

FILE NUMBER: DCA212-003(LL) **DATE INITIATED:** Fall 2021

TOPIC: Development Code Amendment to consider appropriate zoning districts, spacing, and developing appropriate standards associated with permanent and temporary concrete or asphalt batching plant uses, including but not limited to, potentially incompatible industrial uses.

COUNCIL DISTRICT: All **CENSUS TRACTS:** All

PROPOSAL: Consideration of amending Chapters 51 and 51A of the Dallas Development Code, Section 51-4.216(2), “Permanent concrete or asphalt batching or recycling plant;” Section 51-4.216(3), “Temporary concrete or asphalt batching plant;” Section 51A-4.203(a) “Potentially incompatible industrial uses;” Section 51A-4.203(a)(2), “Industrial (outside);” Section 51A-4.203(a)(6), “Temporary concrete or asphalt batching plant;” and related sections with consideration to be given to appropriate zoning districts, spacing, and developing appropriate standards associated with permanent and temporary concrete or asphalt batching plant uses, including but not limited to, potentially incompatible industrial uses.

SUMMARY: The proposed code amendments will align the Dallas Development Code with the Comprehensive Environmental & Climate Action Plan (CECAP) goal of ensuring new industries are an appropriate distance away from neighborhoods, and allow some temporary batch plants by-right where appropriate and establish regulations for all batching plants.

STAFF RECOMMENDATION: Hold under advisement.

CODE AMENDMENT PROJECT WEBPAGE:
[Planning & Urban Design CA Batch Plants \(dallascityhall.com\)](http://dallascityhall.com)

BACKGROUND INFORMATION:

- On November 12, 2021, staff prepared a memo at the request of Councilmember Blackmon, Chair of the Environment & Sustainability Committee on strategies to effectively address batch plants.
- On January 28, 2022, staff prepared a memo on a phasing approach to address batching plant zoning regulations.
- On February 10, 2022, staff presented recommendations for temporary concrete and asphalt batching plants as part of a two-phased approach to ZOAC.
- On March 3, 2022, ZOAC recommended approval of Phase I of the Concrete or Asphalt Batch Plant Code Amendment which required all new permanent and temporary batch plants to obtain a Specific Use Permit. At the same meeting, staff also provided feedback regarding direction from ZOAC for staff to consider as part of the future Phase II recommendations regarding: (1) Consider buffering and spacing of concrete or asphalt batching plants from sensitive land uses, such as residential, schools, and parks, and using the Dallas Oil and Gas Drilling ordinance as a resource; (2) Consider requiring an environmental study to determine if the site is suitable for uses other than industrial after the concrete or asphalt batching plant operation ceases, and is removed from the site; (3) Clarify and determine how SUP process would impact temporary batch plants not finished by 6-month time frame, and how to limit extensions; and (4) Consider requirements for streets, and other public infrastructure to be repaired or restored back to original condition from any damages.
- On March 24, 2022, City Plan Commission (CPC) recommended approval of Phase I of the Concrete or Asphalt Batch Plant Code Amendment.
- On May 11, 2022, City Council approved Phase I of the Concrete or Asphalt Batch Plant Code Amendment.
- On September 13, 2022, staff briefed ZOAC on the interactive map developed by staff to locate batch plants and help determine distances from each other, and sensitive land uses.
- Additional public input meetings occurred on November 28, 29, and December 3, as well as additional meetings with industry representatives in early December to discuss staff's recommendations discussed in this report. An overview of these meetings and other meetings is provided in the "Engagement" section of this report.
- On December 13, 2022, ZOAC requested staff to engage with the industry again, consider if a tour can be scheduled, and that the item return with clarifications to be presented at the next meeting.

ENGAGEMENT:

Public outreach meetings were conducted (English and Spanish) on:

- ✓ May 17, 21, and 23, 2022, and November 28, 29, and December 3, 2022.

Industry and Professional Organization outreach meetings were conducted with:

- ✓ President and counsel of the Texas Aggregate and Concrete Association on May 26, 2022 and December 5, 2022.
- ✓ President of the Texas Aggregate and Concrete Association and approximately twelve subcontractors for the Dallas Batch Plants on June 29, 2022.
- ✓ Representatives from TxDOT on June 2, 2022, November 1, 2022, and December 1, 2022.
- ✓ TCEQ representatives on March 17, 2022 and November 15, 2022 (Rulemaking Public Meeting).
- ✓ Environment & Sustainability Committee on June 17, 2022, and October 12, 2022.
- ✓ Invitations were extended to representative of Heritage Materials in May, and late November; however, no response was provided.

Flyers announcing all public input meetings (May 17, 21, and 23, 2022, and November 28, 29, and December 3, 2022) were posted on the Council Public Meeting Calendar, Planning and Urban Design Code Amendment Concrete and Asphalt Batch Plant (DCA212-003) webpage, and social media (Nextdoor, Facebook, Twitter).

These same flyers were also emailed to the following contacts:

- ✓ **Coalitions, Larger Associations** (North Dallas Neighborhood Alliance, Heritage Oak Cliff, Revitalize South Dallas Coalition, Ferguson Road Initiative, Deep Ellum Foundation, Oak Lawn Committee, Downtown Dallas, Inc., Old East Dallas Association of Neighborhoods, Coalition for a New Dallas, Southern Dallas Progress Community Development Corporation, Southern Sector Rising, Better Block, bcWorkshop, Dallas Homeowners League, South 2nd Avenue Business Association, Preservation Dallas)
- ✓ **Industry and Professional Associations** (TREC - Texas Real Estate Council, GDPC - Greater Dallas Planning Council, 24HourDallas, AAGD - Apartment Association of Greater Dallas, DBA – Dallas Builders Association, TACA – Texas Aggregate and Concrete Association, Heritage Materials, Greater Dallas Restaurant Association, Hotel Association of North Texas)
- ✓ **Chambers of Commerce** (Dallas Regional Chamber of Commerce, Greater Dallas Hispanic Chamber of Commerce, Dallas Black Chamber of Commerce, Dallas Junior Chamber of Commerce, North Dallas Chamber of Commerce, Greater East Dallas Chamber of Commerce, West Dallas Chamber of Commerce, Oak Cliff

Chamber of Commerce, Southeast Dallas Chamber of Commerce, Greater Dallas Asian American Chamber of Commerce, Greater Dallas Korean American Chamber of Commerce, Lake Highlands Chamber)

- ✓ **Institutional Organizations** (NCTCOG – North Central Texas Council of Governments, DART – Dallas Association Regional Transit Authority, DISD - Dallas Independent School District, TxDOT – Texas Department of Transportation)
- ✓ **Planning Consultants** (Baldwin Associates, LaSierra, Masterplan, Permitted Development, Jackson Walker, Robert Reeves, Winstead, Munsch, Hardt, Kopf & Hart, P.C., Zonesystems, Inc., OMNIPLAN)
- ✓ **Traffic Engineering Consultants** (Deshazo, Tang & Associates, Kimley-Horn & Associates, Inc., Lambeth Engineering Associates, PLLC, Pacheco Koch, The Goodman Corporation)
- ✓ **Zoning Ordinance Advisory Committee (ZOAC) List** (Approximately eighty-one individuals)
- ✓ **Interested Parties/Neighborhood Representatives** (Approximately seventy individuals, including representatives from Kidd Springs, Heritage Oak Cliff, Peak's Addition, Kessler Neighbors United, Deep Ellum Foundation, Westward Environmental, Inc. and CPC members list)
- ✓ **Internal Department Interested Parties**
- ✓ **Speakers for all Batch Plant public input meetings** (Approximately sixty-six individuals)
- ✓ **City Council District Office Representatives**

Comments from public input meetings on May 17, 21, and 23, 2022, and November 28, 29, and December 3, 2022, and industry meetings were included in the presentation to ZOAC on December 13, 2022. The presentation as well as videos of all public input meetings above, and the December 13, 2022 ZOAC presentation can be found at this link on the Planning and Urban Design Code Amendment Concrete and Asphalt Batch Plant (DCA212-003) webpage [Planning & Urban Design CA Batch Plants \(dallascityhall.com\)](https://dallascityhall.com/planning-urban-design-code-amendment-concrete-asphalt-batch-plants) Additionally, summaries of the public input is included in the Appendices.

STAFF ANALYSIS:

Prior to the Code Amendment for Phase I (May 11, 2022), temporary concrete or asphalt batching plants were allowed in most of the zoning districts across the City, including residential districts with administrative approval by the Building Official and approved if limited criteria such as screening and buffering could be met. In response and as a result of the memo prepared by staff at the request of Councilmember Blackmon, Chair of the Environment & Sustainability Committee, Planning and Urban Design staff initiated a Development Code Amendment for concrete batch plants in support of the adopted Comprehensive Environmental & Climate Action Plan (CECAP) goal of ensuring new industries are an appropriate distance away from neighborhoods.

Due to the urgency and increasing concerns about concrete or asphalt batching plant applications within the city, particularly with respect to residential adjacency, equitable justice, air quality, water quality, and other potentially hazardous pollutant emissions, staff recommended a two-phased approach. A short-term approach (Phase I) as approved by City Council on May 11, 2022 and a long-term approach (Phase II) that is presented in this report.

The intent of the short-term approach (Phase I) was to immediately address the issue of the lack of public process for these intensive industrial land uses. It replaced the by-right option with a Specific Use Permit (SUP) requirement so that public hearings at City Plan Commission (CPC) and City Council would take place while more refined land use conditions could be discussed in Phase II.

Since the adoption of Phase I, staff has developed a more comprehensive, and holistic strategy with conditions to regulate intensity and factors which contribute to the potential for these industrial uses that make them incompatible with surrounding properties, while recognizing and balancing the need for these land uses. A review of concrete or asphalt batch plant and similar industrial land uses was reassessed for appropriateness.

Long-term strategies considered include, but are not limited to, departmental coordination, engaging counsel for consideration of implications on existing land uses with respect to land use regulation changes, public outreach meetings, meetings with industry, and professional organizations, research of local, and national regulations, and best management practices, and external meetings, and coordination with state, and federal jurisdictions, such as Texas Commission on Environmental Quality (TCEQ).

Nonconforming Uses

Staff has received inquiries regarding nonconforming uses and was asked to consider if or how nonconforming batch plants should be addressed. In response, it is important to begin with an understanding of current requirements for nonconforming uses¹ which are addressed in [§51A-4.704](#) of the Dallas Development Code. The purpose of the section is as follows:

It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area. (§51A-4.704(a).)

Since the regulations that were adopted in Phase I require all batch plants to obtain a specific use permit (SUP) to operate, any pre-existing batch plants that do not currently have an SUP to operate must meet two primary requirements to be nonconforming. First, nonconforming uses must have been lawfully established, which includes but is not limited to, having a certificate of occupancy (CO) for the correct land use, current property owner, and have met all other zoning requirements at the time the CO was issued. Second, nonconforming uses lose nonconforming rights when they discontinue for any continuous period of six months or more. The board of adjustment (“the board”) may grant a special exception to restore the nonconforming rights to uses that have discontinued for six months or more if they can show that there was a clear intent not to abandon the use.

The right to operate a nonconforming use ceases when the structure housing the use is destroyed by the *intentional* act of the owner or his agent. If a structure housing a nonconforming use is damaged or destroyed other than by the intentional act of the owner or his agent, a person may restore or reconstruct the structure *without* board approval when the structure must be restored or reconstructed so as to have the same approximate height, floor area, and location that it had immediately prior to the damage or destruction. A person may renovate, remodel, or repair a structure housing a nonconforming use if the work does not *enlarge* the nonconforming use. ‘Enlargement’ means any enlargement of the *physical aspects* of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates. The board may allow the enlargement of a nonconforming

¹ “NONCONFORMING USE means a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.” (§51A-2.102 of the Dallas Development Code).

use when, in the opinion of the board, the enlargement:

1. does not prolong the life of the nonconforming use;
2. would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
3. will not have an adverse effect on the surrounding area.

If a nonconforming use does not naturally cease or come into compliance, amortization procedures specified in subparagraph (a)(1) of §51A-4.704 may be applied to require the use to come into compliance or cease operation. Any property that contains a nonconforming use can be amortized by the board which can be filed by any property owner in the City of Dallas with a \$1,000 application fee or at the request of City Council.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(B) Factors to be considered. The board shall consider the following factors when determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties:

- (i) The character of the surrounding neighborhood.
- (ii) The degree of incompatibility of the use with the zoning district in which it is located.
- (iii) The manner in which the use is being conducted.
- (iv) The hours of operation of the use.
- (v) The extent to which continued operation of the use may threaten public health or safety.
- (vi) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
- (vii) The extent to which public disturbances may be created or perpetuated by continued operation of the use.
- (viii) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
- (ix) Any other factors relevant to the issue of whether continued

operation of the use will adversely affect nearby properties.

(C) Finality of decision. A decision by the board to grant a request to establish a compliance date is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to establish a compliance date is final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.

(D) Determination of amortization period.

(i) If the board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.

(ii) The following factors must be considered by the board in determining a reasonable amortization period:

(aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.

(bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

(cc) Any return on investment since inception of the use, including net income and depreciation.

(dd) The anticipated annual recovery of investment, including net income and depreciation.

Pursuant to §51A-4.704(a)(4), an SUP does not confer nonconforming rights. Therefore, when an SUP expires, nonconforming rights are not conferred and a new SUP is required to operate.

Since the Dallas Development Code contains regulations, and procedures for nonconforming uses, and there are a limited number of nonconforming batch plants in the city, specific modifications to nonconforming rights for batch plants are not recommended.

Staff recommendation:

Staff recommends that the item be held under advisement at the ZOAC meeting to allow time for staff to draft amendments based on discussions at the April 18, 2023 ZOAC meeting. The following outlines three options that staff has prepared for discussion and consideration in preparation to make preliminary recommendations for amendments to concrete and asphalt batch plant regulations and are intended to be the basis of the draft ordinance.

Staff has considered various options and proposes that ZOAC consider and discuss which of the following options they would like staff to focus on for the next hearing. For all options, staff will work internally to refine the checklists and affidavits to be supplied with the SUP application and at time of permitting.

Option #1: Keep Phase I (without amendments) that requires all batch plants to obtain an SUP without any of the proposed or modified Phase II requirements detailed in the following sections.

Pros (#1):

- ✓ All batch plants must have public hearings (public process) through an SUP
- ✓ Ordinance is already in effect
- ✓ CPC and Council can specify standards on a case-by-case basis
- ✓ Records of batch plants easily tracked through zoning case
- ✓ Internal processes improved with checks and balances in place
- ✓ Affidavit with applicant's signature for accuracy of distances and requirements

Cons (#1):

- ✎ Less predictability for applicants due to SUP approval process
- ✎ The set of required standards are not specified and may be applied without uniformity
- ✎ Lengthens development process by requiring SUPs for temporary batch plants which may serve public projects

Option #2: Keep Phase I that requires all batch plants to obtain an SUP with some of the proposed or modified Phase II standards detailed in the following sections.

Pros (#2):

- ✓ All batch plants must have public hearings (public process) through an SUP
- ✓ Ordinance (zoning district portion) is already in effect
- ✓ Consistent set of development standards
- ✓ Records of batch plants easily tracked through zoning case
- ✓ Internal processes improved with checks, and balances in place
- ✓ Affidavit with applicant's signature for accuracy of distances, and requirements

Cons (#2):

- ✎ Less predictability for applicants due to SUP approval process
- ✎ Lengthens development process by requiring SUP's for temporary batch plants which may serve public projects
- ✎ Staff would need at least a few months to bring back a new ordinance

Option #3: Covers all or most of the suggestions of Phase II detailed in the following sections and allowing some temporary batch plants by-right under ideal circumstances.

Pros (#3):

- ✓ A more flexible and balanced approach that provides more predictability for applicants by allowing temporary batch plants when located on-site and some public projects (off-site) when other new requirements are met to locate by-right
- ✓ A more streamlined development process for temporary batch plants (on-site) and some public projects (off-site) without the need for an SUP
- ✓ Consistent set of development standards
- ✓ Some records of batch plants (SUP's only) easily tracked through zoning case

Cons (#3):

- ✎ Some temporary batch plants (on-site) would have much lesser distance requirements than temporary off-site, and permanent batch plants
- ✎ Some temporary batch plants (on-site) would be allowed in residential districts, if the temporary batch plant is serving a residential development
- ✎ Staff would need at least a few months longer than Option #2 to bring back a new ordinance

The remaining sections of this report contain an extensive list of possible recommendations and are not intended to represent staff's ultimate recommendations.

Although these items demonstrate staff's in-depth consideration of the issues and were discussed with other departments, stakeholders, and the public, staff may adjust, omit, or expand the following strategies.

The purpose of the next section is to introduce strategies staff has preliminarily considered and obtain feedback on which strategies are priorities of the committee in light of the above listed options.

Overview of strategies to consider:

Phase II Long-term, strategies may include, but are not limited to:

- Definitions and revised definitions for categories of land uses.
- Revised categories of land uses.
- Distances from sensitive land uses and how they are measured, which may include some or all of the following:
 - other concrete batch plants,
 - residential uses,
 - residential zoning districts,
 - public and/or private schools,
 - public parkland, and
 - areas within a flood plain
- Criteria for CPC to approve SUP's and SUP renewals for concrete or asphalt batch plants.
- Revised standards based on best management practices for stormwater run-off and noxious pollutants, and emissions.
- Standardized signs posted on the property with pertinent information.
- Additional application information (part of internal checklist at application intake).
- Additional notification requirements.
- Ingress, egress, and operational plans.
- Landscaping and screening.
- Site requirements.
- Site restoration and remediation.

Asphalt or Concrete (Permanent) Batch Plants

Please see the following land use subcategory purpose and intent for permanent batch plants:

Purpose

The purpose of this subcategory is to allow operators to provide concrete or asphalt to various off-site locations. These batch plants serve multiple projects and are designed not to be erected and removed with ease.

Intent

The intent of the subcategory is to reduce the number of temporary batch plants by allowing some batch plants to operate off-site serving multiple sites.

Zoning Districts Allowed: By SUP in the IM District only (no change from Phase I adopted amendments)

Distances:

- 1,640' from sensitive land uses (residential districts, buildings in use as residential, public and private schools, public parkland, and another batch plant) - measured from property line to property line with the following **exceptions:**
 - An Asphalt or Concrete Batch Plant that is proposed along a freight line route directly being used for transport by the facility, and if there are no sensitive land uses within 1,640', the distance from another batch plant may be reduced to 1,320', measured from the nearest point of the proposed facility to the nearest point of the existing batch plant;
 - An Alternative (Green Concrete) Batch Plant is required to be 1,320' from sensitive land uses (residential districts, buildings in use as residential, public and private schools, public parkland, and another batch plant) - measured from property line to property line; and, except that,
 - An Alternative (Green Concrete) Batch Plant that is proposed along a freight line route directly being used for transport by the facility, and if there are no sensitive land uses within 1,320', the distance from another batch plant may be reduced to 1,000', measured from the nearest point of the proposed facility to the nearest point of the existing batch plant.

Landscaping:

- Buffer yards
 - 30 feet, adjacent to streets;
 - 20 feet, adjacent to all other properties, and across an alley:

- One large or medium canopy tree (75% of which are evergreen) in a double staggered row every 30' linear feet for the total length of the property along the exterior and interior to screening wall
 - Exterior to screening wall:
 - Minimum of 18 evergreen trees for every 100' linear feet along the street right-of-way; or
 - Double staggered row of evergreen shrubs along the front of the screening wall; or
 - A continuous shrub row along the front of the screening wall if the wall is placed within 5' of the property line. Grow to a min. ht. of 6'.
- Alternative buffering, landscaping, and screening:
 - Applicant may submit alternative landscaping, buffering or screening or a combination thereof due to property constraints, water lines, easements or other constraints or opportunities for green infrastructure with an SUP, as long as, at minimum, the alternatives presented are equivalent to or superior to the minimum standards, and meets the spirit, and intent of this section.

Screening: Minimum 8' tall solid screening

Automatic renewals must be performance based.

- May be granted for five years for first application.
- May be granted for ten years for subsequent renewals if there are no violations or noncompliance or as specified in SUP.

Public Notification: 500' regardless of the size of area request (currently, a minimum of 200' is required today for sites under one acre)

Signs:

- Posted on the property at the main entrance or screening wall and parking with:
 - Name and address of facility;
 - Use, SUP number, and expiration date, if any, per the SUP; and
 - Consistent signage (be constructed of weather-resistant material, at least 30 inches wide and 24 inches long, and clearly legible letters in a color that contrasts with background material of sign)

Site:

- Minimum of one acre site;
- Distances for all equipment to the property line per TCEQ, as amended;
- No closer than 100' from floodplain or floodway, as defined in Art. V;
- Locate and operate no more than one batch plant on any one building site;

- Locate and operate only outside storage of any equipment or vehicles on the property necessary to serve the batch plant on the site and occupy no more than 50 percent of the lot;
- Notice to employees permanently posted in a prominent place advising whom to contact in the event of discharge of any kind and procedures to handle the discharge;
- Notice to employees permanently posted in a prominent place advising whom to contact in the event of a complaint and educated on procedures of complaints

Parking, Maneuvering, and Driveways:

- Must be on a compacted subgrade, and must be concrete or asphalt, and maintained as such;
- Crushed or pervious surfaces prohibited in places where vehicles are operated.

Access: Ingress and egress must not be on residential streets

Operations Plan (that includes):

- Ingress and egress locations for the site
 - Number of trucks on-site;
- (Trucks should avoid streets abutting public parks or public or private schools unless said trucks are serving these facilities, and only for that duration);
- Schedule of procedures;
 - Hours of operations;
 - Drainage and erosion control measures;
 - Method of the disposal of concrete or asphalt or contaminants, if any;
 - Fences or other barriers necessary for safety;
 - Noise and dust control measures;
 - Maintenance plans;
 - Any other information the director determines is reasonably necessary for a complete review of the proposed operations

Performance Bond:

- Performance bond or insurance for the duration of the project or SUP approval period plus one year; and
- A video or photos of the entire site and a professionally prepared environmental report documenting existing conditions prior to any work or site disturbance

Remediation/Restoration:

- Applicant must provide copies of the original environmental report on file for an inspection to confirm that the site is restored to original condition; and

- All structures, and equipment must be removed from the site, and the site is restored to original condition to begin within 72 hours of intent to vacate site or expiration of the approved SUP, and such structures, and equipment shall not remain on the site for more than 30 days after project completion

Noise/Dust Control/BMP's:

- Equipment must have devices, and systems to manage noise, including acoustic shields, enclosures, and silencers;
- Reversing alarms must be squawker type and not beeper type
- Sound blankets must be used for batch plants, including Alternative (Green Concrete) Batch Plants where adjacent to nonresidential zoning or nonresidential uses
- Numerous dust control measures and best management practices that will be presented in the meeting
- All other regulations per Art. IX, Stormwater Drainage System of Chapter 19, Health, and Sanitation of the Dallas City Code must be met

To be Considered for SUP's:

- In determining whether or not to approve the SUP, the commission and city council shall base the decision on a consideration of:
 - Whether or not the requirements have been met;
 - Public comments received; and
 - Location of the proposed facility relative to residential districts, and structures used for residential, public and private schools, public parkland, and private outdoor sports fields, licensed daycare facilities, public hospitals, and places of worship within the distance requirements from the sensitive land uses above

Internal Checks and Balances

All options will include updates to the internal checklist, and affidavit with signatures required by the applicant that will be required to be completed by the applicant, and initialed by staff, as part of the SUP, and final CO process. The draft checklist and affidavit will not be codified - a draft will be presented at the meeting for informational purposes.

Temporary Batch Plants

Temporary Use, On-Site

Purpose

The purpose of this subcategory is to allow operators to provide concrete or asphalt on the same site or subdivision in which the project site is intended to serve. These on-site temporary batch plants shall operate only throughout the length of the construction of the project it is serving, and are designed to be erected, and removed with ease. This subcategory typically serves large high-rise construction on-site or for new infrastructure needs within a new residential subdivision.

Intent

The intent of this subcategory is to minimize or eliminate the amount of mixing truck traffic required for large asphalt, and concrete construction projects, and will only operate for the length of time in which that project is under construction and needs concrete or asphalt.

Temporary Use, Off-Site (Public Projects)

Purpose

The purpose of this subcategory is to allow operators performing work for public projects to move concrete or asphalt from an off-site location onto the project site it is intended to serve. These batch plants typically operate for one to several years, depending on the scope of the public project, and ultimately provide concrete, and asphalt projects for public use.

Intent

The intent of the subcategory is to reduce the overall number of temporary batch plants that serve an individual project on the site of the project in which it serves, and for much larger projects.

Temporary Use, Off-Site (Private Projects)

Purpose

The purpose of this subcategory is to allow operators to move concrete or asphalt from an off-site location onto the project site or sites it is intended to serve. These off-site, temporary batch plants typically operate for much longer periods, and serve larger developments or multiple developments occurring simultaneously.

Intent

The intent of the subcategory is to reduce the overall number of temporary batch plants that serve an individual project on the site of the project in which it serves. This will also allow the operator to take advantage of multiple pours for nearby projects, such as large

subdivisions or fast-growing areas in which development occurs simultaneously or at similar time frames. This could also be an option for batch plants that cannot meet the distance requirements by locating on the site in which the temporary batch facility is serving.

Most of the proposed standards for temporary batch plants are the same as permanent batch plants except temporary batch plants will not be required to provide landscaping since that use is temporary and landscaping will be required for the actual development on the site. Temporary batch plants will also be required to provide temporary screening and temporary signage during the operations. Renewals will also be different for temporary batch plants, as the use is intended to only remain until the concrete or asphalt production and pouring for the project(s) is completed.

The following standards that **differ** from those for the permanent batch plants above are listed below. All other standards not listed are required to be the same as the permanent batch plants.

Zoning Districts Allowed:

- By-right in all nonresidential districts for Temporary (On-Site), and all requirements and distances are met with exceptions:
 - If the Temporary Batch Plant (On-Site) is serving a residential project, it may be located by-right in residential districts if all requirements are met; otherwise an SUP is required
- By-right for Temporary Batch Plants (Off-Site public projects only, when distances and all other standards are met)
- SUP is required for Temporary Batch Plants (Off-Site – private projects and public projects when certain exceptions are necessary)

Distances:

- Temporary Batch Plants (On-Site):
 - 330' from sensitive land uses (residential districts, buildings in use as residential, public, and private schools, and public parkland) - measured from property line to property line
- Temporary Batch Plants (Off-Site – both public projects and private projects):
 - 1,640' from sensitive land uses (residential districts, buildings in use as residential, public and private schools, public parkland, and another batch plant) - measured from property line to property line with the following exceptions:
 - An Alternative (Green Concrete) Batch Plant is required to be 1,320' from sensitive land uses (residential districts, buildings in use as residential, public and private schools, public parkland, and another batch plant) - measured from property line to property line;
 - An Asphalt or Concrete Batch Plant that is proposed along a freight line route directly being used for transport by the facility, and is 1,640' from sensitive land uses, the distance may be reduced to 1,320' from another

batch plant measured from the nearest point of the proposed batch plant to the nearest point of the existing batch plant;

- An Alternative (Green Concrete) Batch Plant that is proposed along a freight line route directly being used for transport by the facility, and is 1,320' from sensitive land uses, the distance may be reduced to 1,000' from another batch plant measured from the nearest point of the proposed batch plant to the nearest point of the existing batch plant

Landscaping: None

Screening:

- A temporary screening wall is required for the use;
- Minimum eight-foot-tall solid screening must be opaque, and may include a combination of landscaping, and sound blankets.

Per Ch. 51A Renewals and Extensions:

- When allowed by-right, maximum two extensions of six-month periods per the updated construction contract or
- As determined by the SUP may be granted, whichever is less;
- Any extensions or renewals as stated above will require an SUP, unless it is a public project;
- Any extension granted shall be based only upon proven construction contract delays, and that are not created by an intentional act of the owner or agent

Operations Plan (that includes): Same as permanent batch plants above plus the length of time necessary to complete the project in which the temporary batch plant will serve

Site: Same as permanent batch plants above

Parking, Maneuvering, and Driveways: Same as permanent batch plants above, except it must be on a compacted subgrade, and must be a dustproof surface, and maintained as such

Access: Ingress and egress must not be on residential streets unless the temporary batch plant is serving a residential project, and there are only residential streets to serve the project

Signs:

- Same as permanent batch plants above, except:
 - Notice to employees ~~permanently~~ posted in a prominent place advising whom to contact in the event of a discharge of any kind, and procedures to handle discharge
 - Notice to employees ~~permanently~~ posted in a prominent place advising whom to contact in the event of a complaint, and educated on procedures of complaints

Definitions for Reference

Asphalt or concrete batch plant means a plant that consists of an asphalt or concrete batch facility, and associated abatement equipment, including, but not limited to: material storage silos, aggregate storage bins, auxiliary storage tanks, conveyors, weigh hoppers, and a mixer. Asphalt or concrete batch plants can add water, Portland cement, and aggregates into a delivery truck, or the concrete may be prepared in a central mix drum, and transferred to a delivery truck for transport. This definition does not include operations that meet the requirements of 30 TAC § 106.141, Batch Mixer or 30 TAC § 106.146, Soil Stabilization Plants.

Permanent asphalt or concrete batch plant means an asphalt or concrete batch plant that is not a temporary asphalt or concrete batch plant.

Temporary asphalt or concrete batch plant means an asphalt or concrete batch plant that occupies a designated site for not more than 180 consecutive days or that supplies concrete for a single project (single contract or same contractor for related project segments) and is removed when the project is completed.

Alternative batch plant means a plant that consists of an alternative batch facility and associated abatement equipment, including, but not limited to material storage silos, aggregate storage bins, auxiliary storage tanks, conveyors, weigh hoppers, and a mixer. Alternative batch plants can add water, Portland cement, and aggregates into a delivery truck, or the alternative materials may be prepared in a central mix drum and transferred to a delivery truck for transport. This definition does not include operations that meet the requirements of 30 TAC § 106.141, Batch Mixer or 30 TAC § 106.146, Soil Stabilization Plants.

Permanent alternative batch plant means an alternative batch plant that is not a temporary alternative batch plant.

Temporary alternative batch plant means an alternative batch plant that occupies a designated site for not more than 180 consecutive days or that supplies concrete for a single project (single contract or same contractor for related project segments) and is removed when the project is completed.

Buffer Yard means a landscape area to provide and maintain a year-round screen, and vegetated buffer, and to provide an aesthetic quality along rights-of-way which enhance travel corridors and screen industrial areas from public view while providing a natural cleaning of the air.

“Green Concrete” refers to the term used for concrete that is produced and used with environmentally-friendly methods. [Evaluation of environment and economy viable recycling cement kiln dust for use in green concrete - ScienceDirect](#)

Representative Wind Storm Event means a wind event that:

- (aa) results in 10 Mph or more of wind or wind gusts as measured by a local weather forecast or alert located within five miles of a construction site or industrial facility;
- (bb) occurs at least 72 hours after the preceding wind event that resulted in 10 Mph or more of wind or wind gusts, as measured by the same local weather forecast or alert; and
- (cc) produces particulate matter or contaminants sufficient enough to obtain a discharge sample.

LINKS TO RESOURCES

INDUSTRIAL AND MANUFACTURING USES (INCLUDES DEFINITIONS) – SEC. 51-4.216 [SEC. 51-4.216. INDUSTRIAL AND MANUFACTURING USES. \(amlegal.com\)](#)

INDUSTRIAL USES - SEC. 51A-4.203 (EXCERPT) [SEC. 51A-4.203. INDUSTRIAL USES. \(amlegal.com\)](#)

COMMERCIAL SERVICE AND INDUSTRIAL DISTRICTS (IR and IM Purpose Statements) – SEC. 51A-4.123 [SEC. 51A-4.123. COMMERCIAL SERVICE AND INDUSTRIAL DISTRICTS. \(amlegal.com\)](#)

EPA SEPARATION-DISTANCES [GS3-Separation-distances-270605.pdf](#)

PUBLIC INPUT MEETING AND INDUSTRY MEETING SUMMARY

LINKS FOR HEALTH STUDIES:

[Health effects for the population living near a cement plant: An epidemiological assessment - ScienceDirect](#)

[You don't want to live near a concrete batch plant. But TCEQ lets it happen too easily. | One Breath \(onebreathou.org\)](#)

[How to deal the concrete batching plant environmental issues? \(camelway.com\)](#)

<https://constructionor.com/batching-plant>

[Pyro processing cement kiln bypass dust: Enhancing clinker phase formation - ScienceDirect](#)

[Concrete Batching - an overview | ScienceDirect Topics](#)

['Out of breath': Oversight of hazardous Texas concrete plant emissions comes to a head \(expressnews.com\)](#)

[Environmental Protection of Concrete Batching Plant \(concrete-mixing.com\)](#)

[recycling - Plastics | Britannica](#)

[Top 4 Environmental Compliance Issues at Concrete Plants \(rmagreen.com\)](#)

[Concrete Environmental Issues & The Ideal Concrete Plant \(rmagreen.com\)](#)

[Precast concrete plant environmental regulations the same as others? \(rmagreen.com\)](#)

[Evaluation of environment and economy viable recycling cement kiln dust for use in green concrete - ScienceDirect](#)

GREEN CONCRETE

[Urban Land Institute's Greenprint Center Releases Report on Embodied Carbon | ULI Americas](#)

[Green Concrete: Objective, Advantages & Disadvantages \(constructionor.com\)](#)

[What is Green Concrete? \(thomasnet.com\) ResearchGate](#)

[What is Green Concrete ? Advantages and Disadvantages - CIVIL SITE VISIT](#)

BATCH PLANT IN ENCLOSED BUILDING

[HOW TO SET UP A NEW CONCRETE BATCH PLANT IN A CITY WHERE PERMITTING IS DIFFICULT. \(dhenoble.com\)](#)

TCEQ – MAKE AN ENVIRONMENTAL COMPLAINT

[Make an Environmental Complaint - Texas Commission on Environmental Quality - www.tceq.texas.gov](#)

PUBLIC INPUT MEETINGS AND INDUSTRY MEETINGS SUMMARY

Appropriate distances from concrete or asphalt batch plants to Residential, Schools, Public Parks

Comments/Questions

- Will there be any consideration given to how far the PM (particulate matter) travels when it is windy when discussing appropriate distances?
- There are large concentrations of batch plants in one area in W. Dallas, and that particulate matter would travel much further with more concentrations.
- W. Dallas is experiencing density, and gentrification, and the batch plants are allowed to build next to multifamily, and build up to the property line.
- The City has allowed these batch plant uses through zoning, and land use to be located mainly in black and brown communities.
- TCEQ cannot consider the concentration of the sources or environmental justice or distances from batch plants to each other.
- Lived with batch plants for 15 years near Commerce St.
- TCEQ already regulates distance, and the 1500' distance:
 - o Is arbitrary, and should not be predetermined
 - o would prohibit most batch plants
 - o would put most concrete trucks on the road contributing to more emissions, and traffic
- Distance requirements should be part of the zoning process – determined with SUP
- We are proud of our standards for materials; materials are washed, clean aggregate on-site.
- Concrete/materials need to be close to the projects they serve
- Batch plants have already been studied by TCEQ, and they should be the main authority
- TCEQ should be the main regulator
- Regulations by the municipality is duplicative and confusing with TCEQ regs
- TCEQ has oversight based on modeling
- 440 yards was established, and was not based on scientific data
- We want to continue to work with the City
- PH I is a fairly onerous requirement for temporary batch plants
 - o Timing is of the essence for Ph II
 - o Potential for construction delays
- Safe setback should be whatever TCEQ determines as protective
- Higher source permit – air dispersion modeling
- Exact same plant in two different areas would model differently
- A significant source of pollutants would be required to need a 1500' setback
- The renewal process does need to provide accountability
- Suggest a 10-year approval cycle, but no less than 5 years (for permanent batch plants due to significant investment)
- Many factors lead to the need for extensions

- We are surrounded by heavy industry – Tamko Roofing, Union Pacific, etc.
- We can talk about TCEQ regulatory controls on paper- theoretically, the plants do effect people’s health. Most of us spend time outdoors gardening and are impacted.
- Urge you to act as swiftly as possible. This is an urgent matter.
- There are one quarter of a million-dollar homes being built, and people cannot breathe.
- TCEQ regulations/rules are only as good as they are enforced
- 200’ notification should be extended to 400’:
 - o and include schools within 3.5 miles
 - o Nearest HOA
 - o Businesses
- Notifications – Use Pink paper or something that does not look like junk mail.

Suggestions made by the attendees

- (Batch Plants) should not be in residential neighborhoods.
- Distance of 440 yards as required by TCEQ (unless municipality has zoning regulations for batch plants) is a good place to start. Can we build on that?
- At least ¼ mile is an appropriate distance (TCEQ 440 yards is in the ballpark) – TCEQ dictates 1,320’ from residential uses (when no zoning regulations are in place)
- There should be no batch plants allowed to locate side by side.
- It is important to separate batch plants from residential uses, not just areas zoned for residential.
- 1,500 ft minimum distance from residential, schools, and public parks
- Temporary batch plants should have no unlimited extensions.
- Maximum two years before being triggered to seek permanent status.
- Existing facilities should be brought into compliance with the new conditions.
- We do need more transparency to share compliance paperwork with the City.
- Screening is not feasible for Temporary projects.
- Suggests staff looking at p. 77 report on Aggregates and last few bills; not only city where residents are upset – Houston, El Paso, Marble Falls, and Ft. Worth also upset at number of batch plants; Houston is right behind us in the number of batch plants.
- P. 44 removed exception of 440 yards if no zoning
- Legislature about to pass as much as 880 yards for Quarries, Aggregates and Concrete Crushers.
- Look at Enhanced Pollution Controls by TCEQ.
- Look at Bills from Rep. Collier of Ft. Worth.
- As of June, we had over 219 batch plants (note: this is likely TCEQ numbers).
- Many batch plants are less than 400’ away from Elementary Schools.
- Many batch plants are less than one mile apart.
- We need to handle the violators - “the bad actors” - this is a very important step for Dallas.
- TCEQ standards are by no means strict.

- 1500' is the distance for other industrial uses, such as Oil and Gas Drilling Ordinance.
- W. Dallas is the most polluted - 75212 is the most polluted zip code in Dallas and the contains the most batch plants.

Renewal process for Specific Use Permits (SUP's)

Comments/Questions

- A batch plant has been in Joppa that received a 20-year SUP with a 10-year auto renewal.
- If we consider auto renewals, we should keep the time frame as short as possible – helps community.
- The 20% required for opposition to an auto renewal is a burden on residents – put the burden on the operators.
- Temporary batch plants are allowed up to 180 days – only should allow one extension.
- Define Temporary Batch Plant.
- Echo everything Chair (Environment & Sustainability) Kathryn and Comm. Carpenter said.
- We made a decision to allow these industries to locate next to black and brown communities, and to allow the auto renewals - so in essence we are saying it is ok for these industries to be located in these communities.
- We are trying to become a much better community with respect to environmental justice.
- What message are you sending to residents (auto-renewals)?
- Black and brown communities have been taking the brunt of it, and we need to consider being greener, cleaner...
- Renewals (Temporary):
 - o Should run with construction project it serves and project timeframe should be easily verified
- Renewals (Permanent):
 - o Permanent facilities are quite an investment and should be able to prove compliance; should have a longer leash.
 - o Batch plants with demonstrated compliance should have at least a five-year renewal.
- Put the burden on the operator to prove a good neighbor.

Suggestions made by the attendees

- Temporary plants should have to go back every 6 months.

Location/Access/Screening (Additional Provisions)

Comments/Questions

- TCEQ requires a 12' tall fence to help capture 50% of the fugitive emissions if the stockpile is 50' from the property line.

- Make attempt to limit access - ingress/egress to residential street, and only allow on major thoroughfares - this will help to save the condition of the streets.
- Never should give auto renewals; it tends to be a low level of scrutiny by staff. Staff goes out to site, and there is a low level of scrutiny unlike an applicant going back to CPC, and CC.
- Many of the operations are not in compliance with screening requirements of TCEQ.
- Dust is problematic.
- Should address the cumulative (air) impacts.
- Tree clearing is happening - clear cutting trees
- There has been very little enforcement by code in these industrial areas. Need real change in policy.
- Renegade, non-compliant plants need to be shut down.
- Need more focus on air quality; not just water quality.
- There are issues with these being in the floodplain and watersheds.
- Should be more consideration for environmental impacts, not just residential adjacency.
- Kids are playing at the Soccer Complex within 300' of batch plant.
- Need more focus from the city for enforcement.
- Clustering (of batch plants) is an awful policy.
- Community is doing the work of Code Enforcement.
- Include data for health to City Council (air quality).

Suggestions made by the attendees

- Consider a combination of vegetation and screening; lighting.
- Temporary batch plant timeframe should be linked to the length of the project since the purpose is to serve the project.
- We need height, and distances to property line.
- The site needs to be large enough.
- Do not allow batch plants on both sides of the street – truck traffic blocks the road
- Codify some of TCEQ's requirements; operators are not complying with TCEQ requirements.
- Get operators in compliance.
- New batch plants should not be in the flood plain.
- Potentially cap on the number of batch plants per residential area or minimum distance between existing, and new facilities for hot spots.
- Look at 200 ft notification area. At minimum notification should be 500 ft like other situations.
- 1300-1500 ft. distance from sensitive land uses for permanent batch plants.
- Temporary batch plants – SUP should be linked to the estimated timeframe of the project, but no longer than two years.
- Need strategies to address the existing clusters of these uses and bringing them up to compliance within two years of the new ordinance.
- Need self-reporting check list.
- City needs check list beyond the TCEQ check list to determine compliance.

- City needs to think about the infrastructure needed to improve these areas.
- Appropriate areas for these uses need to be addressed through ForwardDallas, and then update the zoning.
- Do not hesitate to rezone.
- Use CECAP tools to address issues.

Specific Industry Concerns/Suggestions

Time/Delays

- PH I is a fairly onerous requirement for temporary batch plants
 - o Timing is of the essence for Ph II
 - o Potential for construction delays
- Renewals (Permanent):
 - o Permanent facilities are quite an investment and should be able to prove compliance; should have a longer lease
 - o Batch plants with demonstrated compliance should have at least a 5 yr. renewal
 - o Suggest a 10-year approval cycle but no less than 5 years

Distances

Distance requirements should be part of the zoning process – determined with SUP

Regulations

- Batch plants have already been studied by TCEQ, and they should be the main authority.
- TCEQ should be the main regulator.
- Regulations by municipality is duplicative, and confusing with TCEQ regulations.
- TCEQ has oversight based on modeling.
- 440 yards was established, and that was not based on scientific data.
- We want to continue to work with the City.
- Concrete/materials need to be close to the projects they serve.
- We understand the need for regulations – we will use our right-of-way, if necessary, and the contractors will comply with the standards.
- The public contracts are not based on 180 days – the contracts are based on man hours at 200 days.

Signs

- We are concerned about putting signs up at facilities because people who oppose these facilities might make continuous complaints because they do not want the facilities.

Hours of Operation

- Restricting hours of operation could hinder a facility the ability to run batch plants 24 hrs. (that is sometimes necessary) to meet construction deadlines.

Dust Suppression

- We are proud of our standards for materials; materials are washed, clean aggregate on-site.
- Wheel washing devices for the trucks would be a good dust control measure.

OTHER CITIES COMPARISON

	LAND USE CATEGORY	LAND USE SUBCATEGORY	ZONING DISTRICTS (ALLOWED)	SPECIAL DISTRICTS	FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED	SPACING FROM SENSITIVE USES OR DISTRICTS/ CONDITIONS	DEVELOPMENT STANDARDS	TIME LIMIT
PERMANENT								
CARROLLTON	Construction	Batch Plant (Permanent)	LI (Light Industrial) with SUP approval ; HI (Heavy Industrial)	Not allowed in any Special Districts (Downtown, Historic or any TC -Transit Center Corridors)	N/A	N/A	N/A	N/A
COPPELL	Not Allowed	N/A	N/A	N/A	N/A	N/A	N/A	N/A
DESOTO	Industrial and Related Uses	Concrete or Asphalt Batching Plant (Permanent)	(I) Industrial District with SUP approval		N/A	N/A	N/A	N/A
DUNCANVILLE	Industrial and Related Uses	Concrete or Asphalt Batching Plant (Permanent)	(I) Industrial District		N/A	<u>Distance Requirements</u> 4 to 1 from SF; 3 to 1 from MF	N/A	N/A
EL PASO	Not Allowed	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FORT WORTH	Temporary/Medium and Heavy Industrial	Batch Plant, Concrete or Asphalt (Permanent)	(K) Industrial District	N/A	N/A	N/A	N/A	N/A
FRISCO	Nonresidential Use	Concrete/Asphalt Batching Plant (Permanent)	(LI) Light Industrial District with SUP approval	Permanent Batch Plants not allowed within Special Districts	N/A	N/A	N/A	N/A

OTHER CITIES COMPARISON

	LAND USE CATEGORY	LAND USE SUBCATEGORY	ZONING DISTRICTS (ALLOWED)	SPECIAL DISTRICTS	FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED	SPACING FROM SENSITIVE USES OR DISTRICTS/ CONDITIONS	DEVELOPMENT STANDARDS	TIME LIMIT
GARLAND	Industrial	Batching Plant	(IN) Industrial District with SUP approval (operations in place longer than 1 year)	N/A	N/A	N/A	<u>Lighting Plan</u> Required for Permanent Batch Plant	N/A
GRAND PRAIRIE	Manufacturing/Mining and Construction	Concrete Batch Plant (Permanent)	LI (Light Industrial) and HI (Heavy Industrial) with SUP approval	N/A	N/A	N/A	<u>Landscaping</u> - The developer shall plant street trees along every public street at 30' to 50' intervals. - The developer shall plant parking lot trees at the end of each row of parking. - The developer shall also break up each row of 20 or more parking spaces with at least one tree. <u>Industrial Performance Standards</u> 1. Building Materials 2. Base Landscaping 3. Tree Preservation 4. Parking Lot Location and Screening 5. Requirements for Utilities Underground	N/A

OTHER CITIES COMPARISON

	LAND USE CATEGORY	LAND USE SUBCATEGORY	ZONING DISTRICTS (ALLOWED)	SPECIAL DISTRICTS	FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED	SPACING FROM SENSITIVE USES OR DISTRICTS/ CONDITIONS	DEVELOPMENT STANDARDS	TIME LIMIT
IRVING	Not Allowed	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LANCASTER	Industrial & Manufacturing	Asphalt or Concrete Batch Plant	AO (AG), LI (Light Industrial) and MI (Medium Industrial) with SUP approval and conditions	N/A	N/A	N/A	N/A	N/A
MC KINNEY	Industrial & Manufacturing	Asphalt or Concrete Batch Plant	MH (Manufacturing /Heavy); HI (Heavy Industrial)	Not allowed within (MTC) McKinney Town Center Special District	N/A	N/A	N/A	N/A
PLANO	Industrial	Asphalt and Concrete Batching Plant (Permanent)	(CE) Commercial Employment District, (LI-1) Light Industrial -1 District and (LI-2) Light Industrial-2 District with SUP approval	N/A	N/A	N/A	N/A	N/A

OTHER CITIES COMPARISON

	LAND USE CATEGORY	LAND USE SUBCATEGORY	ZONING DISTRICTS (ALLOWED)	SPECIAL DISTRICTS	FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED	SPACING FROM SENSITIVE USES OR DISTRICTS/ CONDITIONS	DEVELOPMENT STANDARDS	TIME LIMIT
RICHARDSON	Commercial, Manufacturing and Industrial	Manufacturing, Heavy	I-M(1) Industrial District, I-M(2) Industrial District & IP-M(1) Industrial District, I-FP(1) and I- FP(2) with SUP approval	N/A	Not allowed	Must register with health officer in I-M(1), I-M(2), IFP-(1), and I- FP(2)	Specific performance standards for emissions HTTPS://LIBRARY.M UNICODE.COM/TX/ RICHARDSON/COD ES/CODE_OF ORDI NANCES?NODEID= PTIICOOR APXACO ZOOR1956 ARTXXII -BPEST	N/A
SEATTLE	Manufacturing	Manufacturing (Heavy)	IG1 (General Industrial 1) District and IG2 (General Industrial 2) District	N/A	N/A	N/A	N/A	N/A
SAN ANTONIO	Industrial	Batching Plant	Industrial-1, industrial-2	(ERZD) Edwards Recharge Zone District Overlay with SUP only	N/A	N/A	N/A	N/A
ATLANTA	Heavy Industrial	Concrete plants, cement plants, plants for the manufacturing of lime, gypsum, plaster of Paris	(I-2) Heavy Industrial 2 District with SUP Approval	N/A	N/A	N/A	N/A	N/A
SAN DIEGO	Industrial	Heavy Manufacturing	IH-1 (Industrial-Heavy), IH-2 (Industrial - Heavy)	N/A	N/A	N/A	N/A	N/A

OTHER CITIES COMPARISON

	LAND USE CATEGORY	LAND USE SUBCATEGORY	ZONING DISTRICTS (ALLOWED)	SPECIAL DISTRICTS	FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED	SPACING FROM SENSITIVE USES OR DISTRICTS/ CONDITIONS	DEVELOPMENT STANDARDS	TIME LIMIT
PHOENIX	Manufacturing	Heavy Manufacturing	(M-2) Industrial District with SUP approval	N/A	N/A	<u>Distance Requirements</u> - >=500' from a dwelling unit (excludes conveyor belts and tubes) - >= 150' side or rear yard setback for open buildings or use from residential., ->=30' setback for closed bldgs. - >=75' from any public street (excludes parking)	<u>Screening</u> - 6' screening wall or fence around part of site w/ operations to secure the operations	N/A
TEMPORARY								
CARROLLTON	Construction	Batch Plant (Temporary)	All districts, except special districts with Temporary Use Permit	N/A	N/A	N/A	N/A	N/A
COPPELL	Light Industrial	Concrete or Asphalt Batch Plant on a temporary basis in excess of 180 days; Temporary batching plant in excess of 180 days	(A) Agricultural, (SF-ED) Single-Family Estate District, LI (Light Industrial) with SUP approval	N/A	Not allowed -Certification of Trinity River Corridor Development (Floodplain areas)	N/A	N/A	N/A

OTHER CITIES COMPARISON

	LAND USE CATEGORY	LAND USE SUBCATEGORY	ZONING DISTRICTS (ALLOWED)	SPECIAL DISTRICTS	FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED	SPACING FROM SENSITIVE USES OR DISTRICTS/ CONDITIONS	DEVELOPMENT STANDARDS	TIME LIMIT
DESOTO	Industrial and Related Uses	Concrete or Asphalt Batching Plant (Temporary)	As Permitted by BO	N/A	N/A	N/A	N/A	N/A
DUNCANVILLE	Commercial and Industrial Uses	Manufacturing, Production, and Processing, Heavy	As Permitted by BO	N/A	N/A	N/A	<u>Notice to Employees</u> -A notice shall be permanently posted on the person's bulletin board or other prominent place advising employees whom to call in the event of a discharge. -Employer shall ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure	<u>Time Limit</u> The building official may issue a permit for a temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or at the end of two years. -If more time is needed, the planning commission shall hold a public hearing for the purpose of considering the continuation of the temporary building for construction purposes.

OTHER CITIES COMPARISON

	LAND USE CATEGORY	LAND USE SUBCATEGORY	ZONING DISTRICTS (ALLOWED)	SPECIAL DISTRICTS	FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED	SPACING FROM SENSITIVE USES OR DISTRICTS/ CONDITIONS	DEVELOPMENT STANDARDS	TIME LIMIT
EL PASO	Temporary Uses	Concrete Mixing or Batching Plant	All districts, except NOS (Natural Open Space) District and URD Urban Reserve District) as Temporary Use	N/A	N/A	<u>Distance Requirements</u> >=10' from the front property line for all temporary structures <u>Site Restoration</u> The site shall be cleaned up to the original state starting 24 hours after the applicant has stopped using the site for the permitted temporary use.	N/A	No longer than six months within the same calendar year at which time it is deemed expired.
FORT WORTH	Temporary/Medium and Heavy Industrial	Batch Plant, Concrete or Asphalt (Temporary)	I, J, K (Industrial) Districts; (ER),(E), (FR), (F), (G), (H) Commercial Districts with Conditional Use Permit	(AG) Agricultural District, (Cf) and PD (Special) Districts with Conditional Use Permit	N/A	A temporary concrete or asphalt plant for road or highway construction may be located in any zoning district provided: 1. Time period no more than 6 months; 2. The site is located at least 600' from properties in which dwellings are constructed; 3. A site plan has been filed in development showing: location of batch plant, distance from improved residential properties, and streets to be paved	N/A	6 months -An extension over 6 months may be granted by special exception of the Board of Adjustment.

OTHER CITIES COMPARISON

	LAND USE CATEGORY	LAND USE SUBCATEGORY	ZONING DISTRICTS (ALLOWED)	SPECIAL DISTRICTS	FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED	SPACING FROM SENSITIVE USES OR DISTRICTS/ CONDITIONS	DEVELOPMENT STANDARDS	TIME LIMIT
FRISCO	Nonresidential Use	Concrete/Asphalt Batching Plant (Temporary)	All districts, except special districts with temporary building permit issued by BO	N/A	N/A	N/A	N/A	N/A
GARLAND	Industrial	Batching Plant, Temporary	All districts by-right, except (DT) Downtown	N/A	N/A	N/A	<u>Screening</u> - of all outside storage of perimeter where adjacent to residential	30 days
GRAND PRAIRIE	Manufacturing/Mining and Construction	Concrete Batch Plant (Temporary)	All districts with approval by City Council	N/A	N/A	N/A	N/A	N/A
IRVING	Temporary Uses	Batch Plant, Concrete or Asphalt, Temporary	All districts as Temporary Use with conditions (with temporary building permit issued by BO and Code Enforcement); SUP required if >180 days)	N/A	N/A	<u>Distance Requirements</u> >= 100' from a developed lot in Residential District	N/A	As specified in construction contract for length of time development of structures or improvements for site, as long as >= 250' from a developed lot in Residential District or 30 days

OTHER CITIES COMPARISON

	LAND USE CATEGORY	LAND USE SUBCATEGORY	ZONING DISTRICTS (ALLOWED)	SPECIAL DISTRICTS	FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED	SPACING FROM SENSITIVE USES OR DISTRICTS/ CONDITIONS	DEVELOPMENT STANDARDS	TIME LIMIT
LANCASTER	Industrial & Manufacturing	Asphalt or Concrete Batch Plant, Temporary; and Standing Lime Trucks	All districts, except TC (Town Center) with conditions (temporary building permit from BO with conditions stated on certificate)	N/A	N/A	<u>Distance Requirements</u> >= 500' to a residential property -If all Conditions will not be met, exception by P&Z approval is required	N/A	Limited to period of construction in which project is meant to serve
MCKINNEY	Industrial & Manufacturing	Concrete or Asphalt Batch Plant	All districts, except (UMU) Urban Mixed-Use. Temporary Concrete Batch Plants with Temporary permit issued by Engineer; Temporary Asphalt Batch Plants by City Council Resolution	Not allowed within (MTC) McKinney Town Center Special District	N/A	N/A	N/A	N/A
PLANO	Commercial, Manufacturing and Industrial	Asphalt and Concrete Batching Plant (Temporary)	All districts, except UMU (Urban Mixed-Use) Temporary Concrete Batch Plants with Temporary permit issued by Engineer; Temporary Asphalt Batch Plants by City Council Resolution only	Not allow within (UMU) Urban Mixed-Use District	N/A	<u>Site Removal</u> -Removal of Temporary Concrete plant as specified by City Engineer	N/A	N/A

OTHER CITIES COMPARISON

	LAND USE CATEGORY	LAND USE SUBCATEGORY	ZONING DISTRICTS (ALLOWED)	SPECIAL DISTRICTS	FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED	SPACING FROM SENSITIVE USES OR DISTRICTS/ CONDITIONS	DEVELOPMENT STANDARDS	TIME LIMIT
RICHARDSON	Manufacturing (Heavy)	N/A	I-M(1) Industrial District, I-M(2) Industrial District & IP-M(1) Industrial District, I-FP(1) and I- FP(2) with SUP approval	N/A	Not allowed in (FP) Floodplain District	Must register with health officer in I-M(1), I-M(2), IFP-(1), and I-FP(2)	Specific performance standards for emissions HTTPS://LIBRARY.MUNICODE.COM/TX/RICHARDSON/CODES/CODE_OF ORDINANCES?NODEID=PTIICOOR_APXACO_ZOOR1956_ARTXXII-BPEST	If longer than 4 weeks, Master Use Permit approval only
SAN ANTONIO	Industrial	Batching Plant, Temporary	(I-1) Industrial-1, (I-2) Industrial-2; (C-3) Commercial 3 District, (D) Downtown District and (L) Light Industrial Districts with SUP approval	(ERZD) Edwards Recharge Zone District Overlay with SUP only	N/A	N/A	N/A	A maximum of 6 months in C-3 and L Districts
ATLANTA	Heavy Industrial	Concrete plants, cement plants, plants for the manuf. of lime, gypsum, plaster of Paris	(I-2) Heavy Industrial 2 District with SUP Approval	Airport Districts: -Uses adversely affected by airport operational characteristics -Uses likely to be adversely affected to a substantial extent by noise, air pollution or other environmental influences related	N/A	<u>Special Agreement</u> -Operation and maintenance agreement; -Performance bond	N/A	N/A

OTHER CITIES COMPARISON

	LAND USE CATEGORY	LAND USE SUBCATEGORY	ZONING DISTRICTS (ALLOWED)	SPECIAL DISTRICTS	FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED	SPACING FROM SENSITIVE USES OR DISTRICTS/ CONDITIONS	DEVELOPMENT STANDARDS	TIME LIMIT
ATLANTA (CONT'D)				to airport uses shall be prohibited except where structural or other measures are taken to counter such effects to a satisfactory degree. -Not allowed in any other special districts				
SAN DIEGO	Industrial	Heavy Manufacturing	IH-1 (Ind. - Heavy), IH-2 (Ind. - Heavy)	Not allowed within Environmentally Sensitive Areas; Determination from CM and/or approval from FAA within 50' of Airport Approach Overlay Zone (all development) or Very High Fire Hazard Safety Zone	Not allowed	N/A	N/A	N/A
SEATTLE	Manufacturing	Heavy Manufacturing	Temporary Uses	Not allowed in (IB) Industrial Buffer District, (IC) Industrial Commercial District, Landmark, Queen Anne Interbay or Shoreline District	N/A	.N/A	N/A	Master Use Permit required for Temporary Use >/ = 4 wks