

ORDINANCE NO. 07-2014-236

AN ORDINANCE OF THE CITY OF CROWLEY, TEXAS AMENDING SECTION 106-3(b) "DEFINITIONS", AMENDING SECTION 106-801 "PERMITTED USE TABLE", AND ADDING A NEW DIVISION 9 TO ARTICLE IV "SUPPLEMENTARY REGULATIONS" OF THE ZONING ORDINANCE ESTABLISHING REGULATIONS REGARDING NATURAL GAS LINE COMPRESSOR STATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Crowley, 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 Council of the City of Crowley heretofore adopted the Comprehensive Zoning Ordinance of the City of Crowley (the Zoning Ordinance), now codified as Chapter 106 "Zoning" of the Code of Ordinances, which regulates zoning of land as may be best suited to carry out these regulations; and

WHEREAS, the City Council of the City of Crowley deems it advisable and in the public interest to make certain amendments to the Definitions, Section 106-3(b), the Permitted Use Table, Section 106-801, and adding a new Division 9 to Article IV "Supplementary Regulations" of the zoning ordinance establishing regulations regarding natural gas line compressor stations; and

WHEREAS, the Planning and Zoning Commission of the City of Crowley, Texas and the City Council of the City of Crowley, Texas held public hearings with respect to the Zoning Ordinance amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for amending the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROWLEY, TEXAS, THAT:

SECTION 1.

That Section 106-3(b) "Definitions" of the Zoning Ordinance is hereby amended to add a definition of "Natural Gas Line Compressor Station" to read as follows:

"Natural Gas Line Compressor Station. A facility which assists the transportation process of natural gas while being transported through a gas pipeline from one location to another. A natural gas line compressor station shall not include a lift compressor or other facility used for well stimulation purposes"

SECTION 2.

That *Section 106-801 "Permitted Use Table"* of the Zoning Ordinance is hereby amended by amending the title of the land use designated as "Gas regulator station or compressor station" under "Public, Civic and Utility Uses" to read "Natural gas line compressor stations", and designating whether such use is permitted, permitted by specific use permit, or prohibited within each zoning district, including applicable special conditions, to read as follows:

Land Use Designations	Residential									Nonresidential			Section 2.4. Special Conditions
	AG	SF 20	SF 9.6	SF 8.4	SF 7.2	SF 6	2F	MF	MH	RC	GC	I	
PUBLIC, CIVIC AND UTILITY USES													
Natural gas line compressor stations	S	S	S	S	S	S	S	S	S	S	S	S	B

SECTION 3.

Article IV "Supplementary Regulations" of Chapter 106 "Zoning" of the Code of Ordinances of the City of Crowley is hereby amended to add the following new Division 9 "Natural Gas Line Compressor Stations" to read as follows:

"DIVISION 9. NATURAL GAS LINE COMPRESSOR STATIONS.

Section 106-990. Natural Gas Line Compressor Stations.

- (a) Line Compressor Stations (the station complex) shall require a Special Use Permit (SUP) in all permitted districts in accordance with the Land Use Table in Section 106-801 of the Zoning Ordinance of the City.
 - 1. A building permit shall be required for the station complex.
 - 2. The station complex shall be situated on a platted lot approved by the City and recorded in the local County jurisdiction.
- (b) A minimum building setback for all line compressor station buildings and equipment shall be established and maintained for all yards at the distances specified for the zoning district adjoining the station complex as shown below.
 - 1. Table of building setbacks for compressor station buildings and equipment.

Adjoining Zoning District (applied to both base zoning and PD districts)	Required Building Setback (in feet – applied to all yards)
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SF-20	300
SF-9.6	300
SF-8.4	300
SF-7.2	300
SF-6.0	300
2F	300
MF	300
MH	300
RC	300
GC	300
I	200
AG	200

2. Where an adjoining overlay zone/district or an adjoining Planned Development (PD) district contains more than one base zoning district, the most restrictive building setback shall be applied.
 3. Where a line compressor station site adjoins a street right-of-way, the required building setback along that right-of-way shall be established by the zoning district designated for the property situated on the opposite side of the right-of-way.
- (c) A fence of sufficient height to obscure the entire station complex from public view shall be required along boundary lines that front a dedicated public street right-of-way of any type, or that front a private street right-of way dedicated for public use. The fence shall consist of at least fifty percent (50%) masonry material (no prefabricated material) with the remainder consisting of wrought iron or other like material.
- (d) All line compressor station equipment and sound attenuation structures shall be enclosed within a building. Such building shall be designed with the following elements:
1. A four (4) foot high masonry bulkhead wall shall be constructed on least two (2) building facades most visible to the public.
 2. At least two (2) building facades, specifically those most visible to the public, shall be constructed with a brick or stone accent that is at least twenty (20) feet in width, and extends vertically to the roofline of the building and terminates with a sloped or arched profile.
 3. The roof shall be sloped with a pitch of no less than 5:12 and shall contain at least one raised structure in the form of a cupola, steeple tower, clearstory element or similar structures. No flat roofs shall be permitted.

4. The non-masonry wall surfaces may be constructed of painted metal, stucco or cementitious fiberboard material. Engineered wood paneling shall not be permitted for the finished exterior.
 5. The architectural design of the building shall be compatible with the visual context of the surrounding development. Such buildings may be designed as a representation of, but not be limited to, the following building types:
 - (i) Barn structure or equestrian facility
 - (ii) Estate residence
 - (iii) School facility or similar institutional use
 - (iv) Gazebo or picnic area enclosures
 - (v) Club house or recreational facility
 - (vi) Retail or office building
 - (vii) Any combination of the above as approved by the City Council
 6. Vehicular access to the boundaries of the station complex from the street thoroughfare shall be paved with a concrete surface at a thickness and design approved by the City Engineer or designee. This provision shall also apply to those areas inside the boundaries of the station complex where vehicular traffic and parking is to occur.
- (e) The operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within three hundred (300) feet of the line compressor station building(s). The Operator shall be responsible for establishing and reporting to the City the pre-development ambient noise level prior to the issuance of the building permit for the station complex.
- (f) The line compressor station site shall be landscaped in a manner that is compatible with the environment and existing surrounding area.”

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Crowley, Texas, and the zoning ordinances as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 6.

All rights and remedies of the City of Crowley are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that 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.

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 all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

The City Secretary of the City of Crowley is hereby directed to publish in the official newspaper of the City of Crowley, the caption, penalty clause, and effective date clause of this ordinance as authorized by the City Charter and Section 52.013 of the Local Government Code.

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 this the ____ day of _____, 2014.

Billy P. Davis, Mayor

ATTEST:

Angela Winkle, City Secretary