

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 33-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING SECTION 98-2, ENTITLED "DEFINITIONS," BY DELETING DEFINITIONS FOR THE PHRASES "CENTRALIZED NATURAL GAS COMPRESSION FACILITY," "CENTRALIZED NATURAL GAS LIFT FACILITY," AND "CENTRALIZED NATURAL GAS PRODUCED WATER STORAGE FACILITY"; BY AMENDING SECTION 98-273, TO DELETE THE USES "CENTRALIZED NATURAL GAS COMPRESSION FACILITY," "CENTRALIZED NATURAL GAS LIFT FACILITY," AND "CENTRALIZED NATURAL GAS PRODUCED WATER STORAGE FACILITY" FROM THE LISTING OF SPECIFIC USES; BY AMENDING SECTION 98-952, ENTITLED "USE CLASSIFICATION" TO DELETE THE USES "CENTRALIZED NATURAL GAS COMPRESSION FACILITY," "CENTRALIZED NATURAL GAS LIFT FACILITY," AND "CENTRALIZED NATURAL GAS PRODUCED WATER STORAGE FACILITY" FROM THE SCHEDULE OF USE REGULATIONS; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, AND RESOLUTIONS, SPECIFICALLY INCLUDING ORDINANCE NO. 05-10, ADOPTED ON JANUARY 21, 2010; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the Town of Flower Mound, Texas, has recommended amending the Code of Ordinances of the Town of Flower Mound, by amending Section 98-2, entitled "Definitions," to delete definitions for the phrases "Centralized Natural Gas Compression Facility," "Centralized Natural Gas Lift Facility," and "Centralized Natural Gas Produced Water Storage Facility," by amending Section 98-273 to delete the uses "Centralized Natural Gas Compression Facility," "Centralized Natural Gas Lift Facility," and "Centralized Natural Gas Produced Water Storage Facility" as Specific Uses, and by amending Section 98-952 "Use classification" to delete the uses "Centralized Natural Gas Compression Facility," "Centralized Natural Gas Lift Facility," and "Centralized Natural Gas Produced Water Storage Facility" from the Schedule of Use Regulations; and

WHEREAS, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission and of all testimony and information submitted during said public hearing, the Town Council of the Town of Flower Mound, Texas, has determined that it is in the public's best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the Town to amend the Town Code of Ordinances as set forth herein; and

WHEREAS, it is the intent of this Ordinance, by repealing Ordinance No. 05-10,

that in the event a request is made to locate any centralized natural gas facility in the Town in the future, that a new zoning/land use classification or specific use permit process must first be approved, after public hearing by the Planning and Zoning Commission and Town Council, and thereafter an application for such use must be filed with subsequent public hearings conducted before the Planning and Zoning Commission and Town Council.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual determinations of the Town of Flower Mound and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Section 98-2 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Definitions," is hereby amended by deleting the following definitions from the current list of definitions:

1. *Centralized Natural Gas Compression Facility* means any natural gas compression facilities and all related appurtenances that serve multiple gas well pad sites;
2. *Centralized Natural Gas Lift Facility* means any natural gas lift facilities and all related appurtenances that serve multiple gas well pad sites; and
3. *Centralized Natural Gas Produced Water Storage Facility* means any produced water storage and collection facilities and all related appurtenances equipment that serve multiple gas well pad sites.

SECTION 3

From and after the effective date of this Ordinance, Section 98-273, of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Specific Uses," is hereby amended by deleting the following uses from the current listing of allowed specific uses:

1. Centralized Natural Gas Compression Facility, subject to all of the requirements set forth in Chapter 34 "Environment," Article 7 (Oil and Natural Gas Well Drilling and Operations) and Article 8 (Oil and Gas Pipeline Standards) of this Code, the terms of which articles are incorporated herein by reference;

2. Centralized Natural Gas Lift Facility, subject to all of the requirements set forth in Chapter 34 "Environment," Article 7 (Oil and Natural Gas Well Drilling and Operations) and Article 8 (Oil and Gas Pipeline Standards) of this Code, the terms of which articles are incorporated herein by reference; and

3. Centralized Natural Gas Produced Water Storage Facility, subject to all of the requirements set forth in Chapter 34 "Environment," Article 7 (Oil and Natural Gas Well Drilling and Operations) and Article 8 (Oil and Gas Pipeline Standards) of this Code, the terms of which articles are incorporated herein by reference.

SECTION 4

From and after the effective date of this Ordinance, Section 98-952 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Use classification," is hereby amended to delete the following uses from the list of Agriculture and Extractive Uses contained in the "Schedule of Use Regulations" as being allowed in the A Agricultural District with a specific use permit (SUP):

1. Centralized Natural Gas Compression Facility;

Centralized Natural Gas Lift Facility; and
3. Centralized Natural Gas Produced Water Storage Facility.

SECTION 5

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, 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. More particularly, from and after the effective date of this Ordinance, Ordinance No. 05-10, adopted by the Town Council on January 21, 2010, is hereby repealed in its entirety.

SECTION 6

It is hereby declared to be the intention of the Town 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 same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town of Flower Mound shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances of the Town of Flower Mound. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 8

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 1, ON THIS THE 18th DAY OF JULY, 2011.

APPROVED:

Melissa D. Northern, Mayor

ATTEST:

Theresa Scott, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney