

# AGENDA



## Recommendation for Council Action

Austin City Council

Item ID

56215

Agenda Number

23.

Meeting Date:

3/31/2016

Department:

Planning and Zoning

### Subject

Approve an ordinance extending the expiration date of Ordinance No. 20141120-056 relating to requirements for non-peak hour concrete installation within portions of the Central Business District and Public zoning districts; and declaring an emergency.

### Amount and Source of Funding

### Fiscal Note

**Purchasing  
Language:**

**Prior Council  
Action:**

November 20, 2014 - Council approved Ordinance No. 20141120-056 relating to requirements for non-peak hour concrete installation within portions of the Central Business District (CBD) and Public (P) zoning districts.  
 March 26, 2015 - Council approved an ordinance extending the expiration date of Ordinance No. 20141120-056 to June 30, 2015.  
 June 18, 2015 - Council approved an ordinance extending the expiration date of Ordinance No. 20141120-056 to September 30, 2015.  
 September 17, 2015 - Council approved an ordinance extending the expiration date of Ordinance No. 20141120-056 to December 31, 2015.  
 December 17, 2015 - Council approved an ordinance extending the expiration date of Ordinance No. 20141120-056 to March 31, 2016.

**For More  
Information:**

Viktor Auzenne, Development Services Department, 512-974-2387; Gregory I. Guernsey, Planning and Zoning Department, 512-974-2387.

**Council  
Committee,  
Boards and  
Commission  
Action:**

March 18, 2015 - Approved by the Downtown Commission on a 9-0 vote with conditions.

**MBE / WBE:**

**Related Items:**

### Additional Backup Information

This amendment would extend Ordinance No. 20141120-056 to May 31, 2016 to allow Staff time to finalize a new ordinance.

The existing ordinance addresses City Code Chapter 9-2 (*Noise and Amplified Sound*) and allows the issuance of a concrete installation permit for non-peak hours on property zoned Central Business District (CBD) district zoning and Public (P) district zoning when these properties are eligible for a downtown density bonus program under Section 25-2-586 (*Downtown Density Bonus Program*) of the City Code (see Figure No. 2 attached). Properties in the downtown district that are eligible for density bonuses are located within the area bounded by Martin Luther King Jr. Blvd. to the north, Lady Bird Lake to the south, Interstate Highway 35 to the east and Lamar Blvd. to the west.

Subject to the limitations in Section 9-2-21 (*Permit for Concrete Installation During Non-Peak Hours*), the current ordinance allows the Director to issue a permit authorizing an applicant to deliver, finish, place, or pour concrete during the non-peak hour period of 7:00 p.m. to 2:00 a.m. or, in special circumstances of limited duration, from 7:00 p.m. to 6:00 a.m.

The ordinance also mitigates possible impacts caused by the issuance of the permit and limits disruptions to adjacent residential and commercial uses by requiring permit applicants to:

- 1) contact adjacent property owners located next door or across the street, and representatives of property owners or residents within 600 feet, to inform them when the non-peak pour will occur and the duration of the project;
- 2) provide 24-hour contact information for the individual with primary responsibility for the project to adjacent property owners located next door or across the street, to representatives of property owners or residents within 600 feet, and to city staff; and
- 3) provide a sound and light mitigation plan, which must:
  - a) identify where concrete trucks will queue to ensure minimal disruption to adjacent residences and businesses;
  - b) locate the concrete pump and if necessary, relocate it to a location that will minimize disruption to adjacent residential uses;
  - c) shield after-hour lighting associated with the concrete installation from adjacent residential uses; and,
  - d) requires 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 preclude sleep.

Finally, the ordinance allows for concrete finishing between 7:00 p.m. and 6:00 a.m. and provides an exception for building permit applications submitted prior to December 1, 2014 with the requirement of a sound and light mitigation plan.