

PUBLIC NOTICE

City of Lockhart
Planning and Zoning Commission
7:00 PM, Wednesday, October 23, 2024
Municipal Building – Glosserman Room
308 W. San Antonio St.

AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the October 9, 2024 meeting.
4. Hold a PUBLIC HEARING and consider a **Text Amendment** to Chapter 64, Article VIII “Zoning Districts and Standards,” Section 64-198 “Performance standards for commercial and industrial districts,” Subsection (c) “Nuisances,” to raise the allowable noise levels for commercial properties adjacent to residentially zoned properties.
6. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.
7. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 11:00 a.m. on the 15th day of October, 2024.

**City of Lockhart
Planning and Zoning Commission
October 9, 2024**

MINUTES

Members Present: Philip Ruiz, Manuel Oliva, Ron Peterson, Julia Haug, Bradley Lingvai

Members Absent: Phil McBride, Rick Arnic

Staff Present: David Fowler, Kevin Waller, Romy Brossman

Visitors/Citizens Addressing the Commission:

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:00 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the Minutes of the September 25, 2024, meeting.

Commissioner Haug moved to approve the September 25, 2024, minutes. Commissioner Lingvai seconded, and the motion passed by a vote of 4 - 0.

Chair Ruiz stated to let the record reflect the arrival of Commissioner Ron Peterson at 7:03.

4. SUP-24-10. Hold a PUBLIC HEARING and consider a request by John Powell on behalf of Chaun Kim Lai for a Specific Use Permit to allow a Bar, tavern, lounge or dance hall and Commercial outdoor recreation, entertainment, and amusement use on 1.44 acres in the James George Survey, Abstract No. 9, zoned CHB Commercial Heavy Business District and located at 1408 South Colorado Street.

Staff member David Fowler introduced the subject property with maps and aerials. The existing building on the subject property was recently occupied by a tobacco vaping and smoke shop, which had also received an SUP in 2020 for bar use. The new occupant of the site is converting the indoor area to a bar but would like to add an additional 800-square foot building to serve the outdoor patio area. This building would be located to the east of the existing building, abutting the patio area. The proposed building would be 16 feet deep and 50 feet wide. The proposed layout shows the new building would be a combination of a bar, kitchen/grill, storage, and a break room. As this new building would cause the bar use to exceed the scope of the previous SUP, a new SUP has been filed to cover the proposed additional facility.

Applicant John Powell, 214 Main St. Smithville, TX, came to the podium. He stated he is bringing in a family-friendly sports bar with a recreation area. He stated he understood concerns regarding noise, and stated he has a decibel reader. We will be open until 2:00 a.m. on Friday

and Saturday nights. We won't have a dancehall. In the future, we are willing to extend the parking lot.

Mr. Fowler reported the application complies with city standards and staff have not received any opposition, therefore Staff recommends approval.

There was a question regarding whether the existing SUP allowed extended hours. Mr. Fowler answered that it did allow the extended hours.

Commissioner Haug moved to approve SUP-24-10 with the condition of a review of the SUP after one year of operation. Commissioner Oliva seconded, and the motion passed with a vote of 5 - 0.

5. FP-24-06. Consider a request by Jeff Pence of Manumit Investment Group, LLC for approval of a Final Plat for Maple Park Section One-B, consisting of 9.942 acres in the Francis Berry Survey, Abstract 2, zoned PDD (Planned Development District), and located at the future Lincoln Lane, between Clear Fork Street and Maple Street.

Staff member Kevin Waller presented Section One-B of Maple Park Planned Development District as depicted on the approved Preliminary Plat (PP-19-01) and PDD Development Plan (PDD-19-01). Although the preliminary plat identifies four commercial lots in Section One-B, the current proposal includes all but the northernmost lot in this section (Lot 4), which will be platted with Section One-A, according to the applicant. The last section within Maple Park to be approved was Section Three-A for the Maple Park Senior Village, the plat of which was recorded in September 2021. In addition to the three lots proposed with Section One-B, this proposal will also enable the subdivider to construct Lincoln Lane, which is included entirely within the boundaries of this section and will serve other phases of development within Maple Park. Lincoln Lane will extend through the development from Maple Street to Clear Fork Street and is classified as a minor street with a 60-foot-wide right-of-way and a 40-foot paved with per Note 12. A four-foot-wide public sidewalk will be constructed along the Lincoln Lane frontage of each lot. A drainage easement is located within the west portion of each lot, which will convey stormwater from Lincoln Lane generally southward through the future Section One-A to the north and then through the commercial lots in Section One-B. The applicant has indicated that the easement will be conveyed by separate instrument, as one of the lots within Section One-A that is also affected by the easement is owned by a separate party. The recordation of the easement and labeling of the instrument number on the plat is a recommended condition of approval, prior to the construction of Lincoln Lane and recordation of the plat. The proposed subdivision has been reviewed and deemed acceptable by the Caldwell County Appraisal District's GIS Division.

Applicant Jeff Pence, 555 Hill Ave. New Braunfels, TX, introduced himself. He stated that he is ready to build Lincoln Lane and that getting the plat approved is the final piece so he could start building.

Linda Hinkle, 1109 S. Main St. Lockhart, TX, came forward. She stated the easement to be recorded by separate instrument has been sent to the city attorney for review. She stated they were just waiting on comments from the attorney and the other landowner.

Kevin Waller stated that City staff recommended approval of the plat subject to two recommended conditions. One of which is the recording and labeling of the drainage easement instrument number for the drainage of Lincoln Lane, including the number on the plat and recording it prior to the construction of Lincoln Lane and prior to recording the plat. The second condition is to add the term "Final Plat" to the title block at the bottom of the plat.

Commissioner Lingvai moved to approve FP-24-06 according to Staff's recommended conditions. Commissioner Haug seconded, and the motion passed with a vote of 5 - 0.

6. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.

David Fowler stated that there will be a public hearing regarding a request to amend the noise ordinance to allow for higher levels of sound adjacent to residential uses. He also reminded the Commission that the City Council's public hearing regarding the Comprehensive Plan will be held October 15th.

7. Adjournment.

Commissioner Oliva moved to adjourn, and Commissioner Peterson seconded. The motion passed by a unanimous vote, and the meeting adjourned at 7:25 p.m.

Approved: _____
(date)

Romy Brossman, Recording Secretary

Philip Ruiz, Chair

TO: Planning and Zoning Commission
FROM: David Fowler, AICP, Planning Director
SUBJECT: Proposed Noise Ordinance revisions
DATE: October 15, 2024

A public hearing is scheduled at the October 23rd meeting to discuss possible revisions to Section 64-198 (c) (3) relating to allowed noise levels in the City. This hearing is partly in response to a local business owner who has received numerous complaints regarding outdoor live music events held on the property. The owner has requested sound levels of 75 decibels be allowed on similarly situated commercial properties abutting residential zoning districts between 7 AM and 10 PM. This represents a more than 20 decibel increase over the allowed level and is 5 decibels greater than the allowable level for a property abutting an industrial district.

A document which planning staff has prepared comparing Lockhart to other peer cities accompanies this memo, as well as an overview of noise ordinances created by a professional organization. Both documents show that while Lockhart's noise standards are lower than some other cities in the studies, they are not so low as to stand out as an outlier among other cities. City planning staff does not have a recommendation regarding whether the allowable sound levels should be revised but advises the Planning and Zoning Commission to consider whether the current regulations are an undue constraint on existing businesses or whether the quiet enjoyment of residential neighborhoods outweighs the request for greater levels of sound to be allowed on commercial properties, particularly those abutting residential areas.

Brief on Noise Ordinance Amendments

October 11, 2024

Summary

How do peer cities regulate noise? Key factors for consideration include:

- What the standard and/or special noise levels are,
- When the standard noise regulations apply, and
- What exceptions exist.

Generally, cities in Texas regulate noise by establishing maximum decibel levels for each zoning district. The following is an overview of these factors from different cities.

Georgetown

Code of Ordinances Chapter 8.16 – Noise Control

Day/Night Maximums:

- 63/56 residential areas
- 70/63 commercial areas
- 72/65 industrial areas
- 72/65 other areas

San Marcos

The City uses a hybrid form-based code, so specific noise regulations based on use are limited. Special Event Facility (use) does not have additional noise requirements.

Development Code Section 7.4.2.1 Noise

No activity in excess of 85 decibels between 10:00 a.m. and 10:00 p.m., or in excess of 75 decibels between 10:00 p.m. and 10:00 a.m.

Round Rock

Code of Ordinance Chapter 14 – Environment, Article VIII – Noise

Day/Night Maximums:

- 55/50 residential areas
- 80/75 commercial and industrial areas

Buda

The City uses a hybrid form-based code, so specific noise regulations based on use are limited.

Unified Development Code 14.04.003 Restrictions on decibel levels

Day/Night Maximums:

- 63/56 residential areas
- 70/63 commercial areas
- 80/65 industrial areas
- 80/65 other areas

Taylor

The City uses a hybrid form-based code, so specific noise regulations based on use are limited.

Taylor Made Land Development Ordinance 5.9.4.2 NOISE.

- Sites shall be laid out and uses shall be operated to prevent noise from becoming a nuisance to adjacent properties.

Code of Ordinances Chapter 19 – Offenses – Miscellaneous Section 19-4 Noise generally

- No loudspeaker shall be operated between 11:00 p.m. and 7:00 a.m. Monday-Saturday, with hours extended from 7:00 a.m. to 1:00 p.m. on Sundays.

Hutto

The City uses a hybrid form-based code, so specific noise regulations based on use are limited.

Code of Ordinances Article 14.03 Noise

Day/Night Maximums:

- 85/70 in all areas, generally.

Austin

Code of Ordinances Title 9 Prohibited Activities, Chapter 9-2 Noise and Amplified Sound

- Standard sound regulation hours are 10:30 p.m. to 7:00 a.m., where no sound from instruments or music can be made which is audible to adjacent businesses or residences.
- Sound equipment at a business cannot exceed 85 decibels between 10:00 a.m. and 2:00 a.m., and cannot produce sound audible at the property line from 2:00 a.m. to 10:00 a.m.
- Sound is limited to 75 decibels in residential areas from 10:00 p.m. and 10:00 a.m.

Seguin

Code of Ordinances, Chapter 46 - Environment Article VIII – Noise

- It shall be unlawful between the hours of 10:00 p.m. and 7:00 a.m. to operate or permit the operation of any sound amplifying device at a commercial establishment or residence so that the sound is plainly audible at a distance of 100 or more feet outside the property line of the property on which the establishment or residence is located.
- General noise nuisance rules apply over the whole city.

Waco

Code of Ordinances Chapter 16 – Nuisances Article VII – Noise and Sound Level Regulation

Day/Night Maximums (for *receiving* properties; e.g. no sound can be made that causes a residential area to *receive* more than 80 decibels during the night):

- 85/80 residential areas
- 85/85 nonresidential areas

Lockhart

Lockhart uses a nuisance standard, contained in chapter 18-27 of the Code of Ordinances, for noise originating on residential properties.

The following standards apply to commercial and industrial properties abutting residential properties.

Day/Night maximums

- 55/50 commercial/industrial areas abutting residential areas
- 65/65 commercial/industrial areas abutting commercial areas
- 70/70 commercial/industrial areas abutting industrial areas

Additionally, "When noise contains strong pure tone components or is impulsive (when meter changes at ten decibels or more per second), the sound pressure level limit shall be five decibels less than the limits listed above, as measured at the applicable property line" (Section 64-198(c)(3)(b)).

Recommendations

Lockhart's noise regulations for commercial and industrial properties are generally more restrictive than the regulations of comparable cities. The city does not have strong standards for noise originating from residential properties, or standards that apply by-district.

1. Noise-specific regulations should be created for each zoning district or group of similar districts (e.g., residential, commercial, industrial).
 - a. Research indicates that district-based regulations are most commonly used (Research on noise standards in the U.S.A.: Preliminary Results of an Analysis of 491 Community Noise Ordinances. Leslie D. Blomberg, New England NoiseCon-16.
<https://www.nonoise.org/regulation/preliminary%20results.pdf>)
 - b. Daytime noise maximums are generally between 50 and 60 dB received at the property line of residential properties.
 - c. Night noise maximums are generally between 40 and 50 dB received at the property line of residential properties.
 - d. Lockhart's current noise emission standards for commercial and industrial properties in Section 64-198(c) of the Code of Ordinances are more restrictive in daytime hours than other municipalities but match similar cities' night maximums.
 - e. Most cities establish daytime hours beginning at 7:00 A.M., and many (including Lockhart's commercial and industrial standards) begin the night hours at 10:00 P.M.

Reference: cpreec.org

Noise Level in decibels	Source	Effects
135	Pneumatic drill	Painful
110	Rock band	Discomfort
88	Industry / city traffic	Hearing impairment on prolonged exposure
80	Alarm clock	Annoying
65	Average city traffic	Intrusive

https://www.researchgate.net/figure/Psychological-and-physical-effects-of-noise-at-different-decibel-levels-db_tbl1_361314561

Summary of recommended noise exposure limit (World Health Organisation - 1980) Reference: cpreec.org

Environment	Recommended Maximum level	Effects
Indoor / Domestic Night	35dB	Increased awakening at higher levels
Indoor / Domestic Day	45dB	Speech communication deteriorates at higher levels
Community / Urban Night	45dB	Difficulty in falling asleep at higher level
Community / Urban Day	55dB	Annoyance increases at higher levels

https://www.researchgate.net/figure/Standards-and-guidelines_tbl2_361314561

Design for Health. 2008. Planning Information Sheet: Considering Community Noise Issues through Comprehensive Planning and Ordinances. Version 1.0. www.designforhealth.net

Table 1: Common Outdoor and Indoor Noises

Outdoor Noises	Indoor Noises	Sound Pressures (uPa)	Sound Pressure Levels (dB)
Jet Flyover at 300 m	Rock Band at 5m	6,324,555	110
Gas Lawn Mower at 1 m	Inside Subway Train	2,000,000	100
Noisy Urban Daytime	Garbage Disposal at 1m	200,000	80
Gas Lawn Mower at 30 m	Normal Speech at 1 m	63,246	70
Quiet Urban Daytime	Dishwasher Next Room	6,325	50
Quiet Urban Nighttime	Small Theatre	2,000	40
Quiet Rural Nighttime	Bedroom at night	632	30

Source: Corbusier 2003

Table 2: City of Wichita Excessive Noise Limitations

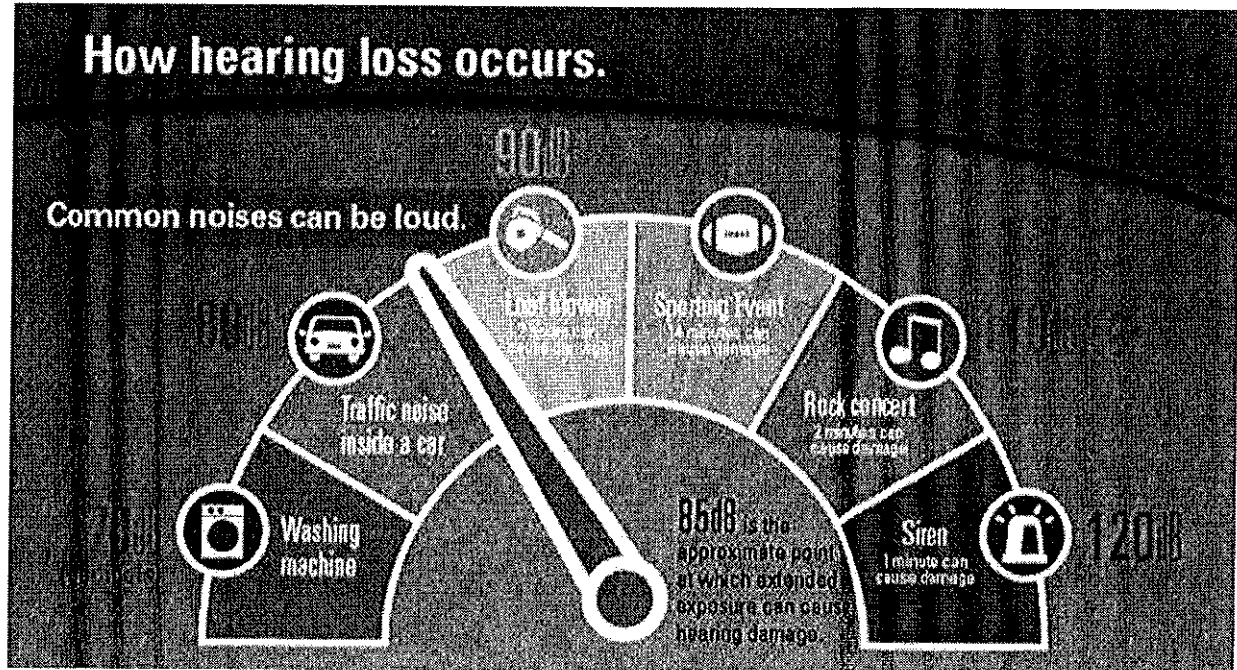
Zone	8 am to next 10 pm	10 pm to next 8 am
Residential	55 dBA	50 dBA
Commercial	60 dBA	55 dBA
Light Industrial	70 dBA	65 dBA
Industrial	80 dBA	75 dBA

Source: City of Wichita 2008

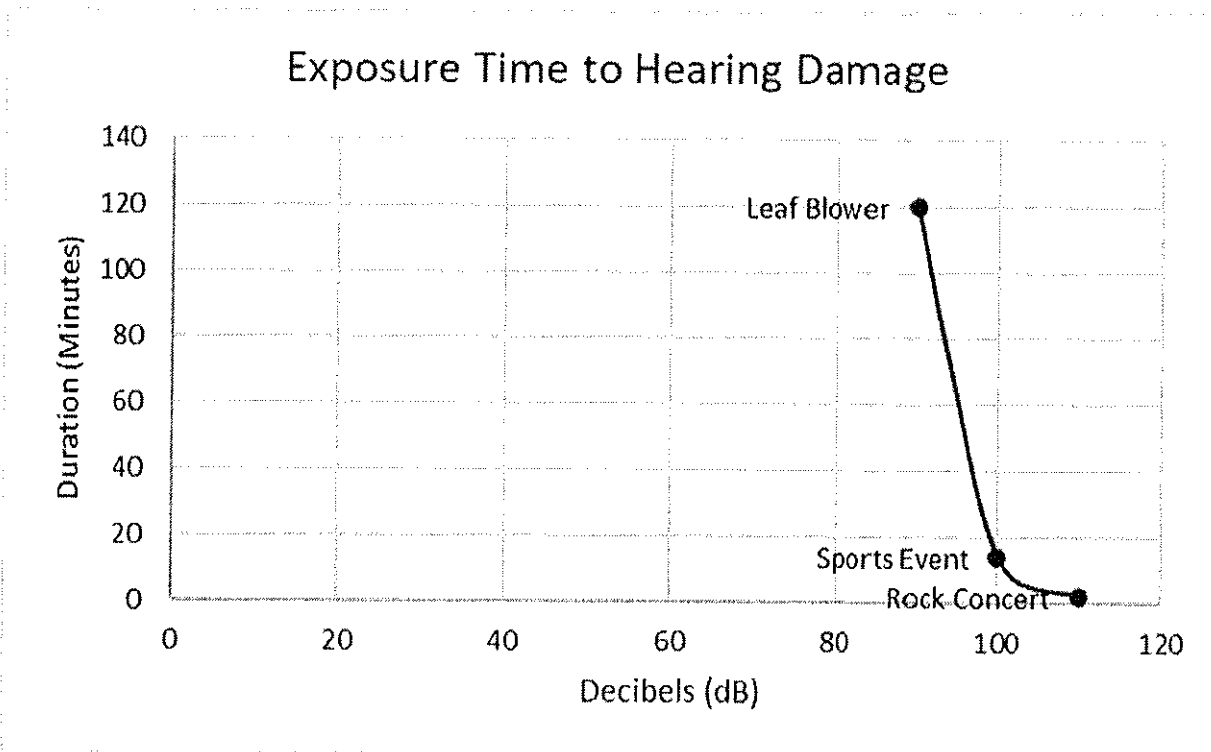
Research on noise standards in the U.S.A.: Preliminary Results of an Analysis of 491 Community Noise Ordinances. Leslie D. Blomberg, New England NoiseCon-16. <https://www.nonoise.org/regulation/preliminary%20results.pdf>

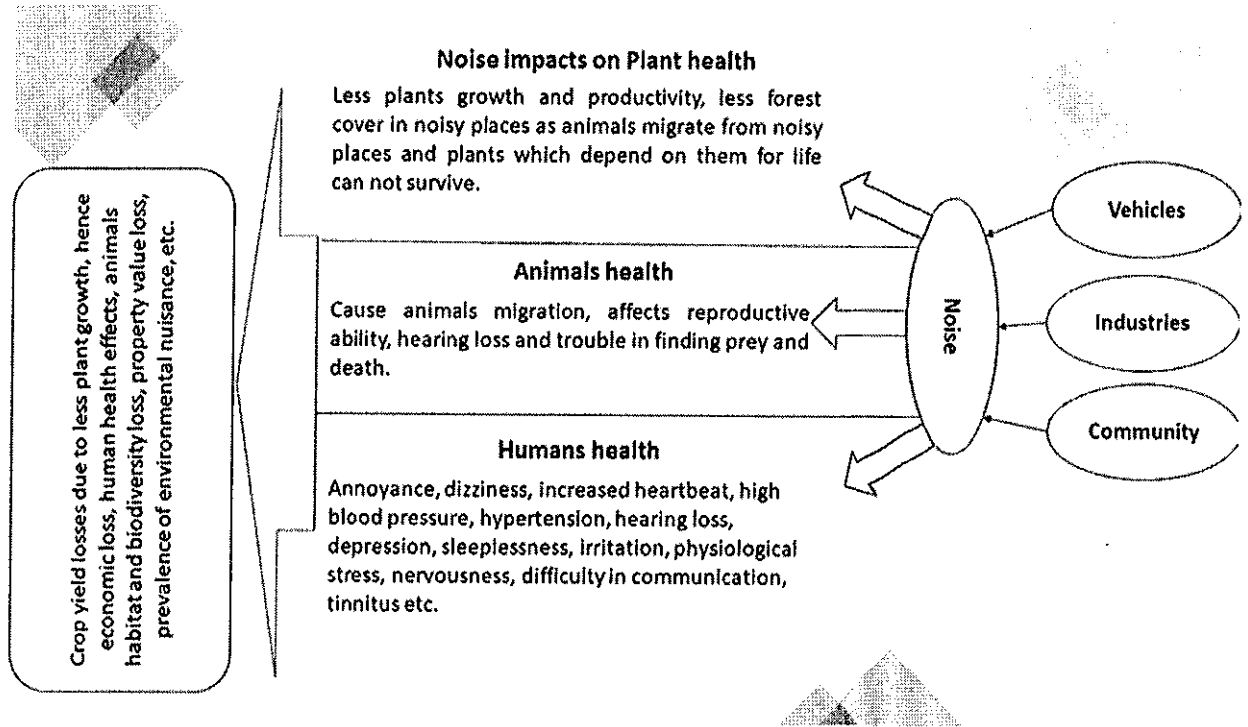
Key points:

- Nuisance-based ordinances are the most common type of noise regulations, with regulations by zoning district appearing in 65% of cities studied.
- Most cities use multiple strategies to cover as many situations as possible.
- Median daytime noise levels in studied cities are 60 dBA.
- Median night noise levels in studied cities are 50 dBA.
- The majority of cities define daytime hours as 7:00 A.M. – 10:00 P.M.

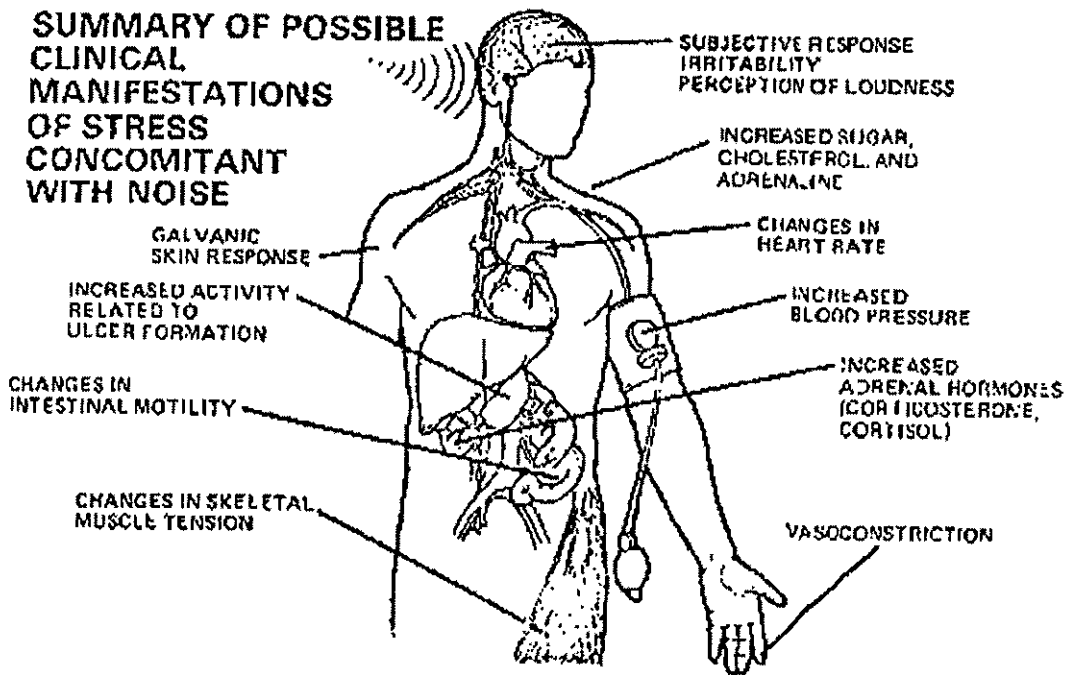


<https://www.rateitgreen.com/green-building-articles/noise-pollution-understanding-the-risks-and-effects-in-work-and-everyday-life/175>

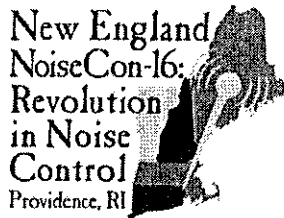




https://www.researchgate.net/figure/Health-effects-of-noise-pollution_fig2_364209497



<https://www.nonoise.org/library/handbook/handbook.htm>



Providence, RI
NOISE-CON 2016
2016 June 13-15

Preliminary Results of an Analysis of 491 Community Noise Ordinances

Leslie D. Blomberg
Noise Pollution Clearinghouse
PO Box 1137
Montpelier VT 05601-1137
npc@nonoise.org

ABSTRACT

The noise ordinances from 491 of the largest communities in the United States were analyzed with respect to the tools, metrics and criteria communities use to regulate noise. The prevalence of various techniques employed in noise regulations are presented and discussed. The regulatory tools and techniques analyzed include decibel-based standards, plainly audible standards, nuisance standards, quiet zones and restrictions based on zoning, setbacks, time-of-day regulations, and bans (prohibitions).

1 INTRODUCTION

The Noise Pollution Clearinghouse, in an effort to update its online law library of noise regulations, is collecting and analyzing the community noise ordinances of approximately 1,000 communities. The preliminary results of the analysis of 491 of the largest communities in the United States are presented here. The noise ordinances were analyzed to determine what regulatory tools and techniques communities employed to control noise pollution. These tools and techniques included decibel-based standards, plainly audible standards, nuisance standards, quiet zones and restrictions based on zoning, setbacks, time-of-day regulations, and bans (prohibitions).

2 METHODOLOGY

Hundreds of noise regulations were read to determine the most common regulatory tools and techniques. These were determined to include decibel-based standards, plainly audible standards, nuisance standards, quiet zones and restrictions based on zoning, setbacks, time-of-day regulations, and bans (prohibitions).

Next, the noise ordinances of the largest communities in the country were obtained, roughly in descending order of population. The eventual goal is to analyze the noise ordinances of at least the 500 large communities in the country, which would mean communities with more than approximately 65,000 people according to the 2010 Census. The current set of 491 ordinances is missing 70 of the 500 largest communities, and includes some cities with fewer than 65,000 people. To be considered for this paper, the noise ordinance had to be found on the website of the city, or in a legal library (such as West Law, Municode, etc.).

Each of the 491 noise ordinances was examined to determine which tools and techniques the regulations used, and the metrics and criteria used. For this paper, the categories for the various tools and techniques are defined as follows:

- The ordinance was considered to use a decibel-based standard if it prescribed a decibel level that was not to be exceeded, or a decibel level above ambient noise levels that was not to be exceeded. This category could include frequency weighted and octave band criteria. An ordinance was said to employ decibel noise standards even if the regulation was not comprehensive, that is, if it regulated only a few specific noise sources. However, vehicle decibel noise limits were not considered in this category for this paper.
- Plainly audible standards were ones in which the noise was regulated based on the audibility or detectability of the noise at either a specified distance (such as 100 feet) or specified location (such as a property line or inside a home).
- Regulations were determined to include a nuisance standard if they specifically mentioned criteria such as *nuisance*, *unreasonable*, *unnecessary*, or *disturbing the peace* within the noise regulation. Nearly all cities have a *disturbing the peace* clause outside of the noise regulation which was not considered in this category for this paper.
- Quiet zones and restrictions based on zoning were those regulations that identified specific areas of the town for special protection.
- Regulations requiring a minimum distance from a property line or receiver were considered to employ the setbacks technique.
- Decibel-based restrictions that varied depending on the time of day, for example, day or night, were considered to employ time-of-day techniques.
- Regulations that specifically prohibited specific noise sources, such as gas-powered leaf blowers, for example, were considered to employ bans.

Clearly, a community noise regulation could employ some or all of the above techniques.

The tools and techniques were investigated with respect to several variables, including population and geographical location. The regions are defined as follows:

- Pacific: California, Hawaii, Oregon, Washington
- West: Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, Wyoming
- Midwest: Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Wisconsin
- South: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia
- Northeast: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont

The number of regulations employing each technique was counted. Various metrics and criteria were also noted and counted.

3 RESULTS

The most prevalent noise regulatory technique was the nuisance standard, which was contained in 418 of the 491 noise regulations or 85%. Restrictions based on zoning appeared in 320 regulations or 65%. Plainly audible restrictions are the next most popular technique, found in 298 community regulations or 61%. Decibel-based restrictions appeared in 268 of the regulations or

55%. Time-of-day restrictions occurred in 231 regulations or 47%. Setbacks were found in 174 noise regulations or 35%.

Noise ordinances tended to rely on several techniques or tools. For example, 237 of the 418 cities that have a nuisance standard also have a decibel standard. Conversely, only 35 cities rely on a decibel standard but do not also rely on a nuisance standard.

Concerning decibel-based ordinances by geographical region, Midwestern cities are the least likely to contain a decibel standard (42%) while West Coast/Pacific cities are most likely (61%).

Most decibel noise ordinances specify a specific instantaneous maximum value. A-weighting is used in 253 ordinances; C-weighting, in 14 ordinances; and specific octave band limits appear in 28 ordinances. (Remember that these categories are not mutually exclusive. If a noise ordinance has a C-weighted value, it can also have an A-weighted value, for example.) *Fast* time response is specified in 71 ordinances and *slow* response is specified in 149 ordinances. (These too are not mutually exclusive, as *fast* response is sometimes specified for impulsive noise and *slow* response for continuous noise within the same regulations.)

The daytime A-weighted residential noise limits ranged from 50 dBA to 85 dBA (Waco, Texas gets the award for least protective noise regulation). One community uses a 100 dBA value but due to other aspects of the regulation, this is effectively an impulse noise standard. The median value is 60 dBA, and the mode is 55 dBA. The nighttime A-weighted residential noise limits range from 40 dBA to 80 dBA (Waco, Texas again gets the award for least protective noise regulation). The median and mode are both 50 dBA.

There were 47 communities employing an over ambient standard. Over ambient standards range from 0-15 dBA over ambient, with the median and mode being 5 dBA.

Only 40 communities rely on a Leq metric, and many of those also provide an instantaneous value. The Leq time period ranges from 1 minute to 24 hours.

In the noise ordinances, there is remarkable agreement as to when the day begins, with 83% of the ordinances specifying that time as 7:00 AM. There was greater variation on when night began, with a range between 6 PM and midnight, and 72% choosing 10 PM.

Interestingly, there does not appear to be a correlation between population and decibel noise limits. Smaller cities and towns, however, are more reliant on nuisance-based standards.

4 DISCUSSION

There are many questions concerning noise regulation in the United States that are not answered by this paper: There are, for example, according to the U.S. Census Bureau, 19,492 municipal governments, 16,519 township governments and 3,033 county governments in the United States.¹ The sample of noise regulations discussed in this paper cover approximately one-third of the US population and only slightly more than 1% of the local government units in the country. The remaining two-thirds of the US population live in the remaining 99% of US communities which are much smaller than those represented in this study.

Moreover, community noise control is based on a combination of noise regulations and noise enforcement. The more interesting question is not “what is in the noise ordinance?” but “what part of the noise ordinance do police officers rely on when they are in the field and why?”

This paper presents the preliminary results of our research. As more ordinances are added to our database, the results will be updated and revised, and these further questions concerning smaller communities and police enforcement will be explored at the Noise-Con 2016 presentation. If you bring a flash drive to the Noise-Con 2016 presentation, you are welcome to copy the entire noise ordinance library at that time.

5 REFERENCES

1. US Census Bureau, *Local Governments and Public School Systems by Type and State: 2007*, <http://www.census.gov/govs/cog/GovOrgTab03ss.html>.