



### ZPC Meeting Agenda

Notice is hereby given of a **regular meeting of the Zoning and Planning Commission to be held via teleconference** on Thursday, May 14, 2020 beginning at **5:30 p.m.** in the **Municipal Building** located at 3800 University Blvd., West University Place, Texas.

Due to the COVID 19 Disaster and CDC'S recommendation regarding social distancing measures, the public will not be allowed to be physically present at this meeting. Zoning and Planning Commission will be meeting via teleconference and will be audible to members of the public and allow for two-way communications for those desiring to participate. **To attend the meeting via telephonic means**, please use the following toll-free number: **1-844-648-1102**, **Meeting ID: 330-517-747** or follow link to <https://www.join.me/westumeeting>

**Any person interested in speaking** on any item on the agenda must submit his/her request via email to the Building Official at [cchew@westutx.gov](mailto:cchew@westutx.gov). The request must include the speaker's name, address, the phone number that will be for the call (in order to identify you) and the agenda item number and **must** be received prior to the posted time of the meeting.

The agenda packet is accessible to the public on the City's website. After the meeting, a recording of this meeting will be made available to the public.

*Note: The Commission reserves the right to convene in a closed session for any agenda item if the need arises pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code*

#### Call to Order

1. **Notices, Rules, Etc.** Matters relating to notices, introductions, rules, meeting procedures and updates.
2. **Public Comments.**  
*This is an opportunity for citizens to speak relating to agenda items. The speaker can either speak at this time or defer his/her comments until such time the item is discussed. Speakers are advised that comments cannot be received on matters which are the subject of a public hearing. Public comments must be kept relevant to the subject before the Board. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Board during the meeting. Speakers must limit their presentations to three minutes each.*
3. **Lighting Regulations.** Matters related to lighting regulations for properties in the City.
4. **Noise Regulations.** Matters related to the general noise regulations regarding equipment, loudspeakers, construction activities, quiet hours, etc.
5. **Minutes.** Matters regarding approval of minutes from April 9, 2020.

#### ADJOURN

*In compliance with the Americans with Disabilities Act, if you plan to attend this public meeting and you have a disability that requires special arrangements, please contact the person that signs this below at least 24 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting. The Municipal Building is wheel chair accessible from the west entrance and specially marked parking spaces are available in the southwest parking area. Special seating will be provided in the Meeting Chambers.*





# The City of West University Place

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*A Neighborhood City*

I certify that the attached notice and agenda of items to be considered by the West University Place Zoning and Planning Commission on May 14, 2020 was posted on the Municipal Building bulletin board on or before May 11, 2020 at 5:30 o'clock p.m.

*Clay Chew*

Clay Chew, Building Official, [cchew@westutx.gov](mailto:cchew@westutx.gov), 713-662-5830



# Agenda Item #3

# City of West University Place Planning and Zoning Commission Meeting

**DATE:** May 14, 2020

**Agenda Topic:** Outdoor Lighting Nuisance Ordinance

**SUMMARY:** The proposed Outdoor Lighting Ordinance was amended based on the comments from the April 9, 2020, Planning and Zoning Commission Meeting. This Ordinance, if adopted, will allow enforcement of the nuisance provisions for glare, and light trespass, within the City, without the utilization of a light meter.

**SUMMARY OF PROPOSED REVISIONS:** This is the summary of changes that occurred during the last meeting:

1. **Athletic Field Lighting Curfew defined:** The proposed Ordinances allow lighting of sports fields for up to 30 minutes after a scheduled event.
2. **City of West University Light:** The City of West University is exempted from the Outdoor Lighting Ordinance.

**SUMMARY OF PROPOSED AMENDMENTS:**

1. **Glare definition:** Glare has been properly defined in a way that is understandable and enforceable. This definition of glare is from the Illuminating Engineering Society of North America.

“Glare means the sensation produced by luminances within the visual field that are sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance or visibility.”

2. **Outdoor Lighting definition:** The definition of outdoor lighting has been added.

“Outdoor Lighting means lighting equipment installed within the property line and outside the building envelope, whether attached to poles, building structures, the earth, or any other location, and any associated lighting control equipment.”

3. **Lighting installed by the City:** The City must follow the requirements of limiting light trespass and glare for outdoor lighting. Additionally, outdoor lighting for athletic fields must also limit light trespass and glare.

4. **Christmas and Holiday Lighting:** The holiday lighting definitions were modified to mention LED lighting and allow for an exemption from the holiday projectors.

“Seasonal decorations using typical, unshielded, low-wattage, incandescent lamps or light-emitting diodes (LED) or holiday light projectors shall be permitted from November 10<sup>th</sup>

# City of West University Place Planning and Zoning Commission Meeting

through January 30<sup>th</sup>.”

**5. Existing Lighting and this proposed ordinance:** If existing lighting is not a nuisance, meaning that it does not create glare or light trespass onto other properties, then it conforms to this Ordinance. As with most nuisance ordinances, it is complaint-based, and will have to receive a code enforcement complaint. Often, these cases are resolved by modifying the direction of the lighting.

**6. Security Lighting:** Security lighting has been added as an exemption to this Ordinance if it does not cause light trespass onto other properties.

“Residential security lighting, such as motion-activated floodlights, are permissible under the following condition: lighting must be installed or shielded in a way as to not cause light trespass onto other properties, in accordance with Section 54-217.”

**7. Photometric Requests:** During the permitting process, the Building Official can request data or information, such as a photometric study, to prove conformance to Section [A] 105.3 of the International Building Code, and R105.3 of the International Residential Code.

**Enforcement:** The enforcement of this Ordinance is typically performed in this manner:

## 1. Typical Enforcement of Complaints

- a. A complaint is received by the City of West University Place.
  - i. City staff is assigned case (such as the Building Official, Code Enforcement Officer, or Peace Officers).
    1. Staff follows up with complaint.
      - a. Photographs or evidence provided by affected.
      - b. Site Visit.
    2. Warning letter or notice sent to property owner of lighting nuisance.
      - a. Lighting complaint is often resolved at this stage.
    3. Citation Issued
      - a. A maximum \$500.00 fine per day, per violation.
    4. Court
      - a. Evidence is provided.
      - b. Applicant may appeal and provide evidence.
      - c. Fine may be reduced.

**Staff Recommendation:** Consideration for the proposed Lighting Ordinance.

Attached:

- 1) Proposed Lighting Ordinance
- 2) PowerPoint with violation versus not violation

## Chapter 54 - OFFENSES AND MISCELLANEOUS PROVISIONS

### Article VIII. Outdoor Lighting Regulations

#### Sec. 54-215 – Purpose.

The purpose of this article is to provide regulations for outdoor lighting that will minimize adverse offsite impacts of outdoor lighting such as light glare, and light trespass.

#### Sec. 54-216 - Definitions.

The following words, terms, and phrases, when used in this article, shall have the following meanings:

*Glare* means the sensation produced by luminances within the visual field, that are sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance or visibility.

*Light trespass* means light that falls beyond the property it is intended to illuminate. For purposes of this article, it is presumed that outdoor lighting is not intended to illuminate beyond the property line of the property on which the lighting is located and light emitted from a luminaire is presumed to fall beyond the property line if the light is visible, either directly or indirectly by reflection or otherwise, from beyond the property line.

*Outdoor athletic facility* means any outdoor/open-air sporting or recreational facility designed for use of organized athletic or extracurricular activities, public or private, which shall include, but not be limited to, use as a venue for football, baseball, basketball, softball, soccer, rugby, tennis, track and field events, dressage, polo, rodeo, competitive roping, volleyball, quidditch, cricket, kickball, barrel racing, badminton, band, drum corps, golf, swimming, diving, cycling, ultimate frisbee or other group event involving athletic or extracurricular competition, or the preparation for such competition.

*Outdoor lighting* means lighting equipment installed within the property line and outside the building envelope, whether attached to poles, building structures, the earth, or any other location, and any associated lighting control equipment.

#### Sec. 54-217. – Nuisance Declared.

- (a) It shall be unlawful for any person to cause or permit to be energized, on property owned or under his or her possession or control, any outdoor lighting which projects a glare directly upon any lot, tract, parcel of land, or other private property other than that property upon which such outdoor lighting is situated.
- (b) The use of laser source light, searchlights, flashing and/or rotating lights or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited, unless as authorized by this article.

## **Sec. 54-218. – Enforcement.**

- (a) Upon receipt of a complaint from any citizen, or upon the initiative of any employee of the City of West University Place, Texas, a compliance inspection shall be conducted by the City Building Official, code enforcement officers, peace officer, or other representatives designated by the City Manager.

## **Sec. 54-219. – Exceptions.**

- (a) The provisions of this article shall not apply to:

1. Lighting operated for emergency lighting used by police, fire emergency, utility work personnel, or medical personnel, or at their direction.
2. Any City-owned and operated lighting.
3. Seasonal decorations using typical, unshielded, low-wattage, incandescent lamps or light-emitting diodes (LED) or holiday light projectors shall be permitted from November 10<sup>th</sup> through January 30<sup>th</sup>.
4. Lighting that illuminates the United States and State of Texas flags. All other outdoor lighted flags, such as, but not limited to decorative and commercial flags shall conform to these provisions.

- (b) Field lighting for outdoor athletic facilities or courts shall be turned off within 30 minutes after the last event of the night. All lighting for outdoor athletic facilities shall be designed in a way to limit light trespass, including shielding as needed.

- (c) Residential security lighting, such as motion activated flood lights are permissible under the following condition: lighting must be installed or shielded in a way that does not cause light glare or cause light trespass onto other properties, in accordance with Section 54-217.

## **Sec. 54-220. – Penalty**

Any person, corporation, or association violating any provision of this article may be charged with a misdemeanor and if convicted, may be subject to a fine of not more than \$500.00. Each occurrence of any such violation of this article shall constitute a separate offense. Each day on which any such violation of this article occurs shall constitute a separate offense.

# Violation Examples



# Not a violation



# Agenda Item #4

# City of West University Place

## Planning and Zoning Commission Meeting

**DATE:** May 14, 2020

**Agenda Topic:** Noise Ordinance

**SUMMARY:** The proposed modifications to the noise ordinance have been amended based on the comments from the previous Zoning and Planning Commission Meetings.

**SUMMARY OF PROPOSED AMENDMENTS:** The summary of proposed amendments is presented with general updates and two options for regulating tools and equipment utilized for maintenance of the property. These proposed changes are outlined below.

1. **General noise measurements:** This section has been modified to make sure that any sound meter measurements are at the adjacent property.
2. **Urgent Public Projects:** This proposal eliminates the need for certified notice for urgent public works projects. These types of projects are typically an emergency, and notice requirement would make emergency repairs difficult. Public works projects that are planned in the future will follow the City's policies for notification of property owners.

### **Sec. 54-42(b)**

Urgent public projects. It shall be an affirmative defense, in any prosecution under this article that the offending noise was:

- (1) Necessary for a public project for which the public works director has deemed urgently needed. ~~certified, in writing, that expedited completion is urgently needed and in the public interest; and~~
- (2) ~~Made after 7:00 a.m. and before 9:00 p.m.~~

3. **Leaf blowers limited to 65 dBA measured at 50 feet:** There are many resources for finding appropriate models leaf blowers for a dense residential community such as West University Place. A certification sticker for leaf blowers in compliance with the 65 dBA standard is located on the equipment. This can be easily utilized by staff to determine compliance with this proposed Ordinance. Additionally, if a leaf blower does not have the certification sticker, the manufacturers specifications can be shown to prove compliance with this subsection.
4. **Push mowers in residential areas limited at 85 dBA or below measured at 25 feet:** Similar to the regulation leaf blowers, a similar standard of 85 dBA at 25 feet is commonly utilized for compliance with sound ordinances and has been recommended with this edition of the proposed Ordinance.
5. **Mowers for commercial properties, right-of-way and government property:** As commercial properties are different than residential properties a higher dBA limitation of 105 or less is permitted (measured at 25 feet). There is no list for commercial compliance as the majority of lawn mowers will satisfy this requirement.

## City of West University Place Planning and Zoning Commission Meeting

- 6. Residential Quiet Hours:** This option will define the hours when many people are sleeping or engaged in quiet activities at home, to be designated as follows:
- i. Any weekday (Monday through Friday, except holidays mentioned below) before 7:00 a.m. or after 7:00 p.m.
  - ii. Any Saturday (except the holidays mentioned below) before 8:00 a.m. or after 5:00 p.m.
  - iii. Any Sunday, New Years Day, Thanksgiving Day, Christmas Day, and whenever corresponding Friday or Monday on which the City observes that holiday before 12:00 noon or after 5:00 p.m.
    - iv. In order to work outside normal work hours, must be approved by the City Manager or designee before any work outside of the normal hours is commenced.

**Staff Recommendation:** Consideration for the proposed noise ordinance.

Attached:

- 1) Proposed Noise Ordinance
- 2) Proposed Change of Quiet Hours
- 3) 65 dBA Certification Leaf Blowers Example

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS; AMENDING CHAPTER 54, NOISE, OF THE CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, TO REVISE IN ITS ENTIRETY THE CRITERIA FOR NOISE AS A NUISANCE WITHIN THE CITY AND CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, THAT:**

**Section 1.** Chapter 54, Article III of the Code of Ordinances, of the City of West University Place, Texas is amended by the repeal of the existing Article III, and the adoption of a new Article III, to read as set out in Appendix A, attached hereto. All other portions of Chapter 54 of the Code of Ordinances not specifically amended hereby remain in full force and effect.

**Section 2.** All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

**Section 3.** If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

**Section 4.** The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

**Section 5.** This Ordinance takes effect immediately upon its passage and adoption on second reading.

**PASSED, APPROVED AND ADOPTED ON FIRST READING** on the \_\_\_\_\_  
day of \_\_\_\_\_, 2020.

Councilmembers Voting Aye:  
Councilmembers Voting No:  
Councilmembers Absent:

**PASSED, APPROVED AND ADOPTED ON SECOND READING, AND  
SIGNED**, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Councilmembers Voting Aye:  
Councilmembers Voting No:  
Councilmembers Absent:

**Attest:** \_\_\_\_\_  
City Secretary (Seal)

**Signed:** \_\_\_\_\_  
Mayor

Recommended: \_\_\_\_\_  
City Manager

Approved as to legal form: \_\_\_\_\_  
City Attorney

## Appendix "A"

Amend Chapter 54, Article II-Noise in its entirety by substituting the following provisions:

### ARTICLE II. - NOISE

#### Sec. 54-39. - Unreasonable noise prohibited.

Notwithstanding anything else in this Article, it is unlawful for any person to intentionally or knowingly make or create any noise of such volume, intensity, or duration as to disturb or annoy a reasonable person of normal sensitivity in the usual and expected enjoyment or the use of a dwelling. In determining whether a violation of this paragraph occurs, the following may be considered:

- (1) The level, frequency, or duration of the noise;
- (2) The proximity of the noise to the dwelling;
- (3) The nature and zoning of the area within which the noise occurs; and
- (4) The time of the day or night the noise occurs.

#### Sec. 54-40.- General noise level limit.

Except as provided in Section 54-41, it is unlawful for any person to make, assist in making, permit, or continue making, cause to be made or continued, or permit the continuance of any sound at any location beyond the property lines of the property on which the sound is being generated that when measured exceeds the applicable dB(A) level listed below. for the property on which the sound is received. The sound level shall be measured at the property line of the property on which the sound is generated.

The general maximum limits for any noise, except for noises specifically listed in Section 54-41 of this chapter, are as follows:

- (1) *Residential property*:
  - a. 58 dB(A) during residential quiet hours.
  - b. 65 dB(A) during all other times.

- (2) *Nonresidential property*: 68 dB(A) at all times.

- (3) All sound level measurements shall be made as provided in Section 54-44 of this article, unless as otherwise stipulated in Section 54-41.

#### Sec. 54-41. - Enumeration of specific noises.

(a.) The following noises, among others, are declared to be loud, disturbing noises in violation of this article (this enumeration is neither exhaustive nor exclusive of other noises):

- (1) The noise of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control; the same noise made while in motion, except as a danger signal after, or as, brakes are being applied and deceleration of the vehicle is intended; any unreasonably loud or harsh sound created by means of any such signal device; and the sound of such device made for any unreasonable period of time.

- (2) The sound of:
- a. Any vehicular or portable radio, phonograph, disc player, tape player or any musical instrument that is plainly audible outdoors from a distance of 100 feet or more (or 50 feet or more during residential quiet hours); or
  - b. Any loudspeaker or amplifier operated outdoors during residential quiet hours that is plainly audible from a distance of 50 feet or more.

"Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. Example: If the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

- (3) The sound of any automobile, motorcycle or other vehicle so out of repair, so loaded or operated in such manner that it creates loud noises such as spinning or squealing tires, grating, grinding, rattling or other noise exceeding 85 decibels.
- (4) The sound of any mechanical equipment installed at a fixed location (Examples: fans, compressors, condensers, pumps, generators, etc.), if:
  - a. When the equipment is operating, noise from the equipment is discernable at a point outside the boundaries of the site where it is installed, and noise at that point is measured at a level of 70dB(A) or higher; and
  - b. Immediately before or after operation of the equipment, noise at the same point is measured at a level of 65dB(A) or lower.

~~All sound level measurements shall be made as provided in Section 54-443 of this article.~~

- (5) The sound of a discharge into the open air of the exhaust of any internal combustion motor or engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) The sound of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.
- (7) The sound produced by the erection, excavation, construction, or demolition of any building or structure, including the use of any necessary tools or equipment, conducted outside residential quiet hours which activity produces a sound exceeding 85 dB(A) when measured from the property line of the residential property where the sound is being received. This decibel limit is not applicable when a current, valid permit has been obtained for the activities named and the sounds are being produced outside of residential quiet hours.
- (8) Any excessive noise made on any street adjacent to any school, institution of learning or court while the same is in session, or adjacent to any hospital at any time, which noise unreasonably interferes with the working of any such institution, provided conspicuous signs are displayed in such street indicating that the same is a school, hospital or court street.
- (9) Any loud and excessive noise resulting from the loading or unloading of any vehicle or container, or the opening or destruction of bales, boxes, crates or containers.

- (10) The sound of any bell, gong, whistle, siren, or other alarm or signaling device installed at a fixed location which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof. Exceptions: This does not apply to:
- a. An emergency alarm operated by the fire department or other governmental agency; or
  - b. An alarm system permitted and operated in compliance with applicable regulations, including automatic shutoff rules; see, e.g. chapter 26.
  - c. Any gong, bell or chime used in a religious observance or prayer.
- (11) The sound of any drum, loudspeaker or other instrument or device used to attract attention to any performance, show or sale of merchandise.
- (12) The sound made by loudspeakers or amplifiers on trucks or other vehicles.
- (13) The sound made by the use of tools or equipment, other than leaf blowers, for the maintenance of outside areas that exceeds 85 dB(A) measured at twenty-five (25) feet, outside residential quiet hours.
- (14) The sound of any leaf blower operated in the City outside residential quiet hours that exceeds sixty-five (65) dBA from a distance of fifty (50) feet utilizing the American National Standard Institute Methodology (ANSI B175.2). Any leaf blower that bears that certification shall be presumed to comply with any noise level limit of this subsection provided it operates as the manufacturer designed. Any operator of a leaf blower without this certification shall be capable of providing verification from the manufacturer confirming compliance with this subsection.
- (b.) In the event of any conflict between this section and Section 54-40 the provisions of this section shall control.

**Sec. 54-42. - Affirmative defenses.**

- (a) *Request to cease.* It shall be an affirmative defense in any prosecution under this article that a request to cease causing the noise in question was given neither to the person charged nor to any officer, agent, employee or representative of the person charged. All peace officers and other city enforcement personnel are hereby authorized to request that persons cease causing noises that are apparently in violation of this article. Nothing herein limits the right of others to make such requests.
- (b) *Urgent public projects.* It shall be an affirmative defense, in any prosecution under this article that the offending noise was: necessary for a public project for which the public works director has deemed urgently needed.
- ~~(1) Necessary for a public project for which the public works director has deemed urgently needed. certified, in writing, that expedited completion is urgently needed and in the public interest; and~~
- ~~(2) Made after 7:00 a.m. and before 9:00 p.m.~~
- (c) *Measured noise levels.* It shall be an affirmative defense, in any prosecution under this article, that a measured noise level was actually produced by some person or thing other than that alleged to have caused the noise.
- (d) *Registered outdoor events.* It shall be an affirmative defense, in any prosecution under this article, that the offending noise resulted from an outdoor concert or similar event that:
- (1) Was registered at least 48 hours in advance with the chief of police;

- (2) Did not last more than four hours, of which no more than two hours were during residential quiet hours; and
- (3) Was otherwise conducted to avoid disturbance of persons within nearby dwellings.

(e) *Speech or expression.* The affirmative defenses for speech or expression enumerated in V.T.C.A., Penal Code § 42.04 (prior order to move, disperse or remedy) shall also be available in any prosecutions for violations of this article.

**Sec. 54-43. - Injunction as additional remedy.**

As an additional remedy, the noise made by any activity, device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitivity, or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed, and is declared to be, a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

**Sec. 54-44. - Sound level measurements.**

Sound level measurements under this article shall be made in accordance with the following criteria:

- (1) Measurements must be made with a type 1 or type 2 calibrated sound level meters using the A-weighting scale and the slow meter response as specified by the American National Standards Institute (ANSI S1.4-1984/85A).
- (2) Noise levels shall be measured in decibels and A-weighted. The unit of measurement shall be designated a "dB(A)."
- (3) Meters shall be maintained in calibration and good working order.
- (4) Calibrations shall be employed which meet ANSI S1.40-1984 prior to and immediately after every sampling of sound.
- (5) Measurements recorded shall be taken so as to provide a proper representation of the sound being measured.
- (6) The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used.
- (7) At the property line of the building site where the noise is being generated.

(18) *Residential quiet hours* means those hours when many people are sleeping or engaged in quiet activities at home. They are hereby designated as follows:

Any weekday (Monday through Friday, except the holidays mentioned below)*:	Before 7:00 a.m. or after 87:00 p.m.
Any Saturday (except the holidays mentioned below)*:	Before 8:00 a.m. or after 85:00 p.m.
Any Sunday, New Year's Day, Thanksgiving Day, Christmas Day, and whenever corresponding Friday or Monday on which the city observes that holiday*:	Before 12:00 noon or after 85:00 p.m.

\* In order to work outside normal work hours, must be approved by the City Manager or his designee before any work outside of the normal hours is commenced.

# Leaf Blowers:

1) 65 dB(A) at 50 Feet PER ANSI B175.2.

Sticker on device or approved list (Consumer Reports).

A substantial of leaf blowers satisfy this standard.



## 2) Other outdoor equipment

- Lawn mowers
- Edgers
- Etc.

Outside areas are limited to 85 dB(A) measured at twenty-five (25) feet, outside of residential quiet hours

# Agenda Item #5



## Zoning & Planning Commission

Municipal Building 3800 University Blvd

### Meeting Minutes

via teleconference due to the Coronavirus (COVID-19) health threat

April 9, 2020

MEMBERS PRESENT: Richard Wilson, John Cutrer, Winfield Campbell, Sylvette Bobb, David Kuykendall, Bob Powell and Brian Brantley

STAFF PRESENT: City Attorney, Alan Petrov, Gerardo Barrera, Public Works Director, Clay Chew, Building Official, and Josie M. Hayes, Administrator Coordinator

GUEST PRESENT: Elizabeth Strelow

- 1. Notices, Rules, Etc.** Richard Wilson; Presiding Officer, called the meeting to order at 5:30 p.m. and asked commission members and staff to introduce themselves. Richard Wilson asked staff to confirm that appropriate notices were given. Josie Hayes stated notices were posted per state and local laws.
- 2. Lighting Regulations.** Kevin Taylor and Evan Duvall with BBG Consultants reviewed the revisions from the previous meeting. There was discussion whether or not the city should be subject to the regulations and whether there should be a definition of person. After general discussion, the ZPC asked BBG Consultants to prepare revised draft regulations for next month’s meeting.
- 3. Noise Regulations.** Elizabeth Strelow, 6519 Mercer stated she is in favor of increasing the quiet hours and lowering the decibel level. The ZPC discussed the existing proposed noise ordinance previously approved by the commission. ZPC and staff discussed the new proposed quiet hours. After discussion, the ZPC asked BBG Consultants to prepare revised draft regulations for next month’s meeting.
- 4. Minutes.** The commission reviewed the minutes of the meetings held on February 13, 2020. Richard Wilson a motion to approve the minutes as amended. Second by Brian Brantley. **AYES:** Richard Wilson, John Cutrer, Winfield Campbell, Sylvette Bobb, David Kuykendall, Bob Powell and Brian Brantley. **NOES:** None. **ABSTAIN:** None. **Motion carried.**

[Adjournment]

Richard Wilson made a motion to adjourn. Second by John Cutrer. **AYES:** Richard Wilson, John Cutrer, Winfield Campbell, Sylvette Bobb, David Kuykendall, Bob Powell and Brian Brantley. **NOES:** None. **ABSTAIN:** None. **Motion carried.** Meeting adjourned at 6:52 p.m.





# The City of West University Place

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*A Neighborhood City*

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
Presiding Officer

ATTEST: \_\_\_\_\_  
Ms. Josie M. Hayes, Administrative Coordinator

