

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	July 13, 2009
	Agenda Item No. 54 Roll Call No. <u>09-</u> Communication No. <u>09-496</u> Submitted by: Larry Hulse, Community Development Director	

AGENDA HEADING:

Amending Chapter 42, Article IV of the Municipal Code regarding Noise.

SYNOPSIS:

Recommend approval of an amendment to the noise ordinance to allow nonprofit organizations to construct homes in residential districts at times that would not otherwise be allowed. Under the current ordinance, construction noise is not allowed between the hours of 10:00 P.M. and 7:00 A.M. Nonprofits have found themselves with a need to complete construction for special projects between those hours. This ordinance would allow the construction to take place with a permit, after notice to neighbors and an appeal process through the administrative hearing officer.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The proposed amendment would allow non-profits who wish to complete construction during evening and night hours to apply for a special permit. Notification will be sent by the Community Development Department to property owners within 250 feet of the construction site. If 25% or more of the property owners within the 250 feet send in responses claiming to be adversely affected by the noise, an administrative hearing will be held.

The sole issue before the hearing officer will be whether the granting of the variance will create an adverse impact on the health, safety, and welfare of persons or property affected. The applicant for a variance shall carry the burden of establishing that an adverse impact shall not be created by the granting of a variance.

If the permit is not granted, the applicant can appeal the decision of the hearing officer to the City Council.

PREVIOUS COUNCIL ACTION(S):

Date: February 25, 2008

Roll Call Number: 08-329

Action: Final consideration of ordinance above. Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,746. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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