

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON GRANTING JPI CONSTRUCTION, LLC A NOISE EXCEPTION PURSUANT TO SECTION 17-20(c)(3)(f) OF THE CITY OF DENTON CODE OF ORDINANCES WITH RESPECT TO SOUND LEVELS AND HOURS OF OPERATION FOR APPROXIMATELY 12 CONCRETE POURS, CONCRETE PUMPS, AND GENERATORS TO RUN PUMPS AND LIGHTS RELATED TO CONSTRUCTION OF A NEW MULTIFAMILY DEVELOPMENT LOCATED AT 3309 N BONNIE BRAE ST; GRANTING AN INCREASE IN SOUND LEVELS AND A VARIANCE IN THE HOURS OF OPERATION WHICH MAY BE AFFECTED BY WEATHER, FROM 2:00 A.M. TO 7:00 A.M., WITH SOUND NOT TO EXCEED 91 DECIBELS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 17-20(c)(3)(f) of the Code of Ordinances of the City of Denton, the City Council may make exceptions upon application for sound levels and/or hours of operation when there is urgent necessity and in the interest of public safety and convenience; and

WHEREAS, JPI Construction, LLC ("JPI") is the general contractor for a new multifamily development currently under construction at 3309 N Bonnie Brae Street and has submitted an application for exception pursuant to Section 17-20(c)(3)(f) to permit approximately twelve (12) instances of Subject Construction Activity (defined below) to occur between October 1, 2025 through December 31, 2025, from 2:00 A.M. to 7:00 A.M at the approximate locations depicted on the foundation pours map attached hereto as Exhibit A; and

WHEREAS, the Subject Construction Activity consists of concrete trucks entering and exiting the jobsite, concrete pumps running and pumping concrete, and generators running to power pumps and lights; and

WHEREAS, the Subject Construction Activity will occur at least 260 feet from any residential areas, and minimal activities will occur within 200 feet of Bronco Way; and

WHEREAS, the City Council of the City of Denton, in considering the application for exception from the noise ordinance, has determined that the Subject Construction Activity is of urgent necessity and is in the interest of public safety and convenience, and accordingly, is of the opinion that said noise exception should be granted as set forth herein; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. Pursuant to Section 17-20(c)(3)(f) of the Code of Ordinances, JPI is hereby granted an exception to said section's prohibition on the erection, excavation, demolition, alteration, or repair work on any building at any time other than between the hours of 7:00 a.m. and 8:30 p.m. Monday through Friday from October 1 to May 31; between 8:00 a.m. and 8:30 p.m. on Saturday; and between 1:00 p.m. and 8:30 p.m. on Sunday; subject to the following restrictions:

1. This exception to the limitations imposed by Section 17-20 of the Code of Ordinances of the City of Denton is granted only in connection with the completion of approximately 12 instances of Subject Construction Activity as shown on the foundation pour map exhibit attached hereto as Exhibit A for a new multifamily development at 3309 N Bonnie Brae Street, the following months (weather permitting): the months of October 2025, November 2025, and December 2025.
2. JPI agrees to take full responsibility for ensuring that the conditions of this exception are met and to take all reasonable measures necessary to avoid disturbing persons of ordinary sensibilities in the immediate vicinity of the Subject Construction Activity.
3. Under no circumstances shall JPI start construction earlier than 2 A.M. on any day.
4. Under no circumstances shall JPI use construction equipment that exceeds 91 dba when measured from the perimeter of the source as measured by an approved measuring instrument.
5. JPI agrees provide notice of the exception to the noise ordinance to homeowners within 500 feet of the Subject Construction Activity and JPI will provide contact information for onsite representative of JPI to address concerns and provide information related to the Subject Construction Activity.

SECTION 3. This Ordinance confers no personal or property rights, and may be amended, modified, suspended, or revoked in whole or in part at the will of the City Council of the City of Denton, without any advance warning, hearing, or compensation, for any reason at all, or for no reason.

SECTION 4. This Ordinance shall be strictly construed as an exception granted pursuant to Section 17- 20(c)(3)(f) of the Code of Ordinances of the City of Denton. The City of Denton expressly reserves unto itself and all other persons any and all legal remedies, both civil and criminal, relating to excessive noise in connection with the construction activity, and hereby disclaims any promissory, or equitable estoppel which might in any way impede the pursuit of such remedies by any person.

SECTION 5. This Ordinance shall be effective immediately upon its passage and approval and shall expire upon the completion of the street pours on or before January 1, 2026, unless sooner repealed, modified, or rescinded.

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [____ - ____]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:
INGRID REX, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Healy McMahon

Exhibit A

Foundation Pour Map for Subject Construction Activity at 3309 N. Bonnie Brae St.