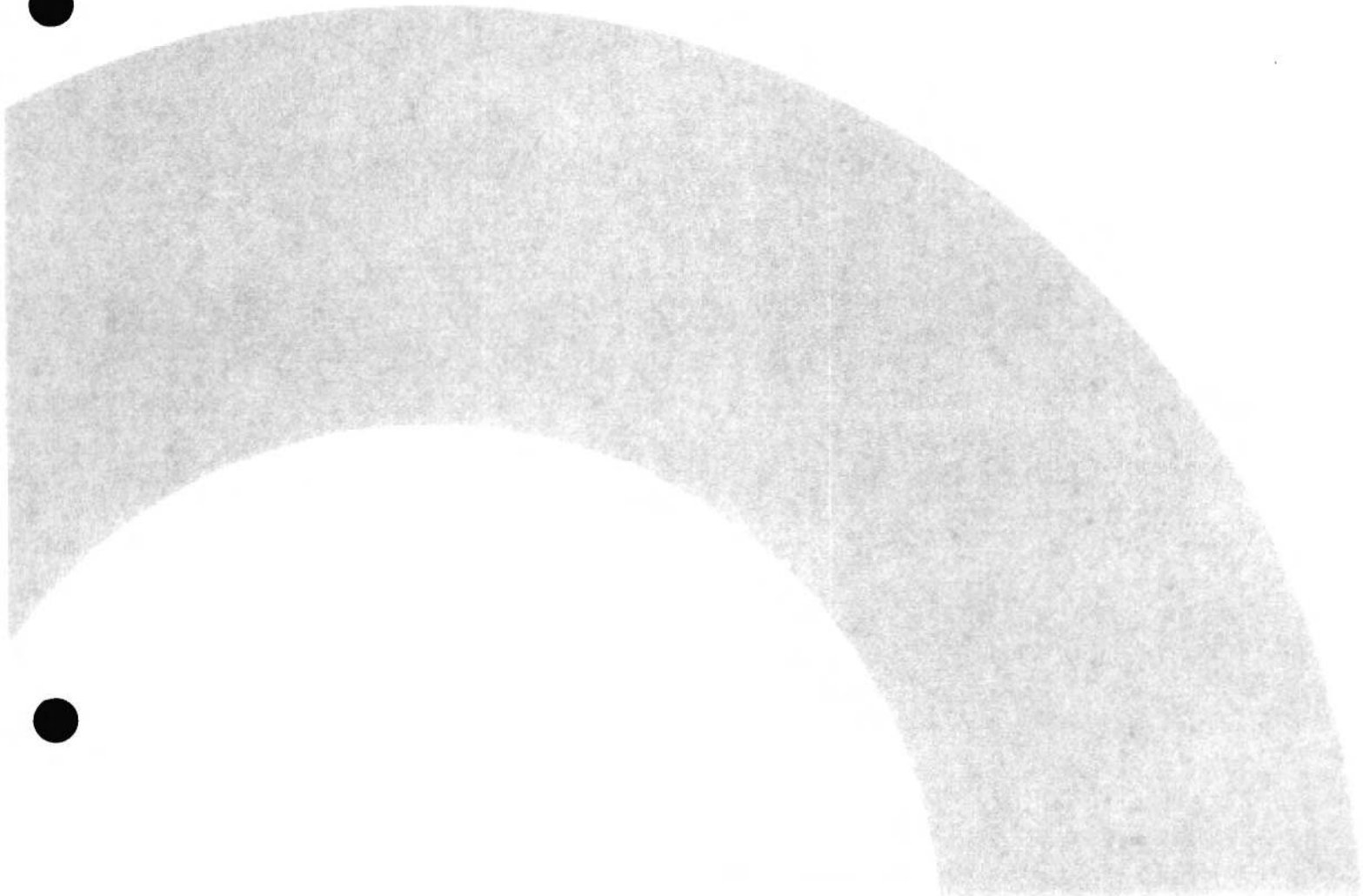


**wood.**

**Appendix D**

**Port Aransas Code of Ordinances**



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

JUL 10 2019

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)

**ORDINANCE NO. 2014-06**

AN ORDINANCE (1) AMENDING SECTION 25-121 PORT ARANSAS CODE OF ORDINANCES (“PACO”) AND THEREBY RE-ZONING THAT PORTION OF THE LAND AREA KNOWN AS HARBOR ISLAND WHICH IS INCLUDED WITHIN THE HI HARBOR ISLAND ZONING DISTRICT UNDER SECTION 25-121 PACO, MORE PARTICULARLY BY DELETING THE LIST OF ALLOWED USES SET FORTH IN 25-121 AND REPLACING THAT LIST WITH A MORE RESTRICTIVE LIST OF ALLOWED HEAVY INDUSTRY USES, ALL OF WHICH LAND IS WITHIN PORT ARANSAS’ CITY LIMITS AND IS GENERALLY LOCATED NORTH OF CORPUS CHRISTI SHIP CHANNEL, TO THE WEST OF THE EXTREME NORTHEAST TIP OF MUSTANG ISLAND, AND IS SEPARATED FROM THE REMAINDER OF THE CITY, WHICH LIES ON MUSTANG ISLAND, BY THE CORPUS CHRISTI SHIP CHANNEL, AND (2) PROVIDING FOR A DECLARATION OF CITY BOUNDARY, (3) FOR CORRECTION OF THE OFFICIAL ZONING MAP, AND (4) FOR READING, EFFECTIVE DATE, AND SEVERANCE.

**FINDINGS**

The City Council of the City of Port Aransas, Texas (Council) makes the legislative findings hereinafter set forth at Parts A through and including D, all of which are hereby found to be true and correct legislative and factual findings of the Council, and they are hereby approved and incorporated into the body of this Ordinance as part of this Ordinance.

**Part A. Harbor Island – Historical Use Overview**

Harbor Island lies to the West of the extreme Northeast tip of Mustang Island, includes land on both sides of Aransas Channel, and is separated from the remainder of the city (which lies on Mustang Island) by the 1,500’ wide Corpus Christi Ship Channel. The ship channel provides shipping access from the Gulf of Mexico to various inland ports including the cities of Port Aransas, Aransas Pass, Ingleside, Portland, and Corpus Christi.

Historical use of Harbor Island dates back to the late 1800’s, however, industrial uses did not take hold until 1912, following the completion of a permanent federal built jetty system that opened the doors for reliable shipping access and a rail system connecting mainland Aransas Pass. Cotton export was the first commercial activity seen (1912) followed immediately by crude oil storage and transport (1912), then a shipyard in 1918. With the opening of the Corpus Christi Ship Channel in 1927, Harbor Island activity slowed due to competition with a larger port town with better amenities. Cotton uses left in 1926 leaving the island’s primary use through the 30’s, 40’s, 50’s and 60’s to oil storage and transport, and a public ferry system that provide transportation to the City of Port Aransas.

New developments in offshore drilling changed everything in the 70’s. The need for offshore rig fabrication yards with deep water access and close proximity to the Gulf of Mexico meant



another busy cycle for Harbor Island. This was immediately followed by offshore rig support businesses setting up operations to run crews and drilling supplies back and forth from the rigs. Though large rig fabrication slowed in the early 2000's, offshore crew and drilling support still continues today. The early 1990's also saw the end of crude oil storage on Harbor Island and the tank farms once owned by Fina and Exxon were slowly dismantled over the next few years.

Other recent uses include: the Texas Treasure casino ship in operation from 2000-2008, offshore support companies Haliburton, and Martin Midstream, fabricators Brown & Root, J. Ray McDermott, and most recently, LNG transporter Martin Midstream.

Ownership of Harbor Island properties has changed throughout the years. The largest ownership change in the last twenty years came in 1995 when the Port of Corpus Christi (POCC) purchased the Fina/Exxon tracts.

### **Part B. Harbor Island - Historical Incorporation and Annexation Overview**

The City incorporated in 1911, including within its original boundaries the tip of Harbor Island which is generally defined by and lies at the junction of Corpus Christi Ship Channel and Aransas Channel and is directly across the Corpus Christi Ship Channel from what is present day Robert's Point Park. The City in 1970 by Ordinance 70-2, in 1973 by Ordinance 73-1, and in 1980 by Ordinance 80-6 annexed additional Harbor Island land.

### **Part C. Harbor Island - Historical Zoning Overview**

The portion of Harbor Island which is within the city limits of Port Aransas and is within the HI Harbor Island zoning district was originally defined by the City's official zoning map in 1985-1986. While the district name and uses allowed in the district have changed over time, the boundaries of the district have never been changed. The land in the district is governed for zoning purposes by Section 25-121 Port Aransas Code of Ordinances. It lies north of Corpus Christi Ship Channel, and is more specifically described, to the extent the following include Harbor Island land located north of Corpus Christi Ship Channel, by the Order of the County Judge of Nueces County, Texas dated February 20, 1912 establishing the City's original incorporation boundaries to which reference is made in minutes of the City Council dated January 26, 1952, and by City Ordinances numbered 70-2, 73-1 and 80-6. It is this land which is in the HI Harbor Island Zoning District, is governed as to zoning by Section 25-121 Port Aransas Code of Ordinances, and is directly affected and effectively re-zoned by this Ordinance.

There have been three primary zoning actions affecting those portions of Harbor Island within Port Aransas' jurisdiction and which are the subject of this Ordinance. The first was Ordinance 85-22 in 1985, followed by Ordinance 97-8 in 1997, and Ordinance 10-05 in 2010 as follows:

1985 Ordinance 85-22. What is now the HI Harbor Island zoning district was then called "Industrial District" and the ordinance provided that property could be used in such district only for the following purposes:

- (23) *Storage of petroleum and petroleum products, crewboat docking facilities and petroleum related uses;*
- (24) *Fabrication and manufacturing of oil rig jackets and structures.*
- (25) *Dwellings for resident watchmen – caretakers.*

1997 Ordinance 97-8. The district name was changed to “I-2 Heavy Industrial” and the ordinance provided that land in the district could only be used for:

- (1) *Any lawful, non-dwelling, non-residential use or*
- (2) *Dwellings for resident watchmen/caretakers.*

2010 Ordinance 10-05. The district was renamed “HI Harbor Island.” Allowed uses were defined and are now codified under Sec. 25-121 PACO as follows:

“Sec. 25-121. Harbor Island District – In this district no land or building shall be used, erected for, or converted to any use other than:

- (1) *Heavy industrial uses;*
- (2) *Any lawful, non-dwelling, non-residential use;*
- (3) *Planned unit developments (PUD) and master planned developments are encouraged;*
- (4) *Dwellings for resident watchmen/caretakers provided they are clearly incidental and secondary with the main use to which the property is put.”*

25-121 PACO establishes the HI Harbor Island zoning district. I understand Port Aransas adopted zoning in 1985 and the official zoning map created in 1986 defining the land which was included in each district includes in the district now known as “HI Harbor Island” zoning district but then called “Industrial” all of the Harbor Island land incorporated within the City’s original 1911-1912 incorporated territory and all Harbor Island land annexed by Ordinances 70-2, 73-1, and 80-6. I understand no other land in Port Aransas is in the district, that from 1985 to the present no changes have been made by extracting land from it or adding land to it. I understand that, even though the zoning district boundaries have not changed since 1985-86, the 1997 revised official zoning map mistakenly left out the Harbor Island land which lies northeast of Aransas Channel (i.e. some of the Harbor Island land annexed by Ordinance 80-6 and all of the Harbor Island land annexed by Ordinance 73-1), and the 2010 revised official zoning map simply copied the 1997 map boundary. The official zoning map must be corrected to correctly reflect the land which is in fact in the HI Harbor Island zoning district.

#### **Part D. Present Day Conditions and Determination**

The Port of Corpus Christi owns substantial acreage on Harbor Island some or all of which acreage was recently slated to have been sold to Martin Midstream which proposed to develop multiple fractionator and splitter plants, and storage facilities on the land. The sale did not occur, but the planned use spurred serious concern of the citizens of Port Aransas and this Council about future development on Harbor Island.



A public need exists to re-zone Harbor Island in order to promote and avoid damage to the life, health, property, safety and public peace of the City and its citizens. 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 has determined that re-zoning Harbor Island and the imposition of additional controls upon new heavy industry development on Harbor Island is in the public interest. 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 the Council considers it necessary to re-zone Harbor Island. The Planning and Zoning Commission and City Council have reviewed and analyzed Harbor Island development, historical, current and future, to determine if the zoning classifications, including design, construction and development standards, are consistent with the City's Comprehensive Plan, and whether such classifications and standards currently are in the best interests of the community and the general welfare of the City. The City Council has determined that it is in the best interest of the public to re-zone the property.

The records of the city show that the Harbor Island area has been a part of the city continuously for several decades as more specifically set out in the Incorporation and Annexation History under Part B above. The city has provided municipal services, including police protection, to the area and has otherwise treated the area as a part of the city continuously with respect to each part of Harbor Island from the time each part was taken into the city limits to the present. There has not been a final judicial determination during any of this time that the area of Harbor Island now inside the boundaries of the City according to the records of the City and as found in this Ordinance to be within the City's boundaries is outside the boundaries of the city. In fact, the final Decree of the 94<sup>th</sup> District Court of Nueces County, Texas in cause numbered 76-12-C expressly decreed the validity of the City's annexation ordinances and boundaries as of the date of the decree March 30, 1977. There is no pending lawsuit that challenges the inclusion of the Harbor Island area as part of the city.

The Planning & Zoning Commission met December 19, 2013 and considered the matter of the development and re-zoning of Harbor Island, adopted a preliminary report, and set a public hearing. The Planning & Zoning Commission conducted a public hearing on January 16, 2014 and adopted a final report, which includes a recommendation to the Council that Harbor Island be re-zoned. The Council on January 16, 2014 received the Planning & Zoning Commission final report and thereafter conducted a public hearing. Notices of the public hearings and meetings were published, posted and given to those entitled, in the time, and in the proper form, all as required by law.

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

**SECTION 1. AMENDMENT AND DECLARATION.****Sub-Section 1.a.**

It is hereby declared that all land area shown to be within Port Aransas city limits original incorporation boundaries and all land area annexed by Ordinances 70-2, 73-1 and 80-6, is adjacent to the remainder of the City and is part of the City for all purposes.

**Sub-Section 1.b.**

Section 25-121 Port Aransas Code of Ordinances is hereby amended, new matter being indicated by underlining and deleted matter by interlining:

Section 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.

**Sub-Section 1.c.**

The City's Official Zoning Map shall be corrected to reflect the inclusion of all Harbor Island land which is in Port Aransas city limits in the HI Harbor Island zoning district governed by 25-121 PACO as found above.

**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.



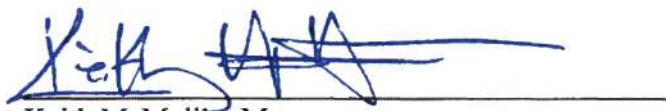
**SECTION 4. SEVERANCE.** If any part of this Ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this Ordinance and said invalidity shall not affect the balance of this Ordinance, the balance of the Ordinance to be read as if said invalid or void portion thereof were not included, and the City Council declares that it would have adopted the valid portions of this Ordinance without the invalid parts and to this end the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5. PUBLICATION.** As provided by Article III, Section 12.C. of the 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** this 20<sup>th</sup> day of FEBRUARY, 2014.

**CITY OF PORT ARANSAS, TEXAS**



  
Keith McMullin, Mayor

**ATTEST:**

  
Irma Parker, City Secretary

First Reading: January 16, 2014  
Second Reading: February 6, 2014  
Third Reading: February 20, 2014