

City of Houston, Texas Ordinance, No. 2013-_____

AN ORDINANCE AMENDING THE CONSTRUCTION CODE REGARDING THE REGULATION OF NOISE AND LIGHT FROM CERTAIN BUILDINGS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.

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WHEREAS, certain buildings that emit noise and light are located in areas that may affect the health and welfare of the public; and

WHEREAS, noise from mechanical equipment installed on certain types of property that abut single-family residential property are not necessarily subject to standards in the City Code; and

WHEREAS, there is currently no regulation or standards for light emitted from headlights in parking garages that abut existing residential developments; and

WHEREAS, there should be regulations or standards for noise and light emissions from certain buildings abutting certain residential property in order to promote health, safety, and welfare; **NOW, THEREFORE;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That Chapter 3 of the volume of the City of Houston Construction Code known as the Mechanical Code is amended by adding new Section 313.0 to read as follows:

“Section 313.0 Construction Documentation for Buffer Zone Mechanical Equipment Noise.

When a buffer zone is required by Section 42-272 of the City Code, mechanical equipment installed after _____¹, 2012, that is located within the buffer area described in Section 42-272(a)(1)a & b shall not

¹ City Secretary shall insert the month and day of passage of this Ordinance.

exceed the maximum permissible sound levels of 65 dB(A) during daytime hours and 58 dB(A) during nighttime hours, as listed in Section 30-5(a)(1) of the City Code, when measured from the property line of the abutting residential development.

Exceptions:

- (1) When ambient sound levels measured from the property line of the abutting residential development, measured through acoustical analysis, are equal to or greater than the sound levels from the mechanical equipment, at the property line of the abutting residential development, the mechanical equipment shall be exempt from the requirements of this section.
- (2) Fixed designated emergency generators designed to operate on an emergency basis, including any necessary routine maintenance operation and testing.

Mechanical equipment shall be prohibited in the ten foot landscape buffer zone as described in section 42-272(a)(2) of the City Code and measured from the property line of the abutting residential development.”

Section 2. That Section 406 of the volume of the City of Houston Construction Code known as the Building Code is hereby amended by adding new Subsection 406.2.11 to read as follows:

“406.2.11 Garage Screening Facing Residential Development.

406.2.11.1 Single Family. Construction of an abutting development, as defined by Section 42-1 of the City Code, to be used as a parking garage shall provide an exterior cover for each floor of the structure where parking occurs that directly faces property in use for or restricted to single-family residential use. The exterior cover shall be constructed of an opaque surface at least 42 inches in height measured from the finished floor where parking occurs and shall not be required on any floor of the parking garage that has a finished floor over 50 feet in height from grade. For ramps located outside of the parking garage, the exterior covers shall be at least 52 inches in height measured from the finished floor of the ramp and be positioned to block headlights from emitting light into adjacent properties in use for or restricted to single-family residential use.

Exception: The exterior cover may be other than opaque when it can be demonstrated to the building official that it is sufficient to diffuse or block light from headlights from emitting light into adjacent properties in use for or restricted to single-family residential use.

406.2.11.2 Multi-Family. Construction of a parking garage that abuts an existing multi-family development or is located directly across the right-of-way from, and within 100 feet from, the nearest exterior wall of the parking garage structure, shall provide an exterior cover for each floor of the garage where parking occurs that directly faces property in use for multi-family purposes. The exterior cover shall be constructed of an opaque surface at least 42 inches in height measured from the finished floor where parking occurs and shall not be required on any floor of the parking garage that is above the roof of the structure containing the multi-family use. For ramps located outside of the parking garage, the exterior covers shall be at least 52 inches in height measured from the finished floor of the ramp and be positioned to block headlights from emitting light into adjacent properties in use for or restricted to single-family residential use.

Exception: The exterior cover may be other than opaque when it can be demonstrated to the building official that it is sufficient to diffuse or block light from headlights from emitting light into adjacent properties in use for or restricted to multi-family residential use.”

Section 3. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 4. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor. Therefore, this Ordinance shall be passed finally on that date and shall take effect immediately upon its passage and approval by the Mayor. However, in the event that

the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2013.

APPROVED this ___ day of _____, 2013.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Resolution is _____.

City Secretary

Prepared by Legal Dept . _____
YC:ASW 1/18/13 Asst. City Attorney
Requested by Administration and Regulatory Affairs Department
L.D. File No. 0641200016001