

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 7960.B.11 OF SAID ORDINANCE REGARDING TIME LIMITS FOR GAS WELL DRILLING AND PRODUCTION; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance of the City of Mansfield, Texas (hereinafter “the Zoning Ordinance”), have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended;

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

SECTION 1.

That Section 7960.B.11 of the Zoning Ordinance is hereby amended by revising Sub-paragraph b to read as shown in Exhibit “A” attached hereto and made a part hereof for all purposes.

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 4.

Any person, firm or corporation violating any of the provisions of this ordinance or the Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the _____ day of _____, 2015.

Second reading approved on the _____ day of _____, 2015.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2015.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney

EXHIBIT "A"

~~"b. A Specific Use Permit issued under this section shall expire as to any portion, aspect or component of the surface activity originally permitted under the Specific Use Permit after five (5) years of the approval date of the Specific Use Permit. In the event that any portion, aspect or component of the surface activity expires pursuant to this subsection, the authority to conduct such activity under a gas well permit issued pursuant to Chapter 114 of the Code of Mansfield shall also expire. The Operator is solely responsible for ensuring that all drilling, completion and production operations, including the installation of any new equipment, on the site is completed prior to the expiration date of the Specific Use Permit.~~The authorization for gas well drilling and production activities under a Specific Use Permit issued under this section shall be valid for a period of five (5) years from the date of issuance and shall expire for any surface activity, including, but not limited to, the drilling, fracturing and completion of wells or the installation of new equipment, that is not completed within said five (5) period, unless an extension of time is approved by the City Council in accordance with the following procedure:

1. An operator of an existing Drill Site or Operation Site seeking an extension of time shall submit an application for a new Specific Use Permit in accordance with Section 6100 of this ordinance, including a site plan and any other required documentation.
2. Before the City Council takes any action on the application, the Planning and Zoning Commission must submit its recommendation and report to the City Council, and public hearings before both the Planning and Zoning Commission and the City Council must be held and public notice must be given in accordance with Section 8600.C of the Zoning Ordinance.
3. ~~Written consent for a distance setback specified in Section 7960.E of this ordinance shall not be required for an existing Drill Site or Operation Site, provided that there are no changes, other than the extension of time, being proposed from the preceding Specific Use Permit. If changes are proposed, such as an increase in the number of wells, a change in the dimensions or size of the Drill Site, Operation Site, or the boundaries of the preceding Specific Use Permit, and/or the addition of equipment that was not approved with the preceding Specific Use Permit, the Drill Site or Operation Site must comply with the requirements in Section 7960.E of this ordinance.~~Written consent for a distance setback specified in Section 7960.E of this ordinance shall not be required for an existing Drill Site or Operation Site, provided that there are no changes, other than the extension of time, being proposed from the preceding Specific Use Permit. If changes are proposed, that in the opinion of the City Manager or his or her designee, would change the character of the site and increase its impact on surrounding properties, the Manager or his representative shall

advise the Mayor and Council that the staff is recommending that the renewal request comply with requirements of 7960.E of this Ordinance. An Applicant may appeal such decision to the City Council.

- ~~4.~~4. The City Council may grant additional extensions of time, not to exceed five years in duration per request. Additional extensions of time may be sought subject to the limitations set forth in this Section, provided that the application is made not sooner than the four year anniversary and prior to the five year anniversary of the new Specific Use Permit.
5. Notwithstanding the foregoing Sub-subparagraph 4, the operator of an existing Drill Site or Operation Site shall be entitled to make an application for an extension of time regardless of the expiration of the preceding Specific Use Permit, provided that the application is made prior to April 28, 2016. Any application received after April 28, 2016, shall conform to Sub-subparagraph 4 above.
6. If the application for the new Specific Use Permit is approved by the City Council, the operator shall conduct all gas well drilling and production activities in compliance with the regulations in Chapter 114 of the Code of Ordinances and all other applicable City ordinances, and any amendments thereof.”