

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON GRANTING LANDMARK PHASE 1, LLC AND HR, JV, LP A NOISE EXCEPTION PURSUANT TO SECTION 17-20 OF THE CITY OF DENTON CODE OF ORDINANCES, WITH RESPECT TO SOUND LEVELS AND HOURS OF OPERATION FOR CONCRETE STREET AND ALLEY POURS, SAW CUTTING, DELIVERY OF CONSTRUCTION MATERIALS, AND UTILITY INSTALLATION RELATED TO CONSTRUCTION OF A NEW RESIDENTIAL COMMUNITY AND COMMERCIAL DEVELOPMENT, LOCATED AT 8209 AUTUMN SAGE TRAIL; GRANTING AN INCREASE IN SOUND LEVELS AND A VARIANCE IN THE HOURS OF OPERATION WHICH MAY BE AFFECTED BY WEATHER, FROM 8:30 P.M. TO 12:00 A.M., WITH SOUND NOT TO EXCEED 91 DECIBELS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Landmark Phase 1, LLC and HR, JV, LP has made an application to the City Council for an exception to the provision of Section 17-20 of the Code of Ordinances regarding sound levels and hours of operation for approximately 60 instances of concrete street and alley pours, saw cutting, delivery of construction materials, and utility installation for a new residential and commercial development at 8209 Autumn Sage Trail, with such construction activity occurring from June 1, 2025 through December 31, 2025 (the "Subject Construction Activity"); and

WHEREAS, the Subject Construction Activity will occur at least 1,300 feet from any residential areas, and minimum activities will occur within 200 feet of Robson Ranch Road; and

WHEREAS, based upon past history, the City Council of the City of Denton, finds that granting a noise exception for the Subject Construction Activity, subject to the restrictions contained herein, would serve the public interest; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Pursuant to Section 17-20 of the Code of Ordinances, Landmark Phase 1, LLC and HR, JV, LP. is hereby granted an exception to said section's amplified sound prohibition 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 construction of approximately 60 instances of concrete street and alley pours, saw cutting, delivery of construction materials, and utility installation for a new residential and commercial development at 8209 Autumn Sage Trail, the following months (weather permitting) the months of June 2025, July 2025, August 2025, September 2025, October 2025, November 2025, and December 2025.

2. Landmark Phase 1, LLC and HR, JV, LP. 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 event.
3. Under no circumstances shall Landmark Phase 1, LLC and HR, JV, LP. continue construction past 11:59 p.m. on any day.
4. Under no circumstances shall Landmark Phase 1, LLC and HR, JV, LP. use construction equipment that exceeds 91 dba when measured from the perimeter of the source as measured by an approved measuring instrument.
5. Landmark Phase 1, LLC and HR, JV, LP. agrees provide notice to homeowner associations within 2,000 feet of the exception to the noise ordinance and provide contact information for onsite representative of Landmark Phase 1, LLC and HR, JV, LP. to address concerns and provide information related to the Subject Construction Activity.
6. 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.
7. This Ordinance shall be strictly construed as an exception granted pursuant to Section 17-20 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 2. 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:	_____	_____	_____	_____
Paul Meltzer, 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:
LAUREN THODEN, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY:  _____