

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF DENTON GRANTING HBA DESIGN BUILD, 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 7 CONCRETE PARKING LOT AND FOUNDATION POURS UTILIZING CONCRETE PUMPS, GENERATORS, AND LIGHTS RELATED TO THE CONSTRUCTION OF A NEW INDOOR RECREATION FACILITY LOCATED AT 3615 E MCKINNEY 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 the public interest will be served thereby; and

WHEREAS, HBA Design Build, LLC 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 7 concrete parking lot and foundation pours utilizing concrete pumps, generators, and lights related to the construction of a new indoor recreation facility located at 3615 E McKinney St, with such construction activity occurring from March 2026 through May 2026; and

WHEREAS, based upon the application narrative provided by HBA Design Build, LLC, the City Council of the City of Denton, finds that granting a noise exception for the described 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, HBA Design Build, LLC 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 the parking lots, and building foundations of a new indoor recreation facility, at 3615 E McKinney St., for the following months (weather permitting): March 2026, April 2026, and May 2026.
2. HBA Design Build, LLC 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 HBA Design Build, LLC start construction before 2 a.m. on any day.
4. Under no circumstances shall HBA Design Build, LLC use construction equipment that exceeds 91 dba when measured from the perimeter of the source as measured by an approved measuring instrument.
5. 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.
6. 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 approximately 7 parking lot and foundation pour on or before May 31, 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 _____, 2026.

GERARD HUDSPETH, MAYOR

ATTEST:
INGRID REX, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Helary McMahon
