



## ORDINANCE NO. 3129

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING THE PROPERTY DESCRIPTION, SITE PLAN, SPECIAL EXCEPTIONS, AND SPECIAL CONDITIONS IN ORDINANCE NO. 2974 GRANTING A SPECIFIC USE PERMIT TO ALLOW A GAS WELL SITE ON A TRACT OF LAND LOCATED AT 12651 MERCER PARKWAY, WHICH PROPERTY IS LOCATED WITHIN PLANNED DEVELOPMENT 88 (PD-88) ZONING DISTRICT; PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS PER OFFENSE; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to amend Ordinance No. 2974 granting a Specific Use Permit to allow a natural gas well site on a tract located property generally at 12651 Mercer Parkway as follows:

A. The property to which the Specific Use Permit applies shall be reduced from 6.0 acres to 4.179 acres, said property being more particularly described in Exhibit "A" attached hereto and incorporated herein by reference ("the Property").

B. Section 2 of Ordinance No.2974 is hereby amended to read in its entirety as follows:

**SECTION 2.** If used and developed as a gas well site, the Property shall conform in operation, location and construction to the development standards specified within Planned Development 88 (PD-88) zoning district and in accordance with the Site Plan attached hereto consisting of

Exhibits B-1, B-2, B-3, and B-4, respectively, and shall be further developed in accordance with the following Special Exceptions and Conditions:

**A. Special Exceptions:**

- (1) The precast concrete screening wall to be constructed/installed in accordance with the Site Plan shall be permitted to have blank wall lengths of more than 40 feet.
- (2) The screening wall surrounding the well site may be constructed with a forty foot (40.0') wide solid metal gate at the entrance of the site as shown on the Site Plan.
- (3) Fire lanes, travel ways, and parking areas throughout the interior of the site may be constructed using eight inch (8.0") flex-based gravel compressed to support at least 80,000 pound vehicles.

**B. Special Conditions:**

- (1) A final plat of the Property must approved and recorded prior to (a) issuance of a Certificate of Occupancy or Gas Well Permit or (b) activities relating to the exploration and/or production of natural gas may commence on the Property.
- (2) Construction and/or installation on the Property of all sidewalks, street lights, landscaping, and fence improvements shown on Exhibit "B," must be completed not later than twelve (12) months from the date a Gas Well Permit is issued for the Property.
- (3) If the operator who obtains a Gas Well Permit for the drilling and production of natural gas on and from the Property commences drilling one or more gas wells on the Property and subsequently abandons all such drilling and/or production activities, and such abandonment occurs prior to the completion of construction of the improvements required by the Special Condition set forth in Paragraph (2), above, the Property must be restored to the condition of the Property prior to the adoption of this Ordinance, said restoration to be completed not later than nine (9) months after abandonment of the site for gas exploration or production or such later date as may be authorized by the City Manager.
- (4) No Gas Well Permit shall be issued for the Property has signed a Right-of Way Maintenance and Repair Agreement with