

**AN ORDINANCE AMENDING ORDINANCE NO. 480, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SOUTHLAKE, TEXAS; REVISING SECTION 45 "SPECIFIC USE PERMITS" REGARDING OIL & GAS DRILLING AND OPERATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Southlake, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City has adopted Ordinance No. 480, as amended, as the Comprehensive Zoning Ordinance for the City; and

**WHEREAS**, the City Council has determined that it is appropriate and in the best interest of the City to promote the public health, safety, and general welfare of its residents by amending Ordinance No. 480 as provided herein; and

**WHEREAS**, the City Council has given notice and held public hearings with respect to the amendment of the Zoning Ordinance as required by law;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHLAKE, TEXAS:**

## SECTION 1

That item 42 of Section 45, "Specific Use Permits," of the Zoning Ordinance of the City of Southlake, Texas, is hereby amended to read as follows:

SPECIFIC USE	DISTRICT WHERE PERMITTED
42. Gas & oil well drilling and production, subject to the requirements of Section 45.15	ALL-SITE PLAN REQUIRED.

## SECTION 2

That Section 45.15, "Specific Use Permits," of the Zoning Ordinance of the City of Southlake, Texas, is hereby amended to read as follows:

### 45.15 SPECIFIC REGULATIONS FOR GAS AND OIL WELL DRILLING & PRODUCTION (AMENDED BY ORD. 480-YY AND 480-RRR)

Gas and oil well drilling & production activity must be approved by City Council through the Specific Use Permit ("SUP") process. Notwithstanding the foregoing, all other applicable city, state and federal regulations governing the technical, safety, and environmental aspects of the operation must additionally be met prior to conducting the activities detailed herein.

No application for an SUP for gas and oil well drilling and production shall be considered unless it is accompanied and supported by the following:

- (1) at least one administratively complete application for a well permit, as defined by and set forth in Article IV, Chapter 9.5, of the City of Southlake Code, as it may be amended; and
- (2) If any gas, hydrocarbons, or other material is to be transported from a well site subject to the Specific Use Permit, either a Regulated Pipeline Permit or an Unregulated Pipeline Permit, as applicable, as defined by and set forth in Article IV, Chapter 9.5, of the City of Southlake Code, as it may be amended.

An application for an SUP may be submitted for an entire pad site, as that phrase is defined in Article IV, Chapter 9.5, of the City of Southlake Code, provided that sufficient detail is included regarding the maximum number and location of each well proposed for the pad site. No more than one pad site may be considered under an application for an SUP.

An applicant operating under approved well and pipeline permits seeking to amend an SUP must resubmit the approved well and pipeline permit applications as supporting material for

the SUP amendment; or, where required by Article IV, Chapter 9.5, of the City of Southlake Code to amend the permits, must submit an administratively complete application to amend the well and pipeline permits referenced herein.

The Planning and Zoning Commission and/or City Council may require any additional information from the applicant regarding the applicant's proposed activities, which the Commission or Council deems pertinent. In addition, each application for an SUP or amendment to an SUP must be found to be in accordance with the intent of the guidelines set forth in the Consolidated Land Use Plan, Appendix C, Policy on Natural Resource Extraction Activities.

The approval of an SUP or an amendment thereof shall not constitute the approval of a new or amended well or pipeline permit.

In addition to the notice otherwise required by ordinance or law, before the tenth (10<sup>th</sup>) day before each public hearing at which such SUP is to be considered, written notice of such public hearing shall be sent to each owner, as indicated by the most recently approved municipal tax roll, or real property within one thousand feet (1,000') of any of the following: (1) the pad site for which approval is sought; (2) any pipeline through which any gas, hydrocarbons, or other material is to be transported from a well site subject to the Specific Use Permit; and (3) any access road to the pad site for which approval is sought. The notice may be served by its deposit in the City, properly addressed with first class postage paid, in the United States mail.

### **SECTION 3**

This ordinance shall be cumulative of all provisions of ordinances of the City of Southlake, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

### **SECTION 4**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the

incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### **SECTION 5**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

#### **SECTION 6**

All rights and remedies of the City of Southlake are expressly saved as to any and all violations of the provisions of Ordinance No. 480, as amended, or any other ordinances affecting oil, gas and hydrocarbon drilling, production, development, and transportation which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 7**

The City Secretary of the City of Southlake is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

#### **SECTION 8**

The City Secretary of the City of Southlake is hereby directed to post the proposed ordinance in its entirety on the City website together with a notice setting out the time and place for a public hearing thereon at least ten (10) days before the second reading of this ordinance, and if this ordinance provides for the imposition of any penalty, fine or forfeiture for any violation of any of its provisions, then the City Secretary shall additionally publish this ordinance or its preamble and penalty in the official City newspaper, or website if permitted by law, one time within ten (10) days after final passage of this ordinance, as required by Section 3.13 of the Charter of the City of Southlake.

SECTION 9

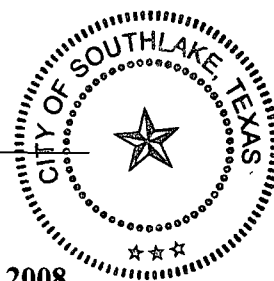
This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on the 1st reading the 15th day of April, 2008.


  
MAYOR

ATTEST:

  
CITY SECRETARY



PASSED AND APPROVED on the 2nd reading the 20th day of May, 2008.

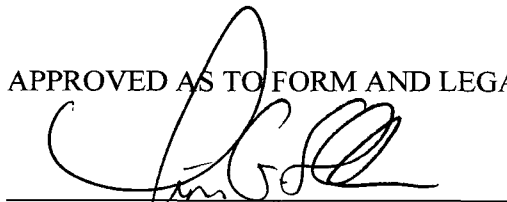
  
MAYOR

ATTEST:

  
CITY SECRETARY



APPROVED AS TO FORM AND LEGALITY:

  
CITY ATTORNEY