

## ORDINANCE NO.

### AN ORDINANCE AMENDING CITY CODE CHAPTER 9-2 RELATING TO NON-PEAK HOUR PERMITS FOR CONCRETE INSTALLATION.

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** City Code Section 9-2-21 (*Permit for Concrete Installation During Non-Peak Hours*) is repealed and replaced with a new Section 9-2-21 to read as follows:

#### **§ 9-2-21 PERMIT FOR CONCRETE INSTALLATION DURING NON-PEAK HOUR PERIODS.**

- (A) For property located within 600 feet of a residence, church, hospital, hotel, or motel, the director may issue a permit under this section authorizing an applicant to deliver, place, or pour concrete during the non-peak hour period of 7:00 p.m. to 6:00 a.m. if:
- (1) the accountable official determines that the delivery, finishing, placement, or pouring of concrete during non-peak hour periods is in the interest of public health, safety, and welfare or is justified by urgent necessity; and
  - (2) the property is located:
    - (a) within the Downtown Density Bonus area identified in Section 25-2-586(B) (*Downtown Density Bonus Program*); and
    - (b) within one of the following zoning districts:
      - (i) the Central Business District (CBD) base zoning district; or
      - (ii) the Public (P) zoning district.
- (B) Non-peak hour concrete delivery, placement, or pouring, as authorized under Subsection (A) of this section, is limited to the following decibel levels:
- (1) Up to 85 decibels between 7:00 p.m. and:
    - (a) 10:30 p.m. on Sunday through Wednesday;
    - (b) 11:00 p.m. on Thursday; or
    - (c) 12:00 midnight on Friday or Saturday; and

- (2) Except for the times specified under Subsection (B)(1) of this section, concrete delivery, placement, or pouring between the non-peak hour period of 7:00 p.m. and 6:00 a.m. is limited to three decibels above the ambient sound level as measured at the property line.
- (C) A permit issued under this section must state the duration during which the authorized activity may occur, which may not exceed 72 hours.
- (D) In addition to information required by Section 9-2-12 (*Application Requirements*) an application to deliver, finish, place, or pour concrete during non-peak hour periods under this section must include:
- (1) the name, address, and telephone number of the applicant;
  - (2) the address or a description of the location of the property where the work will be performed; and
  - (3) the amount of time, up to 72 hours, needed to complete the work and the reason why the work cannot be completed during normal business hours.
- (E) To mitigate possible impacts and minimize disruptions to adjacent residential and commercial uses, the applicant is responsible for ensuring that all delivery, placement, or pouring of concrete permitted under Subsection (A) of this section complies with the requirements of this subsection.
- (1) Notification of the exact date, time, and duration of non-peak hour activity authorized under Subsection (A), as well as 24-hour contact information for the individual with primary responsibility for the project, shall be:
    - (a) provided to abutting property owners located next door or across the street;
    - (b) provided to representatives of property owners and residents within 300 feet; and
    - (c) clearly stated on a sign posted on the property at the construction entrance and visible from the street.
  - (2) As a condition to approval of a non-peak hour permit under Subsection (A) of this section, an applicant must comply with a sound and light mitigation plan that:
    - (a) identifies where concrete trucks will queue to ensure minimal disruption to adjacent residences and businesses;

- (b) identifies where the concrete pump will be located and provides for an alternate location in the event the accountable official determines that relocating the pump is necessary to minimize disruption to adjacent residential uses;
  - (c) requires the placement of sound mitigation materials, such as sound baffling, to be placed on the property at identified locations during non-peak hour activity;
  - (d) shields after-hour lighting associated with concrete installation from adjacent residential uses;
  - (e) includes additional measures required for a sound impact plan approved under Section 9-2-41 (*Sound Impact Plan*);
  - (f) require such other actions as the director determines are reasonably necessary to protect public health, safety, and welfare and to ensure reasonable expectations of a sound environment that does not prevent sleep.
- (F) In addition to the requirements in Subsection (E) of this section, a sound impact plan for non-peak hour activity occurring between 10:30 p.m. and 6:00 a.m. must:
- (1) identify pre-construction ambient sound levels, which shall be used to establish the decibel limit applicable under Subsection (B)(2) of this section; and
  - (2) be submitted under seal by an acoustical engineer certified by the National Council of Acoustical Consultants or the Acoustical Society of America.
- (G) Concrete finishing is permitted from 7:00 p.m. to 6:00 a.m., provided that it does not include delivery, placement, or pouring.
- (H) Even if an application satisfies the standards in Subsection (A), the accountable official may refuse to issue a permit to an applicant or to renew an existing permit under this section if:
- (1) the applicant is convicted of more than two violations of a permit issued under this chapter; or
  - (2) the property for which a non-peak hour permit is requested is the location of more than two violations of this chapter, including violations of conditions to a permit previously issued under this chapter.

(I) If an application for a building permit was submitted prior to December 1, 2014, the accountable official shall:

- (1) permit delivery, placement, or pouring of concrete in connection with construction of that building during the non-peak hour period of 7:00 p.m. to 6:00 a.m.; and
- (2) require a sound and light mitigation plan, as provided in Subsection (E)(2) of this section.

**PART 2.** This ordinance takes effect on \_\_\_\_\_, 2016.

**PASSED AND APPROVED**

\_\_\_\_\_, 2016      §  
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Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk