

Summary of Proposed Amendments to Chapter 28, Article VII The Hazardous Enterprises Ordinance

1. Clarify and strengthen enforcement language. Require double fees for work performed without approval.
2. Expand the definition of *Sensitive Use* to also include a library, church, or public park. Currently includes a child care facility, healthcare facility, or school.
3. Expand the definition of *Enterprise* from “any building or structure” to include “any improvement”.
4. Allow a *Restricted Permit* for a designated portion of a building, if the designated area of the building is constructed with concrete masonry unit walls and meets applicable local, state, and federal rules and requirements associated with the use.
5. Clarify the notification procedure language and add notification of variance request:
 - a. Adjacent property owners within 1,000 feet of hazardous enterprise permit area
 - b. Registered Neighborhood Associations
 - c. District Council Member
6. Establish a process where, upon receiving a recommendation from the Fire Marshal and the Director of Planning & Development, the Planning Commission may grant a variance that meets the following criteria:
 - I. The documentation supplied by the applicant in the application and at the hearing supports the granting of the variance;
 - II. The manufacturing, processing, generation, storage, or use of the hazardous material is not reasonably expected to pose a hazard to human health or the environment;
 - III. The applicant can establish that appropriate mitigation and safeguards will be provided and maintained at the facility. This may include, but not be limited to: additional containment infrastructure, monitoring requirements, or operational procedures;
 - IV. Public notice was provided in accordance with the Code;
 - V. The intent and general purposes of this article will be preserved and maintained; and
 - VI. The granting of the variance is not reasonably expected to be injurious to the public health, safety, or welfare.
7. Establish a fee to recover cost associated with the review and consideration of a variance request application. [Not finalized. Working with Finance and Legal Departments]
8. Remove language regarding “registrations” related to the 1996 effective date of the ordinance.
9. Minor technical amendments proposed by the Legal Department to clarify the ordinance language.