



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/15/2020

Item Creation Date: 10/28/2020

PLN - Revisions to Article VI I, Chapter 28, City Code of Ordinances, Hazardous Enterprises

Agenda Item#: 34.

Summary:

ORDINANCE AMENDING CHAPTER 28 of the CODE of ORDINANCES, HOUSTON, TEXAS, by replacing Article VII, the Hazardous Enterprises Ordinance, in its entirety to strengthen enforcement language, expand certain definitions, include a review process for appeals and modifications, and establish related fees; containing findings and other provisions relating to the foregoing subject; declaring certain conduct unlawful and providing for a penalty therefor

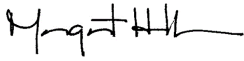
Background:

The Planning and Development Department (P&D) recommends City Council adopt an ordinance amending Chapter 28, Article VII related to Hazardous Enterprises. P&D collaborated with the Houston Fire Department, Houston Public Works, and the Legal Department on the proposed amendments to improve the Code based on observations from administering the ordinance over the past two decades. This Article of the Code regulates the location of hazardous enterprises from existing residential and other sensitive land uses. It is important to note that the distance requirements are in addition to other existing rules governing hazardous material, including the Construction Code, the Fire Code, and applicable state and federal laws and regulations. There are no changes to those other rules by this action.

The proposed changes will:

1. Clarify and strengthen enforcement language.
2. Expand the definition of Sensitive Use from childcare facility, healthcare facility, or school to also include a library, church, public park, or community center.
3. Expand the definition of Enterprise to include hazardous material uses both inside and outside of buildings, regardless of the location on a tract. Previous language in the ordinance only applied to hazardous materials inside a facility.
4. Establish a review committee process when an application cannot be approved under this section. Members of the committee include the planning official, the building official, the fire marshal, and the emergency management coordinator. Upon a unanimous consent of all members, the modification request can move forward for further review. the review committee shall consider the modification request with the following standards:
 - a. The approval of the modification would:
 - i. Not result in a violation of any other applicable ordinance, regulation, or statute;
 - ii. Not be injurious to the public health, safety, and welfare;
 - iii. Not impose an undue financial or administrative burden on the city; and
 - iv. Be in accordance with the spirit and intent of this article.
 - b. The applicant has established appropriate mitigation and safeguard that will be provided and maintained at the facility so 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;
 - c. There are no reasonable alternatives to granting the modification that would have an equal or lesser impact on the city, the applicant residents of surround neighborhoods, or to a sensitive use; and
 - d. The operation and location of the enterprise is not reasonably expected to prohibit the ability of the city to implement its emergency management plan or otherwise execute the duties of the office of emergency management described in Chapter 13 of this Code.
5. Establish a fee to recover costs associated with:
 - a. The review and consideration of a modification request application; and
 - b. Investigation of work performed without proper approval.
6. Allow for minor technical amendments to clarify the ordinance language.

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ATTACHMENTS:

Description

Cover sheet
Ordinance Package 120920
Blackline

Type

Signed Cover sheet
Ordinance/Resolution/Motion
Backup Material