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Public Notice

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POSTED CITY SECRETARY

**ZONING ORDINANCE ADVISORY COMMITTEE (ZOAC)**

Tuesday, December 13, 2022

9:00 a.m.

**A G E N D A**

The Zoning Ordinance Advisory Committee meeting will be held by videoconference at <https://bit.ly/ZOAC121322> and in person in Room L1FN at Dallas City Hall, 1500 Marilla Street, Dallas, TX 75201.

The public is encouraged to attend the meeting virtually or by calling: (469) 210-7159 / Access code: 248 597 11685 / Event Password Webinar: zoac

*Individuals who wish to speak to an agenda item must complete the Planning and Urban Design Department ZOAC speaker sign-up sheet by visiting <https://forms.office.com/g/PCdcrRFtc2> by 5:00 p.m. Sunday December 11, 2022 and must have their video on when speaking virtually.*

Julia Ryan, AICP, Director, Planning & Urban Design Department

Andrea Gilles, AICP, Assistant Director, Planning & Urban Design Department

Sarah May, AICP, Chief Planner, Planning & Urban Design Department

**DISCUSSION:**

- (1) **DCA212-003** 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.  
Lori Levy
- (2) **DCA223-001** Development Code Amendment to consider amending Chapters 51 and 51A of the Dallas Development Code, Section 51-4.212 "Service Station", 51-4.217(18) "Accessory electric vehicle charging station", 51A-4.210(a)(19) "Motor vehicle fueling station", and 51A-4.217 "Accessory electric vehicle charging station", and related sections with consideration to be given to appropriate zoning districts and developing appropriate standards associated with electric vehicle charging.  
Mike King

**OTHER MATTERS:**

- (3) Approval of meeting minutes from November 15, 2022.

**ADJOURNMENT:**

**Handgun Prohibition Notice for Meetings of Governmental Entities**

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

*"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."*

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

*"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."*

*A quorum of the City Plan Commission may attend this Zoning Ordinance Advisory Committee Meeting*

**ZONING ORDINANCE ADVISORY COMMITTEE    TUESDAY, DECEMBER 13, 2022**

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**Planner: Lori Levy, AICP**

**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

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**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.

**STAFF RECOMMENDATION:**    **Hold under advisement until the January 17, 2023 meeting**

**CODE AMENDMENT PROJECT WEBPAGE:**  
[Planning & Urban Design Catchlines \(dallascityhall.com\)](http://Planning & Urban Design Catchlines (dallascityhall.com))

## **BACKGROUND:**

- 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. Any updates from those meetings will be briefed to ZOAC in the December 13 public hearing.

## **PHASE 1 - TEMPORARY AND PERMANENT CONCRETE OR ASPHALT BATCHING PLANTS:**

Prior to the Code Amendment for Ph I, 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, Planning and Urban Design staff 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.

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 by replacing 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.

## **PHASE II – LONG-TERM APPROACH**

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

Long-term strategies considered included, 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). Long-term, strategies include, and are not limited to:

- Definitions and revised definitions for categories of land uses.

- Revised categories of land uses.
- Distances from residential structures and residential zoning districts, public schools, and public parks (measurement from the property line of the proposed batch plant to the property line of the nearest residential zoning districts, residential structures, public schools and public parks).
- Distances to other concrete batching plants (measured from property line of the batch plant to the property line of the proposed batch plant)
- Revised renewal time limits for concrete or asphalt batching 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 and egress roadway access.
- Landscaping and Screening.
- Site Requirements.
- Site Restoration and Remediation.

The following tables outline staff's recommendations for amendments to concrete and asphalt batching plant regulations.

Overview of Proposed Regulations for Concrete or Asphalt Batch Plants, including Concrete or Asphalt Recycling

**Land Use**

|                                   | <b>Permanent</b>   | <b>Temporary</b>  |
|-----------------------------------|--|---|
|                                   |  | </= 180 days or the length of the project in which it serves per the submitted construction contract, whichever occurs first  |
| Land Use Category                 | Industrial (Outside)   | Temporary Use   |
| Land Use Subcategory <sup>1</sup> | Potentially Incompatible Industrial Use (when conducted outside)   | Temporary Use, On-Site<br>Temporary Use, Off-Site<br>Temporary Use, Off-Site (Public Projects)<br>Temporary Use, Off-Site (in R.O.W.)   |
| Specific Uses                     | Asphalt or Concrete Batch Plant                                    | Asphalt or Concrete Batch Plant   |
|                                   | Alternative (Green Concrete) Batch Plant                           | Alternative (Green Concrete) Batch Plant  |
|                                   | Asphalt or Concrete Recycling                                      |   |
| Zoning Districts Allowed          | IM* (Industrial Manufacturing) with Specific Use Permit (SUP) only | Allowed in all nonresidential districts*. Allowed in residential (A, R, RTN, D, TH, CH, MF, WR and MH) when the plant is serving construction or partial reconstruction of a residential development; otherwise, SUP required (Temporary Use, Off-Site will require an SUP) |

\* Uses shown with (\*) require additional provisions as specified in the chart under Additional Provisions.

<sup>1</sup> The purpose and intent of the land use subcategories in the above chart are included in the Land Use Subcategory section following the tables.

### Additional Provisions\*

|  | Permanent  |  |                               | Temporary   |   |
|--|--|--|-------------------------------|---|---|
| Land Use Subcategory   | Asphalt or Concrete Batch Plant  | Alternative (Green Concrete) Batch Plant | Asphalt or Concrete Recycling | Asphalt or Concrete Batch Plant<br>Alternative (Green Concrete) Batch Plant | Temp, (On-Site)<br>Temp, (Off-Site), in R.O.W.<br>Temp, (Off-Site), Public Projects |
| Distances <sup>2*</sup> from a residential structure, residential district, public school and school district public facilities on record or public park <sup>3*</sup> | >/= 1,640'   | >/= 1,320'                               | >/= 3,281'                    | >/= 330'  | >/= 1,640'  |
| Distances from another Batch Plant <sup>4*</sup>   | >/= 1,640'   | >/= 1,320'                               | >/= 3,281'                    | N/A   | >/= 1,640'  |
| Site*  | <ul style="list-style-type: none"> <li>- Minimum 1 acre site</li> <li>- &gt;/= 100' from a floodplain or floodway, as defined in Article V</li> <li>- Performance Bond or insurance (infrastructure/roads into and out of site, site restoration) for the duration of the project or SUP approval period plus 1 year</li> <li>- Video or photos of the entire site, and a professionally prepared environmental report documenting existing conditions</li> <li>- Operational Plan</li> <li>- &gt;/= TCEQ site distance requirements as amended including alternative options must be met<sup>5</sup></li> <li>- No more than 1 batch plant located on any 1 building site.</li> <li>- Outside storage of any equipment or vehicles on the property must be necessary to serve the batch plant on the site and occupy no more than 50 percent of the lot</li> <li>- All truck queuing, filling and such other operations shall occur on the property in which the plant is located.</li> <li>- A notice to employees permanently posted in a prominent place advising employees whom to</li> </ul> |  |                               |   |   |

\* Uses shown with (\*) require additional provisions as specified in the chart under Additional Provisions.

<sup>2</sup> Separation Distances between Industrial and Sensitive Land Uses per the Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986), as amended.

<sup>3</sup> Measurement from a concrete or asphalt batch plant to a residential structure, residential district, public school or public park shall be in a direct line from the property line of the concrete or asphalt batch plant to the property line of the residential structure, residential district, public school or public park.

<sup>4</sup> Measurement from a concrete or asphalt batch plant to another concrete or asphalt batch plant shall be in a direct line from the property line of the concrete or asphalt batch plant to the property line of the concrete or asphalt batch plant.

<sup>5</sup> TCEQ Distances – Suction shroud baghouse exhaust shall be at least 100 feet from any property line. Owner or operator shall not locate or operate stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) within 50 feet from any property line (100' if Standard Permit with Enhanced Controls – Permanent only). Minimum distances from any property line, except for temporary concrete plants approved to operate in R.O.W of a public works project. The owner or operator shall not operate vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) within a minimum buffer distance of 25 feet from any property line.

|   | <b>Permanent</b>   | <b>Temporary</b>  |
|---|--|---|
|   | contact in the event of a discharge of any kind and ensure that all employees are educated on procedures or such accidental discharges.  |   |
| Paving*   | -Parking/maneuvering, and driveways must be on a compacted subgrade and must be concrete or asphalt. Crushed or pervious surfaces are prohibited in places where vehicles are operated.  | -Parking/maneuvering, and driveways must be on a compacted subgrade and must be concrete or asphalt or a dust proof surface and maintained as such. Crushed or pervious surfaces are prohibited in places where vehicles are operated.                                      |
| Ingress/Egress*                                     | -Ingress/egress is prohibited on minor streets (defined as streets not listed on the Thoroughfare Plan, as amended –These are Residential Streets)   | -Ingress/egress is prohibited on minor streets (defined as streets not listed on the Thoroughfare Plan, as amended – These are Residential Streets) unless the project in which the temporary batch plant is serving is a residential site and the site has no other access |
| Signs*  | <p>Shall be posted on the property at the entrance or screening wall of the main use and parking with the following:</p> <ul style="list-style-type: none"> <li>-Name of the facility</li> <li>-Address of the facility</li> <li>-Use, SUP number and expiration date per the CO, if any</li> <li>-Name, phone number and email of the contact person who will be answering all phone and email inquiries, complaints and/or violations for the site and responsible for operations on-site.</li> </ul> <p>Signs shall</p> <ul style="list-style-type: none"> <li>-Illustrate or describe the location of the remote parking in relation to the main use</li> <li>-Be constructed of weather resistant material</li> <li>-Be no less than 30 inches wide and 24 inches long; and</li> <li>-Contain clearly legible letters in a color that contrasts with the background material of the sign</li> </ul>   |   |
| Best Management Practices (BMP's) Dust Suppression* | <ul style="list-style-type: none"> <li>-Dust cover or shroud required on all three-sides of the materials conveyor belt</li> <li>-Wheel washing device required for all trucks that traverse the site</li> <li>-New slump stands and bays and wheel-washing facilities shall be connected to the water management system to prevent contaminants such as spilt concrete, aggregate or concrete slurry from entering stormwater drains</li> <li>-Slump stands shall be designed to avoid trucks driving through slurry water generated by wash-downs</li> <li>-Batch plants shall be designed to enable recycled water from the water management system to be used for slumping</li> <li>-Testing reports are required to be kept on-site for water used for mixing water for concrete</li> <li>-Cleaning of batch plant rubbish on-site and off-site shall be required immediately upon spillage</li> <li>-Concentration of transport shall be to muck storage areas only</li> </ul> |   |



|   | <b>Permanent</b>  | <b>Temporary</b>  |
|---|---|---|
| Best Management Practices (BMP's) Dust Suppression* (continued)           | <ul style="list-style-type: none"> <li>-Work performed shall be during well weather only so as to avoid windy conditions that spread dust and debris off-site</li> <li>-All trucks shall provide spill kits to cover clean-up needs in transit</li> <li>-Spills during transit shall be cleaned up immediately to prevent contaminants entering stormwater drains or wastewater areas</li> <li>-Permanent sprinkler system required on-site installed so as to wet all roadways into and out of the site, and watering of the stockpiles</li> <li>-No chemicals may be used for watering of the site and wheel washing for dust suppression – only water.</li> <li>-Baghouses shall be maintained and emptied regularly, every 24 hrs.</li> <li>-A reverse pulse fabric filter dust collector (FFDC) or other dust control technology with an equivalent or better performance shall be used</li> <li>-Sand and aggregates shall be delivered on-site in a dampened state using covered trucks</li> <li>-Raw materials shall be loaded into truck agitators by either using a telescopic chute (preferred) or a flexible sleeve to prevent spillage of material</li> <li>-Adequate measures shall be put in place to ensure truck agitators are not overfilled</li> </ul> |   |
| Site Restoration and Remediation*   | <ul style="list-style-type: none"> <li>-OEQS must be contacted within 72 hrs., with notice of intent to vacate the property and with updated contact information to schedule an inspection of the site after expected site restoration date</li> <li>-Applicant shall provide copies of the original environmental report for inspection to confirm that site is restored to original condition</li> <li>-All structures and equipment shall be removed from the site and the site restored to original condition to begin within 24 hours of intent to vacate site or expiration of the approved SUP</li> </ul>  |   |
| Screening*  | <ul style="list-style-type: none"> <li>-Screening with a minimum height of eight feet is required for the use</li> </ul>  | <ul style="list-style-type: none"> <li>- A temporary screening wall is required for the use</li> <li>- Screening must be opaque and may include a combination of landscaping and sound blankets</li> <li>- Minimum solid screening wall shall be a minimum of 8' in height</li> </ul> |
| Landscaping and Tree Conservation*  | <ul style="list-style-type: none"> <li>- Art. X (Landscaping and Tree Preservation) applies, except as provided.</li> <li>- Div. 51A-10.120 Landscaping does not apply</li> <li>-Section 51A-10.123 (c) Landscape Plan Submission is required. The landscape plan must be stamped by a landscape architect</li> </ul>   |   |
| <b>Buffer yard:</b> (Adjacent to screening wall, full extent of property) | <p><b>BUFFER YARD DEPTH:</b></p> <p><u>Adjacent To Streets:</u></p> <p>-30'</p> <p><u>Adj. All Other Properties (Or Across An Alley):</u></p> <p>-20'</p>   |   |

|  | <b>Permanent</b>  | <b>Temporary</b> |
|--|---|------------------|
| <p><b>Buffer yard:</b><br/>(Adjacent to screening wall, full extent of property)<br/>(continued)</p> | <p><u>Street R.O.W. Buffer Yard:</u><br/>-Street R.O.W. may be included up to 25% of required buffer yard (subject to city licensing, permit and tree location requirements of Art. X)</p> <p><u>Exterior and interior to screening wall:</u><br/>-1 lg. or med. canopy tree in a double staggered row every 30' linear feet for the total length of the perimeter<br/>-75% of lg. or med. canopy trees must be evergreen</p> <p><u>Exterior to screening wall:</u><br/>-Min. 18 evergreen trees for every 100 linear feet along street R.O.W. (to provide continuous screen) or<br/>-Double staggered row of lg. evergreen shrubs along the front of screening wall<br/>-Continuous shrub row along front of fence if fence is placed within 5' of property line. Grow to minimum height of six feet<br/>-Lawn or groundcover is required for the buffer yard outside of shrub and tree planting areas</p> <p><u>Other Buffer Yards:</u><br/>Exterior and interior screening walls, if applicable:<br/>-A lg. or med. canopy tree is required in a single row for the total length of the perimeter<br/>-Min. of 75% of lg. canopy trees must be evergreen</p> <p><u>Required Planting:</u><br/>-Buffer yard plant materials are required exterior and interior to the screening wall as applicable and along the full length of screening walls along the street right-of-way<br/>-Buffer yard plant materials are required exterior and interior to the screening wall as applicable and along the full length of the screening wall along other property lines<br/>-The design must show plants by species, and in combination with other plants, to provide growth and maintenance for the</p> |                  |

|   | <b>Permanent</b>   | <b>Temporary</b>   |
|---|--|--|
| <b>Buffer yard:</b><br>(Adjacent to screening wall, full extent of property)<br>(continued) | purpose of air quality control and aesthetic design according to its placement adjacent to the exterior or interior sides of the screening wall<br><br><u>Plant Materials:</u><br>-Plant materials shall be considered based on the horizontal depth of the buffer yard, differences in elevation, the types and density of planting, existing woods on adjacent property, and other combinations of man-made and natural features |  |
| Alternative Buffering, Landscaping and Screening*   | - The applicant may submit alternative landscaping, buffering or screening or a combination thereof due to property constraints, water lines, easements or other with a Specific Use Permit (SUP) as long as, at minimum, the alternatives presented are equivalent to or superior to the minimum standard and meets the spirit and intent of this section   | N/A  |
| Public Notices*   | - Shall be 500' (Applies to SUP's only)<br>- All HOA's and public schools on record per specified distances (same as distances for sensitive land uses for the respective subcategories) (Applies to SUP's only)   |  |
| Renewals*   | - N/A (unless specified in SUP approval)   | - 2 per the updated construction contract or as determined by the SUP (extensions will require an SUP)   |
| Other Sensitive Land Uses*  | - Private schools, parks, and daycare facilities within the established distance requirements from sensitive land uses above shall be considered in determining the appropriateness of the SUP   | -Private schools, parks, and daycare facilities within the established distance requirements from sensitive land uses above shall be considered in determining appropriateness of the SUP, if an SUP is required |

**Land Use Subcategories**

Permanent

**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.

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**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 could not meet the distance requirements by locating on the site in which the temporary batching facility is serving.

#### Temporary Use, Off-Site (in R.O.W.)

##### **Purpose**

The purpose of this subcategory is to allow contractors for public projects (City or TxDOT) to provide concrete or asphalt from the right-of-way to the project site. 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. This will also allow the operator to take advantage of multiple pours for nearby projects, such as large highway projects.

#### **Proposed Definitions**

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

## APPENDICES

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

SPECIFIC USE PERMIT (SUP) – SEC. 51A-4.219 [SEC. 51A-4.219. SPECIFIC USE PERMIT \(SUP\). \(amlegal.com\)](#)

NOTICE REQUIREMENTS – CH. 51A-4.701 ZONING AMENDMENTS [SEC. 51A-4.701. ZONING AMENDMENTS. \(amlegal.com\)](#)

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

### 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](#)

OTHER CITIES COMPARISON

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

**OTHER CITIES COMPARISON**

|                  | <b>LAND USE CATEGORY</b>   | <b>LAND USE SUBCATEGORY</b>                     | <b>ZONING DISTRICTS (ALLOWED)</b>  | <b>SPECIAL DISTRICTS</b>                                       | <b>FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED</b> | <b>*CONDITIONS</b> | <b>DEVELOPMENT STANDARDS</b> | <b>TIME LIMIT</b> |
|------------------|----------------------------|---|--|--|--|--------------------|------------------------------|-------------------|
| <b>IRVING</b>    | Not Allowed                | N/A   | N/A  | N/A  | N/A  | N/A                | N/A                          | N/A               |
| <b>LANCASTER</b> | Industrial & Manufacturing | Asphalt or Concrete Batch Plant                 | AO (AG), LI (Light Industrial) and MI (Medium Industrial) <b>with SUP approval and conditions</b>  | N/A  | N/A  | N/A                | N/A                          | N/A               |
| <b>MC KINNEY</b> | 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               |
| <b>PLANO</b>     | Industrial                 | Asphalt and Concrete Batching Plant (Permanent) | (CE) Commercial Employment District, (LI-1) Light Industrial -1 District and (LI-2) Light Industrial-2 District <b>with SUP approval</b> | N/A  | N/A  | N/A                | N/A                          | N/A               |

**OTHER CITIES COMPARISON**

|                    | <b>LAND USE CATEGORY</b>                 | <b>LAND USE SUBCATEGORY</b>  | <b>ZONING DISTRICTS (ALLOWED)</b>   | <b>SPECIAL DISTRICTS</b>                                    | <b>FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED</b> | <b>*CONDITIONS</b>  | <b>DEVELOPMENT STANDARDS</b>  | <b>TIME LIMIT</b> |
|--------------------|--|--|---|---|--|---|---|-------------------|
| <b>RICHARDSON</b>  | 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) <b>with SUP approval</b> | 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<br><a href="https://library.municode.com/tx/richardson/codes/code_of_ordinances?nodeid=PTIICOOR_APXACO_ZOOR1956_ARTXXII-BPEST">HTTPS://LIBRARY.M UNICODE.COM/TX/ RICHARDSON/COD ES/CODE OF ORDI NANCES?NODEID= PTIICOOR_APXACO ZOOR1956_ARTXXII -BPEST</a> | N/A               |
| <b>SEATTLE</b>     | Manufacturing                            | Manufacturing (Heavy)  | IG1 (General Industrial 1) District and IG2 (General Industrial 2) District   | N/A   | N/A  | N/A   | N/A   | N/A               |
| <b>SAN ANTONIO</b> | Industrial                               | Batching Plant   | Industrial-1, industrial-2  | (ERZD) Edwards Recharge Zone District Overlay with SUP only | N/A  | N/A   | N/A   | N/A               |
| <b>ATLANTA</b>     | Heavy Industrial                         | Concrete plants, cement plants, plants for the manufacturing of lime, gypsum, plaster of Paris | (I-2) Heavy Industrial 2 District <b>with SUP Approval</b>  | N/A   | N/A  | N/A   | N/A   | N/A               |
| <b>SAN DIEGO</b>   | 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  | *CONDITIONS   | DEVELOPMENT STANDARDS  | TIME LIMIT |
|------------|-------------------|---|---|-------------------|--|---|--|------------|
| PHOENIX    | Manufacturing     | Heavy Manufacturing   | (M-2) Industrial District <b>with SUP approval</b>  | N/A               | N/A  | Distance Requirements<br>- >=500' from a dwelling unit (excludes conveyor belts and tubes)<br>- >= 150' side or rear yard setback for open buildings or use from residential.,<br>->=30' setback for closed bldgs.<br>- >=75' from any public street (excludes parking) | Screening<br>- 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 | (A) Agricultural, (SF-ED) Single-Family Estate District, LI (Light Industrial) <b>with SUP approval</b> | N/A               | Not allowed<br>-Certification of Trinity River Corridor Development (Floodplain areas) | N/A   | N/A  | N/A        |

**OTHER CITIES COMPARISON**

|                    | <b>LAND USE CATEGORY</b>       | <b>LAND USE SUBCATEGORY</b>                      | <b>ZONING DISTRICTS (ALLOWED)</b> | <b>SPECIAL DISTRICTS</b> | <b>FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED</b> | <b>*CONDITIONS</b> | <b>DEVELOPMENT STANDARDS</b>  | <b>TIME LIMIT</b>   |
|--------------------|--------------------------------|--|-----------------------------------|--------------------------|--|--------------------|---|---|
|                    |                                | excess of 180 days                               |                                   |                          |  |                    |   |   |
| <b>DESOTO</b>      | Industrial and Related Uses    | Concrete or Asphalt Batching Plant (Temporary)   | As Permitted by BO                | N/A                      | N/A  | N/A                | N/A   | N/A   |
| <b>DUNCANVILLE</b> | Commercial and Industrial Uses | Manufacturing, Production, and Processing, Heavy | As Permitted by BO                | N/A                      | N/A  | N/A                | <u>Notice to Employees</u><br>-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.<br>-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><br>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.<br>-If more time is needed, the planning |

OTHER CITIES COMPARISON

|            | LAND USE CATEGORY                     | LAND USE SUBCATEGORY                         | ZONING DISTRICTS (ALLOWED)   | SPECIAL DISTRICTS  | FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED | *CONDITIONS   | DEVELOPMENT STANDARDS | TIME LIMIT  |
|------------|---------------------------------------|--|--|--|---|---|-----------------------|---|
|            |                                       |  |  |  |   |   |                       | commission shall hold a public hearing for the purpose of considering the continuation of the temporary building for construction purposes. |
| 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   | Distance Requirements<br>>=10' from the front property line for all temporary structures<br><u>Site Restoration</u><br>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                                 | (AG) Agricultural District, (Cf) and PD (Special) Districts <b>with Conditional Use Permit</b> | N/A   | A temporary concrete or asphalt plant for <b>road or highway construction</b> may be located in any zoning district provided:   | N/A                   | 6 months<br>-An extension over 6 months may be granted by special   |

**OTHER CITIES COMPARISON**

|                | <b>LAND USE CATEGORY</b> | <b>LAND USE SUBCATEGORY</b>                 | <b>ZONING DISTRICTS (ALLOWED)</b>   | <b>SPECIAL DISTRICTS</b> | <b>FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED</b> | <b>*CONDITIONS</b>   | <b>DEVELOPMENT STANDARDS</b>  | <b>TIME LIMIT</b>                     |
|----------------|--------------------------|---|---|--------------------------|--|--|---|---------------------------------------|
|                |                          |   | Districts with <b>Conditional Use Permit</b>  |                          |  | <ol style="list-style-type: none"> <li>1. Time period no more than 6 months;</li> <li>2. The site is located at least 600' from properties in which dwellings are constructed;</li> <li>3. A site plan has been filed in development showing: location of batch plant, distance from improved residential properties, and streets to be paved</li> </ol> |   | exception of the Board of Adjustment. |
| <b>FRISCO</b>  | 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                                   |
| <b>GARLAND</b> | Industrial               | Batching Plant, Temporary                   | All districts by-right, except (DT) Downtown  | N/A                      | N/A  | N/A  | <u>Screening</u><br>- of all outside storage of perimeter where adjacent to residential | 30 days                               |

**OTHER CITIES COMPARISON**

|                      | <b>LAND USE CATEGORY</b>              | <b>LAND USE SUBCATEGORY</b>  | <b>ZONING DISTRICTS (ALLOWED)</b>   | <b>SPECIAL DISTRICTS</b> | <b>FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED</b> | <b>*CONDITIONS</b>   | <b>DEVELOPMENT STANDARDS</b> | <b>TIME LIMIT</b>   |
|----------------------|---------------------------------------|--|---|--------------------------|--|--|------------------------------|---|
| <b>GRAND PRAIRIE</b> | 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   |
| <b>IRVING</b>        | 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><br>>= 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 |
| <b>LANCASTER</b>     | 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><br>>= 500' to a residential property<br>-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  |



**OTHER CITIES COMPARISON**

|                 | <b>LAND USE CATEGORY</b>                 | <b>LAND USE SUBCATEGORY</b>                     | <b>ZONING DISTRICTS (ALLOWED)</b>  | <b>SPECIAL DISTRICTS</b>                                       | <b>FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED</b> | <b>*CONDITIONS</b>  | <b>DEVELOPMENT STANDARDS</b> | <b>TIME LIMIT</b> |
|-----------------|--|---|--|--|--|---|------------------------------|-------------------|
| <b>MCKINNEY</b> | Industrial & Manufacturing               | Concrete or Asphalt Batch Plant                 | All districts, except (UMU) Urban Mixed-Use<br>Temporary Concrete Batch Plants with Temporary permit issued by Engineer;<br>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               |
| <b>PLANO</b>    | Commercial, Manufacturing and Industrial | Asphalt and Concrete Batching Plant (Temporary) | All districts, except UMU (Urban Mixed-Use)<br>Temporary Concrete Batch Plants with Temporary permit issued by Engineer;<br>Temporary Asphalt Batch Plants by City Council Resolution only | Not allow within (UMU) Urban Mixed-Use District                | N/A  | <u>Site Removal</u><br>-Removal of Temporary Concrete plant as specified by City Engineer | N/A                          | N/A               |

**OTHER CITIES COMPARISON**

|                    | <b>LAND USE CATEGORY</b> | <b>LAND USE SUBCATEGORY</b>   | <b>ZONING DISTRICTS (ALLOWED)</b>  | <b>SPECIAL DISTRICTS</b>  | <b>FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED</b> | <b>*CONDITIONS</b>   | <b>DEVELOPMENT STANDARDS</b>  | <b>TIME LIMIT</b>  |
|--------------------|--------------------------|---|--|---|--|--|---|--|
| <b>RICHARDSON</b>  | 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) <b>with SUP approval</b>                    | 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<br><a href="https://library.municode.com/tx/richardson/codes/code_of_ordinances?nodeid=PTIICOOR_APXACOO_ZOOR1956_ARTXXII-BPEST">HTTPS://LIBRARY.MUNICODE.COM/TX/RICHARDSON/CODES/CODE OF ORDINANCES?NODEID=PTIICOOR APXACOO ZOOR1956 ARTXXII-BPEST</a> | If longer than 4 weeks, <b>Master Use Permit approval only</b> |
| <b>SAN ANTONIO</b> | 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 <b>with SUP approval</b> | (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                   |
| <b>ATLANTA</b>     | Heavy Industrial         | Concrete plants, cement plants, plants for the manuf. of lime, gypsum, plaster of Paris | (I-2) Heavy Industrial 2 District <b>with SUP Approval</b>   | Airport Districts:<br>-Uses adversely affected by airport operational characteristics<br>-Uses likely to be adversely affected to a substantial extent by noise, air pollution or other | N/A  | <u>Special Agreement</u><br>-Operation and maintenance agreement;<br>-Performance bond | N/A   | N/A  |

**OTHER CITIES COMPARISON**

|                  | <b>LAND USE CATEGORY</b> | <b>LAND USE SUBCATEGORY</b> | <b>ZONING DISTRICTS (ALLOWED)</b>        | <b>SPECIAL DISTRICTS</b>  | <b>FLOODPLAIN, FLOODWAY OR COMPROMISED WATERSHED</b> | <b>*CONDITIONS</b> | <b>DEVELOPMENT STANDARDS</b> | <b>TIME LIMIT</b>                                       |
|------------------|--------------------------|-----------------------------|--|---|--|--------------------|------------------------------|---|
|                  |                          |                             |  | environmental influences related to airport uses shall be prohibited except where structural or other measures are taken to counter such effects to a satisfactory degree.<br>-Not allowed in any other special districts |  |                    |                              |   |
| <b>SAN DIEGO</b> | 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   |
| <b>SEATTLE</b>   | Manufacturing            | Heavy Manufacturing         | Temporary Uses                           | Not allowed in (IB) Industrial Buffer District, (IC) Industrial Commercial District, Landmark,  | N/A  | .N/A               | N/A                          | Master Use Permit required for Temporary Use >/ = 4 wks |

**OTHER CITIES COMPARISON**

|  | <i>LAND USE<br/>CATEGORY</i> | <i>LAND USE<br/>SUBCATEGORY</i> | <i>ZONING DISTRICTS<br/>(ALLOWED)</i> | <i>SPECIAL DISTRICTS</i>                        | <i>FLOODPLAIN,<br/>FLOODWAY OR<br/>COMPROMISED<br/>WATERSHED</i> | <i>*CONDITIONS</i> | <i>DEVELOPMENT<br/>STANDARDS</i> | <i>TIME LIMIT</i> |
|--|------------------------------|---------------------------------|---------------------------------------|---|--|--------------------|----------------------------------|-------------------|
|  |                              |                                 |                                       | Queen Anne<br>Interbay or<br>Shoreline District |  |                    |                                  |                   |

**ZONING ORDINANCE ADVISORY COMMITTEE TUESDAY, DECEMBER 13, 2022**

**Planner: Mike King**

**FILE NUMBER:** DCA223-001(MK) **DATE INITIATED:** November 30, 2022

**TOPIC:** Amendment to update electric vehicle charging regulations in the Dallas Development Code

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

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**PROPOSAL:** Development Code Amendment to consider amending Chapters 51 and 51A of the Dallas Development Code, Section 51-4.212 “Service Station”, 51-4.217(18) “Accessory electric vehicle charging station”, 51A-4.210(a)(19) “Motor vehicle fueling station”, and 51A-4.217 “Accessory electric vehicle charging station”, and related sections with consideration to be given to appropriate zoning districts and developing appropriate standards associated with electric vehicle charging.

**SUMMARY:** The purpose of the proposed amendments is to align the Dallas Development Code with the proposed amendments to Dallas Building Code and the Dallas One-and Two-Family Dwelling Code, which propose to require electric vehicle charging in new construction throughout the City.

**STAFF RECOMMENDATION:** Move to CPC, as briefed per staff’s recommendation.

**APPENDIX**

1. Selections from the proposed amendments to Chapter 53: The Dallas Building Code and Chapter 57: The Dallas One- and Two-Family Dwelling Code.

**BACKGROUND INFORMATION:**

- On August 8, 2012, Council adopted Ordinance No. 28737 which added regulations for electric vehicle (EV) charging and established that when EV charging spaces occupied 10 percent or more of the required parking spaces of a site, it became a main use of “motor vehicle fueling station”.
- On September 6, 2022; the Building Inspection Advisory Examining and Appeals Board (BIAEA) proposed new amendments to the Dallas Building Code and the Dallas One- and Two-Family Dwelling Code. Case reports, meeting minutes, and video recording links can be found on the Development Services Code Amendments [webpage](#).
- On November 18, 2022, BIAEA posted the final draft ordinances and memos related to the amendments to the Dallas Building Code and the Dallas One- and Two-Family Dwelling Code. One of the many proposed Dallas Building Code and the Dallas One- and Two-Family Dwelling Code (abbreviated as “IBC/IRC” in this report) amendments requires all new construction to have EV ready or capable spaces, at approximately 15-20 percent of the total provided parking spaces.
- On November 30, 2022, staff inquired with the Development Services Department and discovered that the proposed IBC/IRC amendments establishes a minimum percentage of EV charging spaces that would require all new construction to have a “motor vehicle fueling” main use. Therefore, staff has initiated amendments to the Dallas Development Code to amend the criteria that determines whether electric vehicle charging is accessory to a permitted main use.

**STAFF ANALYSIS:**

The Development Services Department has initiated amendments to Chapter 53: The Dallas Building Code and the Dallas One- and Two-Family Dwelling Code (Chapter 57) (abbreviated as “IBC/IRC” in this report) that will conflict with current Dallas Development Code (DDC) sections pertaining to electric vehicle (EV) charging facilities and their associated charging equipment. The impetus for the code amendments is to align it with the proposed IBC/IRC amendments of the Dallas City Code to avoid conflicts and barriers to development and to update the 10-year old regulations.

Specifically, the IBC/IRC proposals require minimum standards for electric vehicle (EV) charging equipment for new construction which exceed the standard set to consider EV charging as an accessory use. Therefore, every new commercial and residential construction project must be in a zoning district which allows a “motor vehicle fueling station” as a main use.

Currently, Chapter 51A allows up to 10 percent of parking spaces to have electric vehicle charging equipment (EVSE) as an accessory use and is permitted in all zoning districts. The proposed IBC/IRC amendments do not require the EVSE, but it does require the infrastructure to be in place for 'plug and play' installation of EVSE. EVSE can typically be installed in an EV Ready Space without any special tools or equipment, making it difficult to monitor the quantities installed. An electrician and a permit for electrical work would be required to install EVSE in an EV Capable Space but since those are trade permits, no zoning review is required in standard permitting procedures. The minimum requirements in the proposed IBC amendments (Chapter 53, Table 430.1.1) require over 10 percent EV Ready Spaces for any commercial property where one to 20 parking spaces are required, which conflicts with Chapter 51A-4.217(b)(1.1)(e), which limits accessory use of EVSE to 10 percent. The minimum requirements in the proposed IRC amendments (Chapter 57, Table R333.1.2) also require over 10 percent EV Ready Spaces for any residential property where 1 to 20 parking spaces are required, which also conflicts with Chapter 51A-4.217(b)(1.1)(E), which limits accessory use of EVSE to 10 percent. Therefore, staff recommends moving away from relying on a percentage of parking spaces that are EVSE parking spaces as the basis of determining whether or not EVSE is an accessory use.

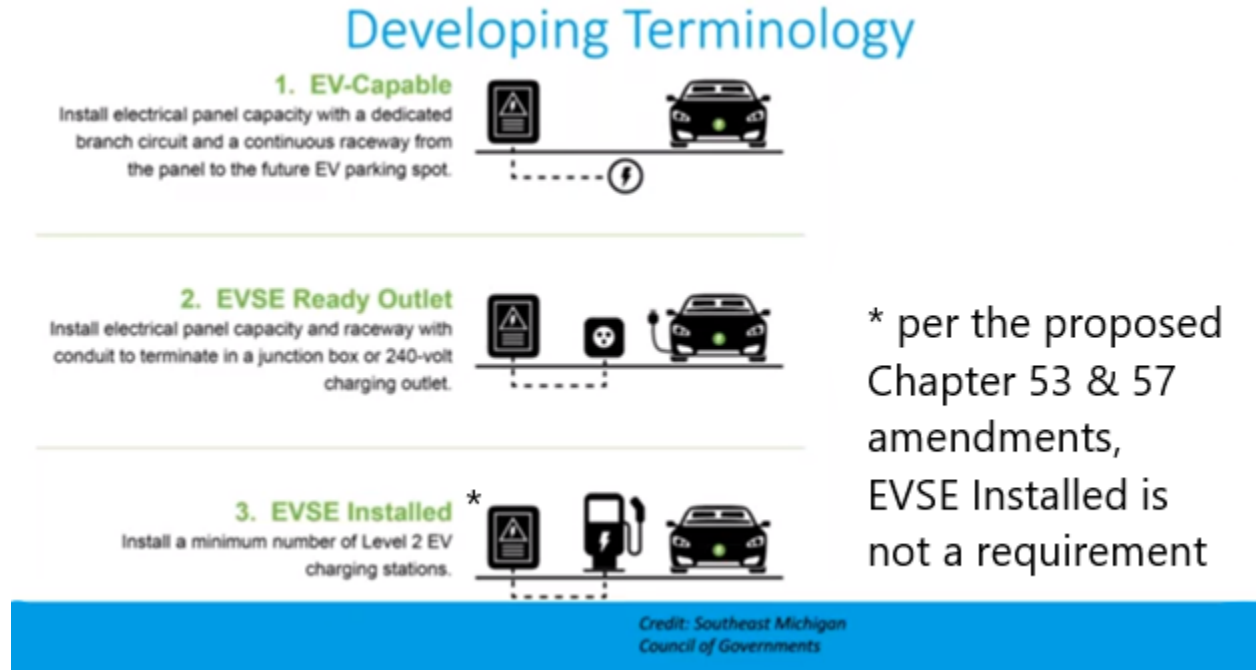
When the threshold to be accessory is exceeded (10 percent or more of the required spaces are EVSE), it is considered a main use as a motor vehicle fueling station and are permitted by right in the following zoning districts: CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts; as a limited use only in MO(A) and GO(A) districts; and by SUP only in MF-3(A), MF-4(A), and NS(A) districts. Because the proposed IBC/IRC will require new construction to construct more than 10% of the provided parking with EVSE, staff recommends refocusing the standard to determine if the use is accessory or not to whether or not it is located on the same lot as another main use excluding parking and fueling-related main uses.

The following sections of this report outline the notable changes and factors which staff used in formulating the proposed amendments. These sections will discuss terminology updates, comparison cities, and equity in transportation.

### Terminology updates

As with many new technologies, understanding the terminology is a key component of communication. Electric vehicle (EV) discussions are full of new words, jargon, and trademarked names competing to become part of the mainstream. The proposed amendments from the BIAEA use the currently agreed upon definitions from the electric vehicle industry, as well as the major code-making bodies (the International Code Council (ICC) and the National Fire Protection Association (NFPA), and the American Planning Association (APA)). Chapter 51A refers to EVSE as *electric vehicle charging stations*. EVSE is evolving to include more than just providing power to charge batteries. EVSE is

typically connected to an online network capable of providing internet access, diagnostics and troubleshooting, even software and map updates. Staff recommends changing the term ‘charging station’ to ‘electric vehicle supply equipment’ to coincide with common terminology in the industry.



### Comparison Cities

Due to the urgency of these proposed amendments, staff has provided a table of comparison cities from the Great Plains Institute for Sustainable Development in lieu of our typical comparison cities. The requirements in the table below refer to both EV capable, EV ready, and EV installed EVSE Implementation. There is great diversity in opinions among U.S. cities on if and how electric vehicle charging equipment shall be mandated. Requiring the complete installation of EVSE places an undue burden on both builders and customers. Staff believes the end customer should have the choice of the best and most affordable technology. Placing the burden on the builder or developer does not guarantee customers will have access to the appropriate supply equipment. BIAEA and staff believe an EV ready outlet should be required in limited numbers through the construction codes. While EV ready outlets provide plug and play functionality, the wiring and terminations can be cost prohibitive and an enticement for copper thieves. Most cities that have EVSE mandates require roughly 20 percent EV ready spaces, twice what the City of Dallas considers the maximum amount of spaces for EVSE as an accessory use.



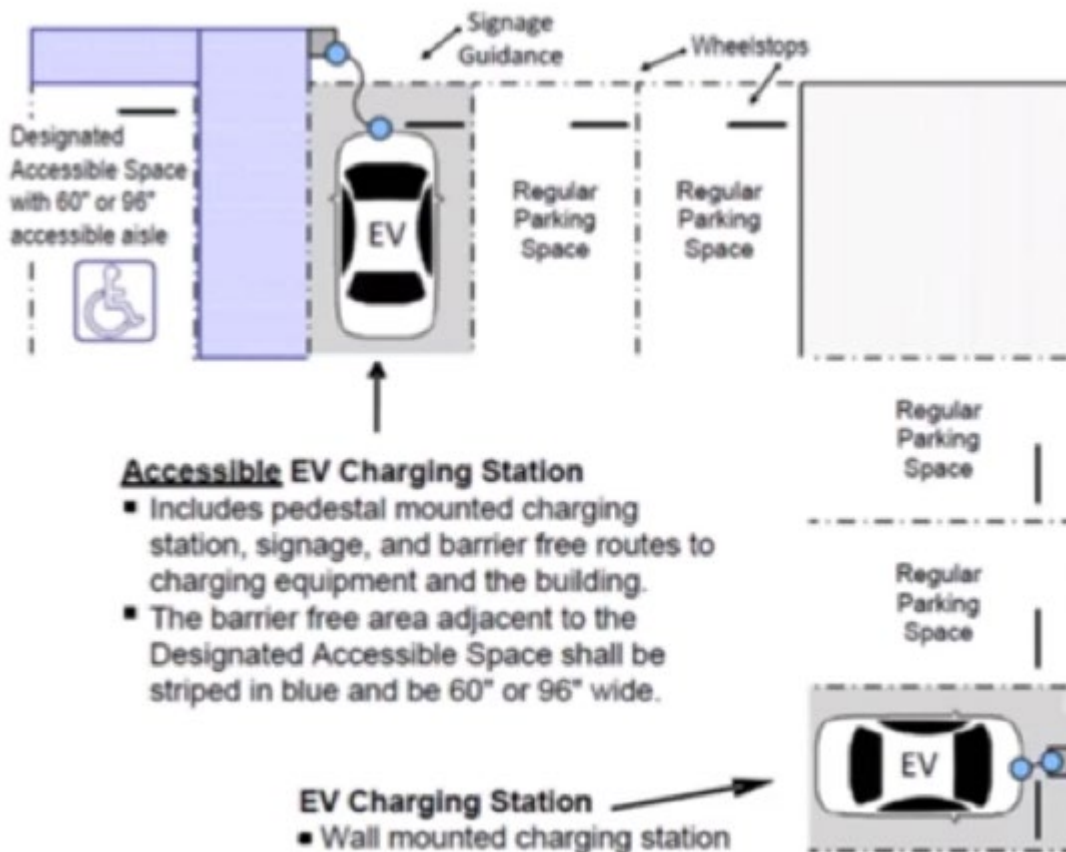
| Jurisdiction   | Multifamily Parking  | Commercial Parking   | Code Citation                      |
|----------------|--|--|------------------------------------|
| Atlanta, GA    | NA   | 20% of spaces must be EV-ready   | <a href="#">Appendix B §101.8</a>  |
| Chicago, IL    | 20% of spaces must be EV-ready or EV-installed   | 20% of spaces must be EV-ready or EV-installed   | <a href="#">§17-10-1011</a>        |
| Honolulu, HI   | Buildings with 8+ spaces; 25% must be EV-ready   | Buildings with 12+ spaces; 25% must be EV-ready  | <a href="#">§32-1.1(20)</a>        |
| Issaquah, WA   | 10% of spaces must be EV-installed; 30% must be EV-ready                                 | 5% of spaces must be EV-installed; 10% must be EV-ready  | <a href="#">§18.09.140</a>         |
| Madison, WI    | 2% of spaces must be EV-installed; 10% must be EV-ready (increases by 10% every 5 years) | 1% of spaces must be EV-installed (increases by 1% every 5 years); 10% must be EV-ready (increases by 10% every 5 years) | <a href="#">§28.141(8)(e)</a>      |
| San Jose, CA   | 10% of spaces must be EV-installed; 20% must be EV-ready; 70% must be EV-capable         | 10% of spaces must be EV-installed; 40% must be EV-ready   | <a href="#">§24.10.200</a>         |
| St. Louis, MO  | 2% of spaces must be EV-installed; 5% must be EV-ready (increases to 10% in 2025)        | 2% must be EV-installed; 5% must be EV-ready   | <a href="#">§25.01.020-406.2.7</a> |
| Washington, DC | Buildings with 3+ spaces; 20% must be EV-ready   | Buildings with 3+ spaces; 20% must be EV-ready   | <a href="#">§6-1451.03a</a>        |

Source: Great Plains Institute for Sustainable Development

### Equity in Transportation

Equity means that each person has the resources and services necessary to thrive in each person’s own unique identities, circumstances, and histories. Equity focuses on eliminating disparities while improving outcomes for all. Racial equity is a situation that is achieved when people are thriving and neither race nor ethnicity statistically dictates, determines, or predicts one’s social outcome or ability to thrive. [City Ordinance 210503](#), Section 5 states: “The City is committed to continuing to make equity a priority for its residents of all racial, ethnic, and national origins, and will make equity a focal point through all policies, initiatives, and programs of the city.” Staff believes if siting of EVSE is left to private developers and charging operators, rather than addressed in planning, access to underserved communities will likely be limited. An equitable planning process helps ensure that a project’s benefits and costs are fairly distributed throughout the community, including to low-income communities, communities of color, and the disability community. Approaches to advance equity in EVSE implementation include accessibility of equipment, multifamily supportive policies, right-of-way supportive policies, and geographic coverage improvement, which is elaborated in the following pages.

1. Accessibility of equipment – Section 51A-4.217(b)(1.1)(E)(iii) already addresses cord management as an equity tool to comply with accessibility standards. The City of Dallas does not use accessibility plan reviewers in the permitting process, leaving the burden on licensed architects and engineers to ensure ADA compliance. The site planning considerations for accessible EV spaces will also be for the architects and engineers to determine in the future. There is currently no state or federal standard that applies to accessible EVSE parking. Should state and federal accessibility requirements be added, staff’s proposed amendments are not anticipated to conflict with those updates.



*Photo Credit: South Windsor, CT, §11.8.3*

2. Multifamily supportive policies – the amendments providing for EVSE in multifamily developments is addressed through the BIAEA Chapter 53 and 57 code amendments. By making them a requirement in building permitting, and an inspection item to comply with the certificate of occupancy, there is no foreseeable oversight that will keep EVSE from being made available to multifamily tenants. Providing the EVSE infrastructure as close to home as possible will make it easier for families of all incomes to have access to available affordable vehicle charging.

3. Right-of-way (ROW) supportive policies – while on-street parking does not typically contribute to the minimum off-street parking requirements in Dallas, having EVSE available in existing ROW should be considered as an amenity where it is available. With proper licensing from the City Real Estate Division, it is foreseeable that EVSE can be installed similar to parking meters.

## Right-of-way

### **Allowing charging stations in the public ROW can benefit underserved communities and people with disabilities.**

#### Possible scenario if ROW is not allowed:

- Private off-street parking is not available
- EV user may park along the curb and lay charging cable across ROW
- Limits a person using an assistive device from navigating the sidewalk



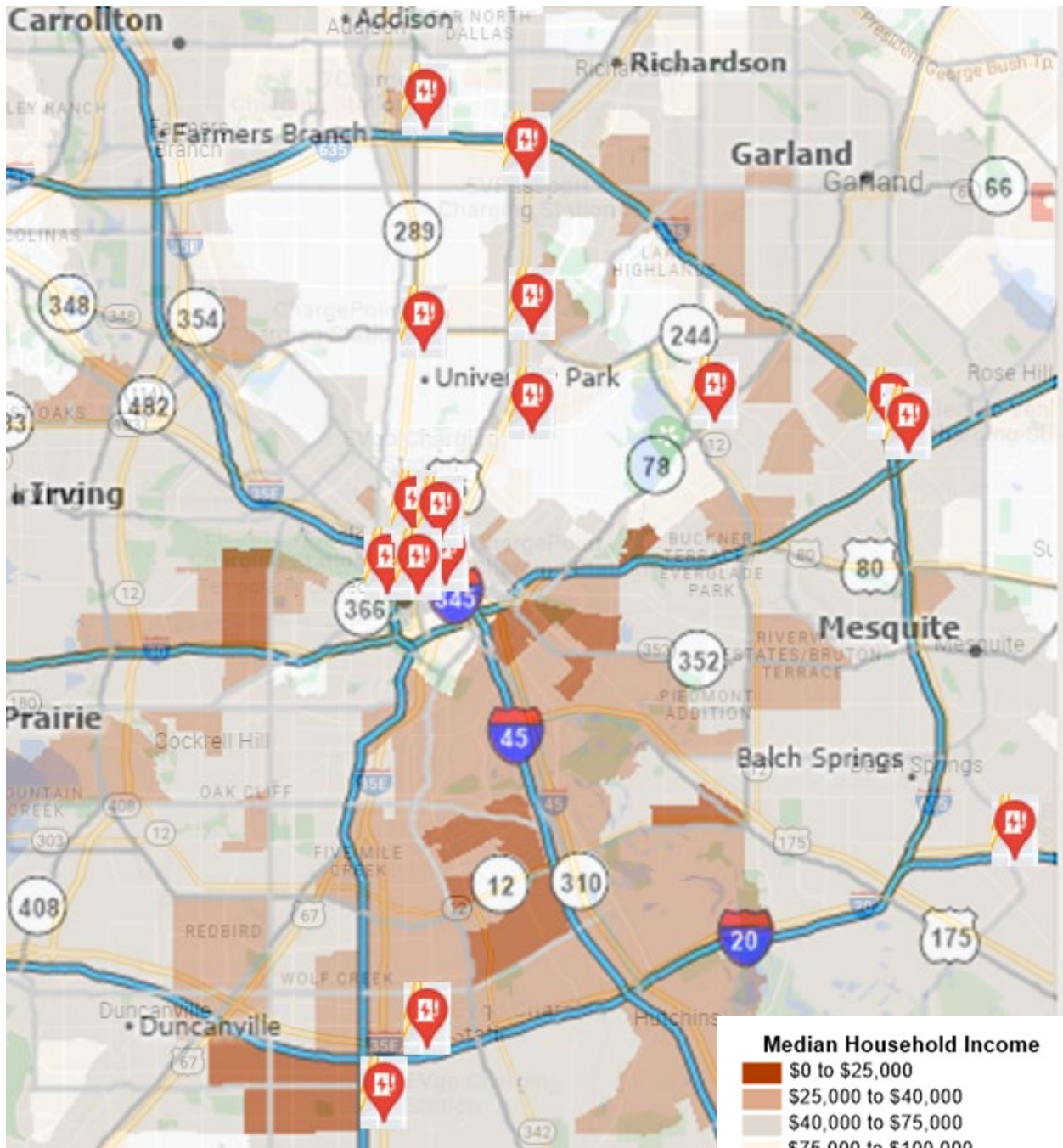
Photo Credit: HourCar



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4. Geographic coverage improvement – Staff believes that one of the best ways to improve EVSE infrastructure in the City is to include it in new construction. While state and federal programs to improve EV infrastructure are still developing, private EVSE providers do not have the same equity goals as the City. When reviewing publicly available fueling stations or charging facilities in Dallas, staff found inequities in availability in the southern sector of Dallas. The majority of the lower-income areas in Dallas do not have access to EVSE sources that could potentially cost less than gasoline and provide a more affordable method of transportation (see illustration below). As new construction goes up throughout the City, more EVSE at places of work and near dwellings will increase the likelihood of EV adoption across all demographics.



**Median Household Income**

- \$0 to \$25,000
- \$25,000 to \$40,000
- \$40,000 to \$75,000
- \$75,000 to \$100,000
- \$100,000 to \$260,000

**NHS**

- Eisenhower Interstate System
- US Route
- State Route

**Other Layers**

- County (2020)

0 3 6 9  
Miles

Source: ACS 2015-2019, Dec 2020

 Charging Station

**STAFF RECOMMENDED AMENDMENTS**

SEC. 51-4.212. MOTOR VEHICLE RELATED USES.

(13) Service station.

**(A)** Definition: A facility for the retail sale of motor vehicle fuel, lubricating oils, and parts for use in motor vehicles and a facility for the retail sale of motor vehicle fuel dispensed from electric vehicle supply equipment (EVSE) excluding an accessory charging station use.

(B) Districts permitted: SC, GR, LC, HC, central area, and industrial districts; limited use in O-2, LO, MO, and GO districts; specific use permit required in an NS district.

(C) Required off-street parking:

(i) One space for each 500 square feet of floor area; minimum of four spaces required.

(ii) Parking spaces that are used to repair motor vehicles and located in a structure are not counted in determining the required parking.

(D) Required off-street loading:

| SQUARE FEET OF FLOOR AREA IN STRUCTURE     | TOTAL REQUIRED SPACES OR BERTHS |
|--|---------------------------------|
| 0 to 10,000                                | NONE                            |
| 10,000 to 60,000                           | 1                               |
| Each additional 60,000 or fraction thereof | 1 additional                    |

(E) Limited use regulations:

(i) This use is subject to the following limited use regulations instead of the regulations contained in Section 51-4.218.

(ii) The service station use as a limited use must be secondary to a main use, and may be available only to the owner and tenant of the main building and not available to the general public.

(iii) The dispensing of motor vehicle fuel must be limited to one pump for each main building.

(iv) The motor vehicle fuel pump and any sign relating to this use must not be visible from the public street. No sign may be erected indicating the availability of gasoline.

(v) All storage tanks for motor vehicle fuel must be located underground.

(F) Additional provisions:

(i) A gasoline service station pump island or station canopies may be located 18 feet or more from a property line.

(ii) The rental of trailers that can be pulled by passenger automobiles is permitted as an accessory use.

(iii) A gasoline pump island must be constructed in a manner that allows vehicular access adjacent to the gasoline pump island without interference with or obstruction to off-street parking. Determination of the proper placement of gasoline pump islands must be based on the dimensions in the City of Dallas manual, "Layout and Design Standards for Parking Lots," which is expressly adopted as part of this subsection. A person shall obtain approval from the director for the placement of a gasoline pump island before the building official may issue a building permit for the construction.

(iv) Except for compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(vi) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.

(vii) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.

#### SEC. 51-4.217. ACCESSORY USES.

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations below:

(18) Accessory electric vehicle charging station.

(A) Definition: A facility that provides electric[~~al charging for~~] vehicle[s] supply equipment (EVSE) on a site with a main use excluding commercial parking lot or garage, commercial motor vehicle parking, motor vehicle fueling, liquefied natural gas fueling station, and truck stop uses.

(B) Districts permitted: Residential and nonresidential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Any amount [Up to 10 percent] of parking [counted as required parking] for a main use on the property may be electric vehicle charging spaces.

(ii) If this accessory use is located in a residential district, it may not have a sign advertising its services.

(iii) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.

(iv) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.

SEC. 51A-4.210. RETAIL AND PERSONAL SERVICE USES.

(b) Specific uses.

(19) Motor vehicle fueling station.

(A) Definition: A facility for the retail sale of motor vehicle fuel dispensed from pumps or electric vehicle **supply equipment (EVSE) excluding accessory** charging stations. This use does not include a truck stop or a liquefied natural gas fueling station as defined in this section.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By right as a limited use only in MO(A) and GO(A) districts. By SUP only in MF-3(A), MF-4(A), and NS(A) districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: Sufficient space must be provided to allow for the unloading of a fuel truck.

(E) Additional provisions:

(i) Except for compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iii) Fuel pumps are permitted as an accessory use only if they comply with the following subparagraphs:

(aa) The pumps must be available only to the owner and tenant of the main building and not available to the general public.

(bb) The fuel pump and any sign relating to the pump must not be visible from the public street. No sign may be erected indicating the availability of motor vehicle fuel.

(iv) Fuel pumps must be located at least 18 feet from the boundary of the site.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(vi) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.

(vii) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.

#### SEC. 51A-4.217. ACCESSORY USES.

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations and restrictions outlined below:

(1.1) Accessory electric vehicle charging station.

(A) Definition: A facility that provides electric[~~al charging for~~] vehicle[s] supply equipment (EVSE) on a site with a main use other than a commercial parking lot or garage use or commercial motor vehicle parking use.

(B) District restrictions: Residential and nonresidential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(A) Any amount [Up to 10 percent] of parking [counted as required parking] for a main use on the property may be electric vehicle charging spaces. The area restrictions in Subsection (a)(3) do not apply to this use.

(ii) If this accessory use is located in a residential district, it may not have a sign advertising its services.

(iii) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.

(iv) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.



## APPENDIX

### Selections from the Proposed Amendments to Chapter 53: The Dallas Building Code and Chapter 57: The Dallas One- and Two-Family Dwelling Code

Below is a selection of one of the proposed amendments to Chapter 53: The Dallas Building Code (abbreviated to IBC in this report) <http://bit.ly/3YaOBjp> is as follows and includes the following new definitions:

**ELECTRIC VEHICLE (EV).** An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, and electric motorcycles, primarily powered by an electric motor that draws current from a building electrical service, EVSE, a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current.

**ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE).** The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the Electric Vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the Electric Vehicle.

**EV CAPABLE SPACE.** Electrical panel capacity and space to support a minimum 40-ampere, 208/240-volt branch circuit for each EV parking space, and the installation of raceways, both underground and surface mounted, to support the EVSE.

**EV READY SPACE.** A designated parking space which is provided with one 40-ampere, 208/240-volt dedicated branch circuit for EVSE servicing Electric Vehicles. The circuit shall terminate in a suitable termination point such as a receptacle, junction box, or an EVSE, and be located in close proximity to the proposed location of the EV parking spaces. The circuit shall have no other outlets. The service panel shall include an over-current protective device and provide sufficient capacity and space to accommodate the circuit and over-current protective device and be located in close proximity to the proposed location of the EV parking spaces.

New Amendment to Chapter 53:

**Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2021 International Building Code is amended by adding a new Section 430, “Electric Vehicle Charging Facilities,” to read as follows:**

**430.1. Electric Vehicle (EV) charging for new construction.** New construction shall facilitate future installation and use of Electric Vehicle Supply Equipment (EVSE) in accordance with the NFPA 70.

**430.1.1. New commercial buildings.** EV Ready Spaces and EV Capable Spaces shall be provided in accordance with Table 430.1.1. Where the calculation of percent served results in a fractional parking space, it shall be rounded up to the next whole number. The service panel or sub panel circuit directory shall identify the spaces reserved to support EV charging as “EV Capable” or “EV Ready”. The raceway location shall be permanently and visibly marked as “EV Capable”.

Where more than one parking facility is provided on a site, electric vehicle ready parking spaces shall be calculated separately for each parking facility. The service panel or subpanel circuit directory shall identify the spaces reserved to support EV charging as “EV-Capable” or “EV Ready”. The raceway location for EV-Capable Spaces shall be permanently and visibly marked as “EV-Capable”.

**TABLE 430.1.1.  
EV READY SPACE AND EV CAPABLE SPACE REQUIREMENTS<sup>a</sup>**

| Total Number of Parking Spaces | Minimum number of EV Ready Spaces | Minimum number of EV Capable Spaces |
|--------------------------------|-----------------------------------|-------------------------------------|
| 1                              | 1                                 | NA                                  |
| 2 – 10                         | 2                                 | NA                                  |
| 11 – 15                        | 2                                 | 3                                   |
| 16 – <del>[19]</del> 20        | 2                                 | 4                                   |
| 21 – 25                        | 2                                 | 5                                   |
| 26+                            | 2                                 | 20% of total parking spaces         |

<sup>a</sup> Where EV-Ready Spaces installed exceed the required values in Table 430.1.1 the additional spaces shall be deducted from the EV-Capable Spaces requirement.

**430.1.2. Identification.** Construction documents shall indicate the raceway termination point and proposed location of future EV spaces and EV chargers. Construction documents shall also provide information on amperage of future EVSE, raceway methods, wiring schematics and electrical load calculations to verify that the electrical panel service capacity and electrical system, including any on site distribution transformers, have sufficient capacity to simultaneously charge all EVs at all required EV spaces at the full rated amperage of the EVSE.

Below is a selection of one of the proposed amendments to Chapter 57 - the Dallas One- and Two-Family Dwelling Code <http://bit.ly/3BaLygV> is as follows. Please note that the same definitions from Chapter 53 are applied to Chapter 57.

**Chapter 3, “Building Planning,” of the 2021 International Residential Code is amended by adding a new Section R333, “Electric Vehicle Charging Facilities,” to read as follows:**

**SECTION R333 ELECTRIC VEHICLE CHARGING FACILITES**

**R333.1 Electric Vehicle (EV) charging for new construction.** New construction shall facilitate future installation and use of Electric Vehicle Supply Equipment (EVSE) in accordance with the National Electrical Code (NFPA 70).

**R333.1.1 One- to two-family dwellings and townhouses.** For each dwelling unit, provide at least one EV Ready Space. The branch circuit shall be identified as “EV Ready” in the service panel or subpanel directory, and the termination location shall be marked as “EV Ready”.

Exception: EV Ready Spaces are not required where no parking spaces are provided.

**R333.1.2 Multifamily dwellings (three or more units).** EV Ready Spaces and EV Capable Spaces shall be provided in accordance with Table R333.1.2. Where the calculation of percent served results in a fractional parking space, it shall round up to the next whole number. The service panel or subpanel circuit directory shall identify the spaces reserved to support EV charging as “EV Capable” or “EV Ready”. The raceway location shall be permanently and visibly marked as “EV Capable”.

Where more than one parking facility is provided on a site, electric vehicle ready parking spaces shall be calculated separately for each parking facility. The service panel or subpanel circuit directory shall identify the spaces reserved to support EV charging as “EV-Capable” or “EV Ready”. The raceway location for EV-Capable Spaces shall be permanently and visibly marked as “EV-Capable”.

**Table R333.1.2**  
***EV Ready Space and EV Capable Space requirements<sup>a</sup>***

| <b>Total Number of Parking Spaces</b> | <b>Minimum number of EV Ready Spaces</b> | <b>Minimum number of EV Capable Spaces</b> |
|---------------------------------------|--|--|
| 1                                     | 1  | NA   |
| 2 - 10                                | 2  | NA   |
| 11 - 15                               | 2  | 3  |
| 16 – <del>19</del> 20                 | 2  | 4  |
| 21 - 25                               | 2  | 5  |
| 26+                                   | 2  | 20% of total parking spaces                |

a. Where EV-Ready Spaces installed exceed the required values in Table R333.1.2 the additional spaces shall be deducted from the EV-Capable Spaces requirement.

**R333.1.3 Identification.** Construction documents shall indicate the raceway termination point and proposed location of future EV spaces and EV chargers. Construction documents shall also provide information on amperage of future EVSE, raceway methods, wiring schematics and electrical load calculations to verify that the electrical panel service capacity and electrical system, including any on site distribution transformers, have sufficient capacity to simultaneously charge all EVs at all required EV spaces at the full rated amperage of the EVSE.



## **Zoning Ordinance Advisory Committee (ZOAC) Meeting Minutes**

November 15, 2022

Room L1FN /Videoconference

9:00 a.m.

### **ATTENDEES:**

**ZOAC Members Present:** Joanna Hampton (Chair), Lorie Blair (Vice-Chair), Enrique MacGregor, Ryan Behring, Larry Hall, Mark Rieves, and Amanda Popken

**ZOAC Members Absent:** Ann Bagley

**City Plan Commission Members Present:** Deborah Carpenter

**City Council Members Present:** None

**City Staff:** Lori Levy, Sarah May, Andreea Udrea, Steven Doss, Mike King, Andrea Gilles, Megan Wimer, Donna Moorman, Lawrence Agu (Planning and Urban Design), Suzanne Knuppel, and Matthew Green (City Attorney's Office)

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The meeting was called to order at 9:03 a.m. by Joanna Hampton (Chair).

### **DISCUSSION**

**(1) DCA212-007**  
Lori Levy

**Consideration of amending Chapter 51A of the Dallas Development Code, Section 51A-4.701(d), "Two-year limitation" to revise the applicability of the two-year limitation, the standard for the waiver of two-year limitation, and related regulations.**

Ms. Levy presented and the item was opened for discussion and questions from ZOAC members. Ms. Levy, Ms. May, Dr. Udrea, and Mr. Doss provided clarification as needed. Chair Hampton led the discussion and opened the meeting to registered speakers however, none were present or registered. The Committee requested the item return in January 2023 with the following items to clarified and presented at the next meeting:

1. Review subsection (d)(1) and (d)(2) with consideration to strike item (2) or combine with (1) for clarity.
2. Review language (d)(1) for clarity of denial, and if 'with prejudice' should be clarified or added.

3. Amend pronouns throughout section, change 'his' to 'the', including subparagraph (d)(3)(A) and for the entire section.
4. Review 'changed circumstances regarding the property' in subparagraph (d)(3)(B) to consider if adding a standard such as 'specific and material changes in conditions for which the original decision was made' or similar verbiage would provide clarity in the waiver process. Coordinate revisions within subparagraph (d)(1).
5. Review exempting SUPs as part of the waiver.
6. Provide additional research regarding final decisions that require a two-year limitation for consideration by the committee.

**MOTION #1**

**Motion to approve the minutes from the ZOAC meeting on October 18, 2022.**

**Motion:** Enrique MacGregor  
**2<sup>nd</sup>:** Larry Hall

**Result:** Passed: 7-0  
For: Blair, Hampton, Rieves, Popken, Hall, MacGregor, Behring  
Against: None  
Absent: Bagley

The meeting was adjourned at 10:40 am.

*NOTE: For more detailed information on discussion of an issue(s) heard during this meeting, refer to the audio recording retained on file in the Planning & Urban Design Department, Dallas City Hall, Room 5BN.*