

CITY OF AUBURN HILLS

COUNTY OF OAKLAND

STATE OF MICHIGAN

ORDINANCE NO. 14-859

TEXT AMENDMENT TO ZONING ORDINANCE

**AN ORDINANCE TO AMEND
ARTICLE XIII. I-1, LIGHT INDUSTRIAL DISTRICTS,
ARTICLE XIV. I-2, GENERAL INDUSTRIAL DISTRICTS
ARTICLE XV. I-3, HEAVY INDUSTRIAL DISTRICTS; AND
ARTICLE XVIII. GENERAL PROVISIONS TO ADD
SECTION 1835. OIL AND GAS WELLS
IN ZONING ORDINANCE NO. 372, AS AMENDED**

THE CITY OF AUBURN HILLS ORDAINS:

Section 1.

Section 1300, Items 5-6 of Article XIII. I-1, Light Industrial District, of Auburn Hills Zoning Ordinance No. 372, as amended, is hereby amended to add new Item 5 and renumber existing Items 5-6 and shall read as follows:

5. Oil and gas wells in accordance with the criteria set forth in Section 1835.
6. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted; however, accessory uses shall not exceed fifty (50) percent of the gross building area (e.g., general office, child care, food service, health/workout rooms, and other similar adjunct uses provided within a facility which are intended for sole use of the workers of said facility and not the general public).
7. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.

Section 2.

Section 1400, Items 9-10 of Article XIV. I-2, General Industrial District, of Auburn Hills Zoning Ordinance No. 372, as amended, is hereby amended to add new Item 9 and renumber existing Items 9-10 and shall read as follows:

9. Oil and gas wells in accordance with the criteria set forth in Section 1835.
10. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted; however, accessory uses shall not exceed fifty (50) percent of the gross building area.
11. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.

Section 3.

Section 1500, Items 14-15 of Article XV. I-3, Heavy Industrial District, of Auburn Hills Zoning Ordinance No. 372, as amended, is hereby amended to add new Item 14 and renumber existing Items 14-15 and shall read as follows:

14. Oil and gas wells in accordance with the criteria set forth in Section 1835.
15. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted; however, accessory uses shall not exceed fifty (50) percent of the gross building area.
16. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

Section 4.

Section 1835. Oil and Gas Wells of Article XVIII. General Provisions of Auburn Hills Zoning Ordinance No. 372, as amended, is hereby added and shall read as follows:

SECTION 1835. OIL AND GAS WELLS

The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall only be permitted in the I-1, Light Industrial, I-2, General Industrial, and I-3, Heavy Industrial districts subject to the terms and conditions of this section and shall not be permitted in any other districts. Further, hydraulic fracturing and/or fracking shall be expressly prohibited within the City.

1. Application. The petitioner shall file an application with the City describing the proposed location and activities. No drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall occur until the Community Development Department has issued a permit.
2. Compliance with Laws and Permit Issuance. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall be done in conformity with all State and Federal laws, statutes, rules, and regulations pertaining thereto and particularly with the State of Michigan and the regulations of its Supervisor of Wells. This shall include obtaining the required permit from the Supervisor of Wells, which permit shall be provided to the City before the City issues a permit under this section. Conformance with State and Federal laws, statutes, rules, and regulations including obtaining the required permit from the Supervisor of Wells shall also apply to, but are not limited to, the plugging of wells and all material used and work done in connection with the exploring for, producing, marketing, and transporting of petroleum products as well as the disposition and removal of any byproducts utilized and associated with said activities.
3. Associated Permits and Approvals. The permit required by this section for the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and are not in lieu of any permit or plan which may be required by any other provision of this Zoning Ordinance, Auburn Hills City Code, Building and Fire Codes, or by any other governmental agency, unless expressly outlined.
4. Spacing and Well Setbacks. In addition to the spacing and setback requirements of the State of Michigan and the regulations of its Supervisor of Wells, the drilling, completion, or operation of oil or gas wells shall not be located within 1,000 feet of a residential zoned building used for the purposes of residing in, religious institution, public or private school, child care facility, or hospital. The measurement of the setback shall be made from the center of the wellhead in a straight line, without regard to intervening structures or objects, to the closest exterior point of the adjacent building. This section shall not be construed to prohibit directional or horizontal drilling under said property where lawfully permitted by the Michigan Department of Environmental Quality (MDEQ). The edge of the well pad site shall meet the minimum building setback requirements of the district or Building and Fire Codes, whichever is greater.
5. Height. The completed wellhead structure shall not exceed twenty-two (22) feet in height. The temporary drilling derrick/rig shall not exceed one-hundred and ten (110) feet in height.
6. Landscaping. Staggered twelve (12) foot tall evergreen trees shall be placed around the perimeter of the well site with a minimum landscape greenbelt buffer of twenty-five (25) feet

- in depth within thirty (30) days of the removal of the temporary drilling derrick/rig. The landscape buffer and trees shall be irrigated and maintained.
7. Lighting. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally in compliance with Section 1810. Exterior Lighting.
 8. Nuisance Mitigation. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall comply with Section 1807. Performance Standards. Those standards address potential nuisances such as noise, smoke, dust, open storage, fire and explosive hazards, odors, wastes, and vibration. Due to the unique nature of this type of operation the following additional information and standards will be required.
 - A. Noise. Prior to the issuance of a permit and the commencement of operations, the petitioner shall submit a noise management plan, as approved by the City, detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels of the Zoning Ordinance. The operator shall be responsible for verifying compliance with this section and the noise management plan after the installation of the noise generating equipment. The noise management plan shall include:
 1. Identify operation noise impacts.
 2. Provide documentation establishing the ambient noise level prior to construction.
 3. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
 - a. Nature and proximity of adjacent development, location, and type
 - b. Seasonal and prevailing weather patterns, including wind directions
 - c. Vegetative cover on or adjacent to the site
 - d. Topography
 - B. Dust, Vibration, and Odors. All operations shall be conducted in such a manner as to minimize, so far as practicable, dust, vibration, or noxious odors, and shall be in accordance with the best accepted practices defined by the Michigan Department of Environmental Quality (MDEQ) for the production of oil, gas and other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effect will be minimized by the operations carried on at any drilling or production site or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly, or unsafe.
 - C. Vehicle Routes for Truck Traffic. Construction vehicles and trucks, excluding pick-up trucks, associated with drilling and/or production operations shall be restricted to Class A roads designated by the City Department of Public Works.
 - D. Emergency Response Plan. Pursuant to State and Federal law, the operator shall provide any information necessary to assist the City Emergency Services Department with an emergency response plan and hazardous materials survey establishing written procedures to minimize any hazard resulting from the operation.
 9. Permitted Construction Activity Hours. Construction activities associated with establishing of the wellhead shall be eligible for an exception by the City Manager in accordance with the City's Hours of Construction Activity Ordinance provided such activities are in compliance with applicable laws and permits.
 10. Inspection. The Building Official, and any other designee of the City Manager, shall have the right and privilege at any time to enter upon the premises covered by any permit issued pursuant to this section for the purpose of making inspections thereof to determine if the requirements of this section are complied with or the requirements of any other code or ordinance of the City are met.

11. Operator Information and Incident Reporting. The operator shall notify the City of the following:
 - A. Any changes to the name, address, and phone number of the operator within five (5) working days after the change occurs.
 - B. Any changes to the name, address, and phone number of the person(s) designated to receive notices from the City within five (5) working days after the change occurs.
 - C. Any "incident reports" or written complaints submitted to the Michigan Department of Environmental Quality (MDEQ), the Supervisor of Wells, or other regulating agency within thirty (30) days after the operator has notice of the existence of such reports or complaints.
12. Injection wells. Injection wells used for brine disposal or other chemicals from production wells or from other sources shall be expressly prohibited within the City.
13. Pipelines. No operator shall excavate or construct any lines for the conveyance of fuel, water, oil, gas or petroleum liquids on, under, or through the streets, alleys or other properties owned by the City without an easement or right-of-way license from the City.
14. Oil and Gas Processing Facilities. Associated processing facilities that separate oil, gas, and brine and hold said products for transport off-site for further refinement and processing shall only be permitted as a Special Land Use Permit in the I-2, General Industrial and I-3, Heavy Industrial districts.

Section 5. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 7. Savings.

The proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 8. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of the City of Auburn Hills.

Section 9. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the 21 day of April, 2014, and ordered to be given publication in a manner prescribed by the Charter of the City of Auburn Hills.

AYES: Burmeister, Kittle, Knight, McDaniel, Mitchell

NAYES: Hammond, Verbeke

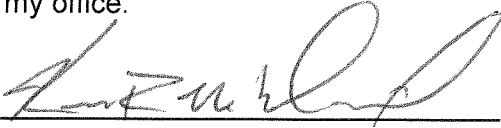
ABSTENTIONS: None

STATE OF MICHIGAN)

) ss.

COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 14-859 adopted by the Auburn Hills City Council on the 21 day of April, 2014, the original of which is in my office.



Mayor Kevin R. McDaniel



Terri Kowal, City Clerk