

ORDINANCE NO. 20141120-056

**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 amended to amend Subsection (A) and add new Subsections (E), (F), (G), and (H) to read as follows:

- (A) Subject to the limitations in Subsections [~~subsections~~] (B) and (C) of this section, the director may 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 [~~6:00 a.m.~~] 2:00 a.m. or, in special circumstances of limited duration, from 7:00 p.m. to 6:00 a.m., at property that is located within:
 - (1) the Downtown Density Bonus area identified in Section 25-2-586(B) (Downtown Density Bonus Program) and one of the following zoning districts:
 - (a) the Central Business District (CBD) base zoning district; or [~~and~~]
 - (b) the Public (P) zoning district; and
 - (2) 600 feet of a residence, church, hospital, hotel, or motel.
- (E) To mitigate possible impacts and minimize disruptions to adjacent residential and commercial uses, the director shall require a permit applicant 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) 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 preclude 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) If an application for a building permit was submitted prior to December 1, 2014, the director 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)(3) of this section.
- (H) The director shall adopt rules governing the "special circumstances" in which overnight concrete pours may be extended to 6:00 a.m., as provided in Subsection (A) of this section. Such rules shall, at a minimum, limit the number of overnight pour permits that may be issued for a project over a period of time and include restrictions on the days for which such permits may be issued.

PART 2. The City Manager is directed to convene a stakeholder working group to review the regulation of concrete pours in the downtown area and to make a recommendation regarding this interim ordinance within 60-days from the effective date of this ordinance.

PART 3. This ordinance expires on March 31, 2015.

PART 4. This ordinance takes effect on December 1, 2014.

PASSED AND APPROVED

November 20, 2014

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Lee Leffingwell

Lee Leffingwell
Mayor

APPROVED:

Karen M. Kennard

Karen M. Kennard
City Attorney

ATTEST:

Jannette S. Goodall

Jannette S. Goodall
City Clerk

