



Legislation Details (With Text)

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File created: 3/9/2017 **In control:** City Commission Regular Meeting
On agenda: 3/28/2017 **Final action:** 3/28/2017
Title: Ordinance No. 2017-05, First Reading, Petition No. TXT-17-009, Amending the City of North Port Unified Land Development Code to prohibit oil or natural gas exploration or production that uses well stimulation within the boundaries of the City of North Port.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance No. 2017-05, 2. TXT-17-009, Staff Report

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------------|---------------------|--------|
| 3/28/2017 | 1 | City Commission Regular Meeting | removed from agenda | |

TO: Honorable Mayor & Members of the North Port Commission

FROM: Jonathan R. Lewis, ICMA-CM, City Manager

TITLE: Ordinance No. 2017-05, First Reading, Petition No. TXT-17-009, Amending the City of North Port Unified Land Development Code to prohibit oil or natural gas exploration or production that uses well stimulation within the boundaries of the City of North Port.

Recommended Action

Approve and continue Ordinance No. 2017-05, Petition No. TXT-17-009 for second reading on April 11, 2017.

Background Information

The petition was advertised in a newspaper of general circulation within the City of North Port on January 31, 2017, pursuant to the provisions of Section 166.041(3)(a), Florida Statutes and Section 9.01(b) of the Charter of the City of North Port, and Chapter 1, Article II, Section 1-12 of the City's Unified Land Development Code (ULDC) as amended. The petition was re-advertised in a newspaper of general circulation within the City of North Port on March 14, 2017.

Staff received direction from the City Commission to draft an amendment to the ULDC to prohibit well stimulation for oil and natural gas excavation throughout the City of North Port. Florida's oil and gas regulations do not preempt the City from regulating hydraulic fracturing and other well stimulation techniques. Well stimulation involves a well intervention, exploration, operation, or maintenance procedure performed by injecting fluid into a rock formation in order to increase production at an oil or gas well. This includes but is not limited to, hydraulic fracturing, acidizing, and acid fracturing of oil or gas wells.

Oil and gas well stimulations involve many potential risks for public health and safety and the environment, including but not limited to tainting of the water supply and gross amounts of water usage. In addition, well stimulation through hydraulic fracturing is exempt from many important regulations, including the Clean Water Act, Clean Air Act, and National Environmental Protection Act.

This amendment adds language to Chapter 14 Earthmoving to prohibit "any oil or natural gas exploration or production

that uses well stimulation within the boundaries of the City of North Port” or that originates “outside of the boundaries of the City of North Port that in any way enters onto, into, or under the ground within the boundaries of the City of North Port.” Definitions have been added to Chapter 61 for clarity.

The Planning and Zoning Advisory Board (PZAB) heard this item at a regularly scheduled meeting on February 16, 2017. The board felt that fracking is not a concern in the state of Florida, and even more so not a concern within the City of North Port. The general opinion was that an ordinance banning fracking was superfluous and unnecessary. The board voted unanimously to recommend disapproval of this ordinance.

The North Port City Commission heard this item on March 7, 2017. It came to light that the amendments proposed had been inserted into an old version of Chapter 14, which had been amended in September 2016. This has been fixed, and the amendments have been added into the correct version of Chapter 14.

City Commission also recommended that the definitions be moved into Chapter 14, instead of Chapter 61, as some of them were narrow and specific to the subject at hand. It was also requested that the definitions be adapted, as some were defining terms in other definitions that were not used in the amendment language itself. Staff has made these changes and feels that the updated version meets the requests of Commissioners.

Strategic Plan

Preservation of Environment and Natural Resources

Financial Impact

Not applicable

Procurement

Not applicable

Attachments:

1. Ordinance No. 2017-05
2. TXT-17-009, Staff Report

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