1 ORDINANCE NO. 2 AN ORDINANCE AMENDING CITY CODE CHAPTER 4-18 (GENERAL 3 PERMITTING STANDARDS) RELATING TO SOUND ASSESSMENTS FOR **RESIDENTIAL USES AND HOTEL-MOTEL USE NEAR OUTDOOR MUSIC** 4 5 **VENUES AND PERFORMANCE VENUES; AMENDING SECTION 9-2-41** (SOUND IMPACT PLANS) RELATING TO SOUND IMPACT PLANS, 6 7 **OUTDOOR MUSIC VENUES AND NUISANCES; AND CREATING AN** 8 **OFFENSE.** 9 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:** 10 **PART 1.** City Code Chapter 4-18 (*General Permitting Standards*) is amended to add a new Article 3 (Sound Assessments) to read: 11 12 **ARTICLE 3. SOUND ASSESSMENTS** § 4-18-40 DEFINITIONS. 13 14 In this article, accountable official has the same meaning as it does in Section 25-1-21(2) 15 (1)(Accountable Official); 16 hotel-motel use has the same meaning as it does in Section 25-2-4(37) 17 (2)18 (*Hotel-Motel*); outdoor music venue means a commercial premises that is subject to Subpart 19 (3) B (Live Music Permits) of Division 3 of Article 2 of Chapter 9-2 (Noise and 20 Amplified Sound); 21 performance venue has the same meaning as it does in Section 25-2-4(51) 22 (4) (Performance Venue); and 23 residential use means a use described in Section 25-2-3 (Residential Uses 24 (5)25 Described). § 4-18-41 SOUND ASSESSMENT REQUIRED. 26 27 (A) Except as provided in Subsection (B), a person who applies for a site plan to develop a new residential use or hotel-motel use must obtain a sound assessment 28 29 that complies with Section 4-18-42 (Sound Assessment) if the site is located within: 8/30/2024 8:28 AM Page 1 of 3 COA Law Department

Sound Assessment Requirement

- (1) 600 feet of one or more outdoor music venues that:
 - (a) operates after 10:00 p.m.; and
 - (b) is authorized to exceed 70 dBA or 80 dBC; or
- (2) 300 feet of one or more performance venues.
- (B) A sound assessment is not required if the residential use may be developed:
 - (1) without a site plan; or

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- (2) as a small project under Section 25-5-3 (*Small Projects*).
- (C) When a sound assessment is required, the accountable official may not process a site plan application unless the applicant certifies that a sound assessment was conducted. Nothing in this subsection authorizes the accountable official to disapprove a site plan application because the applicant does not incorporate the sound assessment into the design of the residential or hotel-motel use.

§ 4-18-42 SOUND ASSESSMENT.

- (A) The purpose of a sound assessment is to:
 - (1) improve compatibility between residents, lodging establishments, and music-related businesses; and
 - (2) ensure residential and hotel development projects understand the sound levels in the area so they can design and construct their buildings accordingly.
- (B) The director of the Development Services Department must adopt requirements for a sound assessment by rule and in accordance with Chapter 1-2 (*Adoption of Rules*).

PART 2. City Code Section 9-2-41 (*Sound Impact Plan*) is amended to add new Subsections (D) and (E) to read:

(D) Except as provided in Subsection (E), an outdoor music venue that is operated in compliance with its applicable sound impact plan is presumed not to constitute a nuisance as it concerns noise, sound, and sound equipment.

| (E) If the accountable official issues a n the presumption in Subsection (D) of the notice of intent is issued and eno modified. | | hree months before |
|--|-----------------|--------------------|
| PART 3. This ordinance takes effect on _ | , 2024. | |
| PASSED AND APPROVED | | |
| , 2024 | \$ \$ \$ | |
| | Kirk Wa Mayo | |
| APPROVED: | ATTEST: | |
| Deborah Thomas Acting City Attorney | | na Rios y Clerk |
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