



AGENDA ITEM SUMMARY

Agenda Date	December 10, 2024
Requested Action	RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND APPROVE ON FIRST READING ORDINANCE NO. 2024-30; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS ARTICLE V. NOISE AND SOUND REGULATION, CHAPTER 14, SECTION 14-139. AMPLIFIED SOUND AND CHAPTER 14, SECTION 14-142. METHOD OF SOUND MEASUREMENT. PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (<i>Amendments to Code of Ordinance, Noise and Sound</i>)
Contact Person	Nathan Crane, AICP Planning Director (830) 248.1521 ext. 1105 ncrane@boerne-tx.gov
Background Information	BACKGROUND: The City of Boerne previously formed a subcommittee in 2021 to discuss noise and sound regulation and hosted an open house that solicited targeted feedback from the broader community. REQUEST: 1. The request imposes a precise threshold for noise violations, changes the measurement method for sound collection, and clarifies appropriate sound measurement locations. ANALYSIS: <ul style="list-style-type: none">• <u>Maximum Volume:</u> The Code currently indicates that amplified sound “plainly audible at a distance of fifty (50) feet or more shall be presumed to be violative.” The proposed change introduces a precise, measurable threshold to determine non-compliance:

sounds that “exceed 70 decibels at any time or 65 decibels during nighttime hours.”

- Measurement Method:

The current version of the Code does not articulate a metric nor an objective method of measurement.

New recommended changes indicate that measurements must be at least 30 seconds in duration, and the highest registered decibel reading attained more than once (or sustained) during that 30-second period will be the final recorded measurement/number.

- Measurement Location:

The Code currently indicates that amplified sound “plainly audible at a distance of fifty (50) feet or more shall be presumed to be violative.”

The proposed changes remove the language that sound measurements be taken from the curb line of the nearest public street to the violating property.

Instead, the proposed changes provide a new array of options for where to properly collect a sound violation measurement:

- A minimum of 10 ft. from any property line from where the sound originates, but no less than 50 ft. from the sound source in non-residential areas.
- A minimum of 10 ft. from the property line nearest the sound source with the reading recorded from the complainant’s property, but no less than 50 ft. in non-residential areas.
- A minimum of 50 ft. from the sound source when property lines do not apply.

FINDINGS:

Staff finds that the proposed amendments:

- Impose a precise measure for amplified sound violations;
- Provide a method for how sound will be measured, and violations will be determined; and
- Redefine the measurement location to permit measurement from the property line shared with the potentially offending location and clarifies other locations where accurate sound measurement is permissible depending on the context of the offense.

	<ul style="list-style-type: none"> • Meets the criteria for approval as outlined in Section 2.2.C of the UDC. <p>PLANNING AND ZONING COMMISSION ACTION:</p> <p>The Planning and Zoning Commission held a public hearing on the amendment at their November 4th, 2024, meeting and voted 6-0 to recommend APPROVAL of the amendment.</p> <p>RECOMMENDATION:</p> <p>Staff recommend that the City Council receive the recommendation from the Planning and Zoning Commission, accept the findings and recommend APPROVAL of the proposed amendment to Code of Ordinances regarding noise regulations.</p> <p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Council’s decision.</p> <ul style="list-style-type: none"> - I move that the City Council receive the recommendation from the Planning and Zoning Commission, accept the findings, and APPROVE on first reading the proposed amendment. - I move that the City Council DENY the proposed amendment, based on the following findings: (The Council will need to state the reasons for the denial).
Item Justification	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
Strategic Alignment	C2: Seeking customer-driven feedback. C3: Collaborating with community partners to enhance quality of life. B1: Utilizing data to drive smart decision making. B3: Providing streamlines and efficient processes.
Financial Considerations	N/A

Citizen Input/Board Review	Notice of the City Council public hearing was published in the Boerne Star on November 20, 2024. No public comments have been received as of the drafting of this report.
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	Ordinance No. 2024-30 Proposed Amendment