

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 City Code Section 9-2-21 (*Permit for Concrete Installation During Non-Peak Hours*) is repealed and replaced with a new Section 9-2-21 to read as follows: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 Subsection (B) 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) The director may issue one of the following permit types for a project if the application meets the general standards in Subsection (A) and complies with the additional restrictions under this subsection, which must be listed as conditions on the permit.
 - (1) Type 1 Non-Peak Hour Permit:
 - (a) Maximum sound level: 72 decibels.
 - (b) Permitted days: Monday through Sunday.

- (c) Permitted hours: 7:00 p.m. to 12:00 a.m.
 - (2) Type 2 Non-Peak Hour Permit:
 - (a) Maximum sound level: 72 decibels.
 - (b) Permitted days: Monday through Sunday.
 - (c) Permitted hours: Midnight to 6:00 a.m.
 - (3) Type 3 Non-Peak Hour Permit:
 - (a) Maximum sound level: 85 decibels.
 - (b) Permitted days: Monday through Friday.
 - (c) Permitted hours: 7:00 p.m. to 12:00 a.m.
 - (d) The director may only issue a Type 3 Non-Peak Hour Permit if a project is located on a site that is within 100 feet of a site occupied by a residential or hotel use.
 - (4) Type 4 Non-Peak Hour Permit:
 - (a) Maximum sound level: unlimited.
 - (b) Permitted days: Monday through Friday.
 - (c) Permitted hours: unlimited.
 - (d) The director may only issue a Type 4 Non-Peak Hour Permit if a special circumstance exists that requires a continuous concrete pour, such as a mat slab or similar foundation that would be inconsistent with a Type 1, Type 2, or Type 3 permit.
 - (5) Decibel restrictions under this section apply to at all locations beyond the boundaries of the construction site for which the permit is issued. If the owner or agent of a property alleges violation of the applicable decibel limit, the decibel levels shall be measured from the property line of the impacted property for which the complaint is made.
- (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 type of permit requested, which must be one of the categories listed in Subsection (B) of this section.
- (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 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 city staff and 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, at identified locations on the property before construction begins, in accordance with the sound and light mitigation plan;
 - (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*); and
 - (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) Concrete finishing is permitted from 7:00 p.m. to 6:00 a.m., provided that it does not include delivery, placement, or pouring.
- (G) Even if an application satisfies the standards in Subsection (A), the accountable official:
 - (1) shall deny an application for a permit, or the renewal of an existing permit, if the accountable official determines that the property for which a non-peak hour permit is requested is the location of more than two documented violations of this chapter within six months preceding submittal of the application; and
 - (2) may deny an application for a permit, or the renewal of an existing permit, if:
 - (a) the property for which a non-peak hour permit is requested is the location of more than two documented violations of this chapter, including violations of permit conditions previously issued for the project under this section; and
 - (b) the violations are not the result of equipment failure or malfunctions beyond the applicant's control.
- (H) 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 (D)(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

DRAFT