

ORDINANCE NO. 2016-

AN ORDINANCE GRANTING SPECIAL USE PERMIT **SUP15-05 (DOW HYDROCARBONS & RESOURCES PIPELINE)**, FOR A PIPELINE, LOCATED IN THE HL&P EASEMENT, NORTH AND SOUTH OF LEAGUE CITY PARKWAY, SOUTH TO THE EXISTING CITY LIMITS OF LEAGUE CITY, NORTH OF FM 646, WEST OF SH 146 IN LEAGUE CITY, TEXAS.

WHEREAS, at the May 1, 1999 General Election the qualified voters of the City of League City voted that staff proceed with the concept of zoning for the City; and

WHEREAS, on August 10, 1999, the City Council of the City of League City, Texas (the "Council") adopted Ordinance No. 99-52 amending the Code of Ordinances of the City of League City to add Chapter 125 regarding Zoning; and

WHEREAS, on August 30, 2005, the Council adopted Ordinance No. 2005-24 amending Chapter 125 of the Code of Ordinances of the City of League City, Texas (the "Code of Ordinances") and adopting zoning ordinances consistent with the Comprehensive Plan for the City of League City, Texas; and

WHEREAS, Section 125-50 provides that the City Council may grant a special use permit for special uses that are otherwise prohibited by this ordinance, and may impose appropriate conditions and safeguards to conserve and protect property and property values in the neighborhood; and

WHEREAS, Dow Hydrocarbons & Resources is requesting a special use permit for a "pipeline" use on properties zoned "OS" (Open Space), "CG-PUD" (General Commercial with a Planned Unit Development Overlay), "OS-PUD" (Open Space with a Planned Unit Development Overlay), and "RSF-10" (Residential Single Family with a Minimum Lot Size of 10,000 square feet), located in the HL&P easement, north and south of League City Parkway (SH 96), south to the existing city limits of League City, north of FM 646, and west of State Highway 146 as shown on Exhibit "A"; and

WHEREAS, the City Council considered the affirmative recommendation of the Planning and Zoning Commission and duly conducted a public hearing as required by law; and

WHEREAS, the applicant presented adequate testimony that the proposed pipeline use is consistent with the standards for issuance for a special use permit; and

WHEREAS, the City Council has discretionary authority under Ordinance No. 2005-24 and applicable law to grant or withhold approval of a special use permit; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. A special use permit is hereby granted for a pipeline use within the boundaries as shown in the attached Zoning / Notification Map in Exhibit "A"; is subject to the following conditions:

1. The Special Use Permit shall expire after a period of 12 months beginning upon the date of the adoption of the SUP ordinance if no building permits are issued for development of the site.
2. The facility shall be constructed in conformity to the attached plan and profile in Exhibit "B", in terms of location, size and, depth. The pipeline will be a 12-inch underground pipeline with a minimum depth of 4 feet below grade.
3. The uses permitted on site will be limited to those permitted in the base zoning district and identified by the Special Use Permit which are for the construction of an underground pipeline.
4. The issuance of a pipeline permit by the Building Department shall be required prior to the commencement of construction of the pipeline.

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED first reading the _____ day of _____, 2016.

PASSED second reading the _____ day of _____, 2016.

PASSED AND ADOPTED the _____ day of _____, 2016.

TIMOTHY PAULISSEN,
Mayor

ATTEST:

DIANA M. STAPP,
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN,
City Attorney