

5-11-22

ORDINANCE NO. 32209

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-4.216, 51A-4.111, 51A-4.112, 51A-4.113, 51A-4.114, 51A-4.115, 51A-4.116, 51A-4.117, 51A-4.121, 51A-4.122, 51A-4.123, 51A-4.124, 51A-4.125, 51A-4.126, 51A-4.127 and 51A-4.203; providing a specific use permit requirement for temporary concrete or asphalt batching plants in all zoning districts; providing that concrete or asphalt batching is a potentially incompatible industrial use; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (3), “Temporary Concrete or Asphalt Batching Plant,” of Section 51-4.216, “Industrial and Manufacturing Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended, of the Dallas City Code is amended to read as follows:

“(3) Temporary concrete or asphalt batching plant.

(A) Definition: A temporary facility for mixing concrete or asphalt.

(B) Districts permitted: By SUP only in all districts. [~~Special authorization by the building official is required in accordance with the additional provisions of this use.~~]

(C) Required off-street parking: None.

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- (D) Required on-street parking: None.
- (E) Additional provisions.

(i) An application for specific use permit must consider if on-site fencing, screening, or buffering elements provide adequate protection for adjacent property. [A temporary certificate of occupancy is required for this use. The building official may issue a temporary certificate of occupancy in any zoning district for a temporary batching plant to mix, compound, and batch concrete, asphalt, or both, for a public or private project. The certificate is valid for six months. If the project is not completed within six months, the building official may extend the certificate to complete the project.]

SECTION 2. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Section 51A-4.111, “Agricultural [A(A)] District,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Mining. *[SUP]*
- Organic compost recycling facility. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP]*”

SECTION 3. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “R-1ac(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [fBy special authorization of the building official.]*”

SECTION 4. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “R-1/2ac(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.]~~”*

SECTION 5. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “R-16(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.]~~”*

SECTION 6. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “R-13(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.]~~”*

SECTION 7. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “R-10(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 8. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (f), “R-7.5(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 9. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (g), “R-5(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 10. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Section 51A-4.113, “Duplex [D(A)] District,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 11. That Paragraph (C), “Industrial Uses,” of Subsection (2), “Main Uses Permitted,” of Section 51A-4.114, “Townhouse [TH-1(A), TH-2(A), and TH-3(A)] Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 12. That Paragraph (C), “Industrial Uses,” of Subsection (2), “Main Uses Permitted,” of Section 51A-4.115, “Clustered Housing (CH) District,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 13. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “MF-1(A) and MF-1(SAH) Districts,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.]~~”*

SECTION 14. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “MF-2(A) and MF-2(SAH) Districts,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.]~~”*

SECTION 15. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “MF-3(A) District,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.]~~”*

SECTION 16. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MF-4(A) District,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.]~~”*

SECTION 17. That Paragraph (C), “Industrial Uses,” of Subsection (2), “Main Uses Permitted,” of Section 51A-4.117, “Manufactured Home [MH(A)] District,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.]~~”*

SECTION 18. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “Neighborhood Office [NO(A)] District,” of Section 51A-4.121, “Office Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.]~~”*

SECTION 19. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “LO(A) Districts (LO-1, LO-2, and LO-3),” of Section 51A-4.121, “Office Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 20. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “MO(A) Districts (MO-1 and MO-2),” of Section 51A-4.121, “Office Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 21. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “General Office [GO(A)] District,” of Section 51A-4.121, “Office Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

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SECTION 22. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “Neighborhood Service [NS(A)] District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 23. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Community Retail (CR) District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 24. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Regional Retail (RR) District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 25. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “Commercial Service (CS) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Industrial (inside) for light manufacturing.
- Temporary concrete or asphalt batching plant. *[SUP]* [~~By~~ *special authorization of the building official.*]

SECTION 26. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Light Industrial (LI) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Alcoholic beverage manufacturing. *[RAR]*
- Gas drilling and production. *[SUP]*
- Industrial (inside) for light manufacturing.
- Inside industrial. *[RAR]*
- Temporary concrete or asphalt batching plant. *[SUP]* [~~By~~ *special authorization of the building official.*]

SECTION 27. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Industrial/Research (IR) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Alcoholic beverage manufacturing. *[RAR]*

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- Gas drilling and production. [SUP]
- Industrial (inside). [See Section 51A-4.203(b)(1).]
- Industrial (inside) for light manufacturing.
- Industrial (outside). [See Section 51A-4.203(b)(2).]
- Medical/infectious waste incinerator. [SUP]
- Municipal waste incinerator. [SUP]
- Organic compost recycling facility. [SUP]
- Pathological waste incinerator. [SUP]
- Temporary concrete or asphalt batching plant. [SUP] [~~By special authorization of the building official.~~]

SECTION 28. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “Industrial Manufacturing (IM) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Alcoholic beverage manufacturing. [RAR]
- Gas drilling and production. [SUP]
- Gas pipeline compressor station. [SUP]
- Industrial (inside). [SUP may be required. See Section 51A-4.203(a); otherwise RAR.]
- Industrial (inside) for light manufacturing.
- Industrial (outside). [SUP may be required. See Section 51A-4.203(a); otherwise RAR.]
- Medical/infectious waste incinerator. [SUP]
- Metal salvage facility. [SUP]
- Mining. [SUP]
- Municipal waste incinerator. [SUP]
- Organic compost recycling facility. [RAR]
- Outside salvage or reclamation. [SUP]
- Pathological waste incinerator. [SUP]
- Temporary concrete or asphalt batching plant. [SUP] [~~By special authorization of the building official.~~]

SECTION 29. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “CA-1(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Alcoholic beverage manufacturing. *[SUP]*
- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 30. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “CA-2(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Alcoholic beverage manufacturing. *[SUP]*
- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 31. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MU-1 and MU-1(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 32. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “MU-2 and MU-2(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 33. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (f), “MU-3 and MU-3(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 34. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MC-1 District,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.~~]*”

SECTION 35. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “MC-2 District,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.]~~”*

SECTION 36. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (f), “MC-3 and MC-4 Districts,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.]~~”*

SECTION 37. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “UC Districts,” of Section 51A-4.127, “Urban Corridor Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[SUP] [~~By special authorization of the building official.]~~”*

SECTION 38. That Paragraph (2) of Subsection (a), “Potentially Incompatible Industrial Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(2) The following main uses, activities, operations, and processes are hereby declared to be potentially incompatible industrial uses:

- Asphalt or concrete batching
- Bulk processing, washing, curing, or dyeing of hair, felt, or feathers
- Concrete crushing
- Fat rendering
- Foundries, ferrous or non-ferrous
- Grain milling or processing
- Leather or fur tanning, curing, finishing, or dyeing
- Metal or metal ore reduction, refining, smelting, or alloying
- Metal or metal product treatment or processing, including enameling, japanning, lacquering, galvanizing, or similar processes
- Petroleum or petroleum product refining
- Radioactive waste disposal services involving the handling or storage of radioactive waste, excluding hazardous waste management facilities as defined in this chapter
- Solvent extracting
- Slaughtering of animals, fish, or poultry
- Sugar refining
- Textile bleaching
- Wood or bone distillation
- Wood or lumber processing, including sawmills or planing mills, wood-preserving treatment, and similar processes
- Wood pulp or fiber reduction or processing, including paper mill operations
- Wool scouring or pulling”

SECTION 39. That Paragraph (6), “Temporary Concrete or Asphalt Batching Plant,” of Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(6) Temporary concrete or asphalt batching plant.

(A) Definition: A temporary facility for mixing cement or asphalt.

(B) Districts permitted: By SUP only in all districts. [~~Special authorization by the building official is required in accordance with the additional provisions for this use.~~]

(C) Off-street parking:

Required off-street parking: Two spaces. Off-street parking requirements for this use may be satisfied by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking spaces:

- (i) are adequately designed to accommodate the parking needs of the use; and
- (ii) will not adversely affect surrounding uses.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) An application for specific use permit must consider if [~~A temporary certificate of occupancy is required for this use. The building official may issue a temporary certificate of occupancy in any zoning district for a temporary batching plant to mix, compound, and batch concrete, asphalt, or both, for a public or private project. The certificate is valid for six months. The building official shall deny the certificate if he determines that~~] on-site fencing, screening, or buffering elements ~~do not~~ provide adequate protection for adjacent property. [~~If the project is not completed within six months, the building official may extend the certificate to complete the project.~~]

(ii) A person to whom a temporary certificate of occupancy is issued shall:

(aa) comply with city, state and federal laws at the batching plant site;

(bb) clear the site of equipment, material and debris upon completion of the project;

(cc) repair or replace any public improvement that is damaged during the operation of the temporary batching plant; and

(dd) locate and operate the temporary plant in a manner which eliminates unnecessary dust, noise, and odor (as illustrated by, but not limited to covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).

(iii) A person shall only furnish concrete, asphalt, or both, to the specific project for which the specific use permit [~~temporary certificate of occupaney~~] is issued.

(iv) [~~The placement of a temporary batching plant for a private project is restricted to the site of the project. The board may grant a special exception to this requirement when, in the opinion of the board, the special exception will not adversely affect neighboring properties.]”~~

SECTION 40. That the director of planning and urban design shall revise the use charts to reflect the change in use regulations made by this ordinance and shall provide these charts for publication in the Dallas Development Code.

SECTION 41. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 42. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 43. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 44. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 45. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By 
Assistant City Attorney

Passed MAY 11 2022



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAY 11 2022

ORDINANCE NUMBER 32209

DATE PUBLISHED MAY 14 2022

ATTESTED BY: