

Memorandum



CITY OF DALLAS

DATE January 28, 2022

TO Honorable Chair and Members of the Environment & Sustainability Committee

SUBJECT **Batch Plant and Industrial Uses Code Amendment Update**

This serves as a follow up of the Environment & Sustainability Committee memorandum dated November 12, 2021 on Batch Plant Permits, Policies, and Strategies. The memorandum provided an outline of strategies to effectively address batch plants in ways that protect our community, enhance local air quality, improve public health, and support ongoing construction related to batch plant operations in the City. Staff identified zoning changes as a strategy to better define where these operations should be allowed.

Temporary concrete or asphalt batching plants are currently allowed in most of the zoning districts across the City, including residential districts with administrative approval by the Building Official and is approved if limited criteria such as screening and buffering can be met. Planning and Urban Design staff have initiated a zoning 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. Given the urgency of permanent and temporary concrete batching plant permits near sensitive uses such as residences, parks, and schools and the need to provide a public process for these uses, staff proposes a two-phased approach.

Phase I

The intent of the short-term approach is to immediately address the lack of public process for these industrial land uses by removing the administrative and by-right approval process allowed by Code and adding a Specific Use Permit (SUP) process that will require public hearings in City Plan Commission (CPC) and City Council. Staff has initiated Phase I of this two-part approach and is bringing proposed zoning ordinance changes to the Zoning Ordinance Advisory Committee (ZOAC) meeting on February 3, 2022. If approved by ZOAC and City Plan Commission, the proposed ordinance would be heard by City Council. Staff is estimating April 2022 for City Council consideration.

Phase II

Phase II is the development of new regulations through a comprehensive review and public input strategy, which is anticipated to take approximately 4 to 6 months. Strategies will include, but not be limited to the review of departmental coordination, legal considerations of implications on existing land uses, research of local and national cities regulations and best practices, as well as input from the general public, industry and professional organizations, and coordination with state and federal jurisdictions, such as Texas Commission on Environmental Quality (TCEQ).

A review of concrete or asphalt batching plant and similar industrial land uses will be reassessed for appropriateness and may need further changes to land use categories with respect to land use intensity, and potential for residential and business adjacency, and other factors contributing to potential incompatible industrial uses. This may also include possible additional land use

DATE January 28, 2022
SUBJECT **Batch Plant and Industrial Uses Code Amendment Update**
Page 2 of 7

categories for alternative paving materials that are anticipated and encouraged in the future toward achieving CECAP goals.

Zoning code changes in Phase II may include, but are not limited to:

- Definitions of land use categories
- Minimum distances from residential, schools, daycares, parks, and other public spaces, and/or zoning districts other than industrial, or other incompatible uses (measurement from property line, zoning districts and/or structures to be determined)
- Minimum distances to other concrete batching plants and similar uses, and/or other limits to the number of applications on an annual basis
- Time limits or revised time limits for temporary concrete or asphalt batching plants, including renewals
- Performance standards or 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
- Additional notification requirements
- Curb cuts and appropriate roadway classification access (e.g., thoroughfares)
- Outdoor storage

Should you have questions or need additional information, please contact Julia Ryan at 972-849-1648 or julia.ryan@dallascityhall.com.



Joey Zapata
Assistant City Manager

C: Honorable Mayor and Members of the City Council
T.C. Broadnax, City Manager
Chris Caso, City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge

Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors