## Legislation Details (With Text)

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| **File #:** | 23-5747 | **Version:** 1 | **Name:** | Ordinance - Public Hearing and First and Final Reading of an Ordinance Approving Proposed Amendments of Chapter 155 of the Mansfield Code of Ordinances to Repeal the Regulations in Section 155.082(E)(8) Related to a Special Exception for Temporary Batch P |

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| **Type:** | Ordinance | **Status:** | Passed |
| **File created:** | 11/22/2023 | **In control:** | City Council |
| **On agenda:** | 12/11/2023 | **Final action:** | 12/11/2023 |

**Title:** Ordinance - Public Hearing and First and Final Reading of an Ordinance Approving Proposed Amendments of Chapter 155 of the Mansfield Code of Ordinances to Repeal the Regulations in Section 155.082(E)(8) Related to a Special Exception for Temporary Batch Plants and to Amend the Regulations in Section 155.099(B)(23) Related to Temporary Batch Plants (OA#23-012)

**Sponsors:** Bradley Anderle

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 12/11/2023 | 1 | City Council | Approved on First and Final Reading | Pass |

Ordinance - Public Hearing and First and Final Reading of an Ordinance Approving Proposed Amendments of Chapter 155 of the Mansfield Code of Ordinances to Repeal the Regulations in Section 155.082(E)(8) Related to a Special Exception for Temporary Batch Plants and to Amend the Regulations in Section 155.099(B)(23) Related to Temporary Batch Plants (OA#23-012)

To consider the proposed text amendment

The Planning and Zoning Commission met on December 4, 2023, and voted 6 to 0 to recommend approval of the text amendment.

*Vote*:

    Ayes:   6
    Nays:   0
    Absent: 1

    Mainer, Axen, Bennett, Moses, Shaw, and Thompson voted in favor.
    Goodwin was absent.

At the request of the City Council, the zoning regulations for temporary batch plants are proposed to be amended to: (i) protect and preserve the health, safety, and welfare of the community; (ii) bring them into conformance with state law; and (iii) require that notice be sent to adjacent property owners to advise of a temporary batch plant permit application.

Temporary batch plants are regulated by the Texas Commission on Environmental Quality (TCEQ)

and operate under a state permit. The City may issue a municipal permit for a temporary batch plant, but it is important to note that the City is pre-empted by state law from regulating the placement, duration, or operations of a plant operating under a TCEQ permit, except in a manner that is consistent with state law.

The proposed amendments will accomplish the following:

- Repeals Section 155.082(E)(8) of the Code of Ordinances which authorized the Board of Adjustment to grant Special Exceptions for temporary batch plants located less than 300 feet from a protected use or to be located on a property longer than 120 days. The location and the duration of a permit is regulated and permitted by state law. This special exception process will no longer be a part of our regulatory scheme.

- Amends provisions in Section 155.099(B)(23) to be consistent with state law related to temporary batch plants and adds the following requirements:

  1. Requires the temporary batch plant operator to submit information on the location, duration and operations of the plant in the form of the application submitted to the TCEQ with its permit application to the City. The application permit is required to be submitted to the City within five (5) days of the application being submitted to TCEQ.

  2. Provides for notice to be sent to property owners within 250 feet of the proposed site of the temporary batch plant within five (5) days of the filing of a permit with the City. This notice should come in time to allow a property owner to participate in the permitting process.

  3. Reiterates regulations from state law that are important to the City.

  4. Creates a permitting process to allow the City to review and confirm compliance with important issues, including:

     a. Site plan
     b. Stormwater control plan
     c. Dust mitigation plan
     d. Hours of operation
     e. Compliance with other federal or state law requirements.

Bradley Anderle
City Attorney