

City of Gainesville

Inter-Office Communication
Office of the City Manager
Mail Station 6
334-5010

TO: Hon. Mayor and Members Of the City Commission DATE: December 13, 2001

FROM: Wayne Bowers
City Manager

SUBJECT: Ordinance No. 0-01-63
Changes to Permitted Uses in I-1 and I-2 Districts and General Performance Standards

I have attached information from the Community Development Department concerning possible amendments to the subject ordinance as previously discussed by the City Commission.

Should you have any questions concerning this information, please contact me or Community Development Director Tom Saunders.

Respectfully submitted,


Wayne Bowers
City Manager

WB/jh
Attachments
Cc: Charter Officers

Special Use Permit Option for "Not Elsewhere Classified" Uses

The list of SIC Codes proposed to be deleted from I-2 uses include four "not elsewhere classified" codes. One (3339 - Primary nonferrous metals, not elsewhere classified) is not consistently listed with this notation. In the detailed master list it is presented as "Primary smelting and refining of nonferrous metals, except copper and aluminum". Thus it is the category for primary smelting and refining except for the two major nonferrous metals in commercial use.

A second (2999 - Petroleum and coal products, not elsewhere classified) is one of two codes in the 299 series. These establishments are primarily engaged in manufacturing packaged fuel, powdered fuel, and other products of petroleum and coal not produced in refineries. There are 5 examples of such establishments. Clearly this is a fairly narrow category limited by the raw materials for any process.

The two other miscellaneous categories are 2819 - Industrial inorganic chemicals, not elsewhere classified and 2869 - Industrial organic chemicals, not elsewhere classified. The descriptions of these SIC Codes each have a long list of possible products representing a broad array of raw materials, technologies and processes.

It is suggested that these two miscellaneous categories be moved from the list of SIC Codes to delete and included in the list of SIC Codes subject to Special Use Permits. This will allow discrimination between establishments with a relatively small potential for release of pollutants from those with large potentials.

SIC Code 2869 includes manufacture of organic chemicals not elsewhere classified, which includes a broad variety of manufacturing facilities. In recognition of the variety of manufacturing uses that fall under that SIC code, if the City Commission chooses to allow uses under SIC code 2869 by Special use Permit, the following approach could be used.

- 12/12 → 1. Add SIC classification 2819 and 2869 under the uses allowed by Special Use Permit in the I-2 zone.
2. Request staff to initiate a petition to amend the Special Use Permit process to add additional standards (in addition to those set forth in Section 30-233) to be applied for the review of such permits when considering uses under SIC classifications 2819 and 2869 and to categorize those uses as specially regulated uses. Additional standards would include, but not be limited to, the best management practices for the industry type as to health, safety, environmental and nuisance (noise, dust and odor) impacts, the lowest emissions feasible for the industry type, and best available technology and safety features with regard to reducing the risk of unintended spills, emissions or releases.

Staff will develop special standards and regulations for such specially regulated uses.

Another alternative is to require a business to petition for Planned Development zoning for any uses not on the allowed list.

Special Use Permit Process for Low Emission Facilities

The 2821 SIC Code may include plants that are not expected to have significant potential for environmental contamination based on the same criteria used in developing the characteristics of SIC Codes. Because of this variation, the City could adopt an exception process for operations that have, and are expected to continue to have, potential for pollution releases that is very much smaller than the average plant. This may be because of small size, unusual production process, or use of new technology. This exception process is only valid for proposed facilities that will not begin to approach the environmental releases attributed to the SIC Code by the analysis.

Industries that consider themselves exceptional within this SIC Code could petition the City Commission for consideration under the Special Use Permit process. If the City Commission chooses to allow low-emission uses under SIC Code 2821, by Special Use Permit, the following approach could be used:

- 12/13
1. Add SIC classification 2821 under the uses allowed by Special Use Permit in the I-2 zone.
 2. Request staff to initiate a petition to amend the Special Use Permit process to add additional standards (in addition to those set forth in Section 30-233) to be applied for the review of such permits when considering uses under SIC classification 2821 and to categorize those uses as specially regulated uses. Additional standards would include, but not be limited to, the best management practices for the industry type as to health, safety, environmental and nuisance (noise, dust and odor) impacts, and best available technology and safety features with regard to reducing the risk of unintended spills and emissions or releases.
 3. Request staff in the petition, to specifically add a Special Use Permit standard for 2821 uses that the use or development will result in releases of pollutants to the air or water no more than 1% of the average release of those pollutants reported in the latest available USEPA information for that SIC Code.