

Think Quality - Think Future

Blount County Planning Department

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TO: Planning Commission

FROM: John Lamb

DATE: June 15, 2011

SUBJECT: County Commission returns proposed noise standards in the RAC zoning site plan process.

The County Commission held public hearing on June 9, 2011 and considered at their agenda committee meeting the proposed amendment to the zoning regulations concerning noise standards in the RAC-Rural Arterial Commercial zone that was previously recommended by the Planning Commission. The proposal did not get a motion for forwarding on to the full Commission for consideration, thus causing the proposed amendment to revert to the origin (Planning Commission) of the proposal for any further action. This item comes for any further action the Planning Commission may wish to consider. The following was the proposal previously recommended by the Planning Commission.

That the last sentence in Section 9.10 reading "Where noise is determined to be a probable off-site impact of a proposed use, a noise mitigation barrier of solid structure or earth berm, in addition to vegetative buffer, shall be designed as part of the site plan and constructed" be deleted, and that the following be placed therein:

The following requirements shall be met to address noise for any use requiring a site plan where, a) the use includes design elements not fully enclosed within a principal structure and which would be expected to produce substantial noise, specifically compressor, HVAC unit, loading area for more than two axel trucks, or b) the use includes external venting of exhaust from combustion engines contained within buildings that are part of the design of the use, and c) the site abuts any parcel zoned S-Suburbanizing, R-1-Rural District 1, or R-2-Rural District 2, or where the site abuts property containing any sensitive use listed in subsection 3 table below:

1. The purpose of noise standards, noise study and mitigation requirements is to ensure that future development minimizes the impact of noise on adjacent properties, by establishing maximum noise levels and standards for evaluating noise impacts.

2. Definitions.

a. dBA – the A-weighted scale for measuring sound level in decibels (dB) as a unit used to express the relative intensity of a sound as it is heard by the human ear.

b. Leq – the energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared). It is the level of constant sound which, in a given situation and time period, has the same sound energy as does a time varying sound.

c. Lmax – the maximum sound pressure level for a given period of time.

3. Noise standards. The site plan shall be designed to meet the following exterior noise limit standards at site property line in relation to abutting land zoned S, R-1, and R-2 and specific sensitive uses .

Exterior Noise Limits at property line of site

| For Abutting Zone or Use | Time Period | | Noise Level, dBA | |
|--------------------------|-------------|---------|------------------|-------|
| | Begin | End | L eq | L max |
| S-Suburbanizing District | 7:00 AM | 7:00 PM | 55 | 75 |
| | 7:00 PM | 7:00 AM | 45 | 60 |
| R-1-Rural District 1 | 7:00 AM | 7:00 PM | 55 | 75 |
| | 7:00 PM | 7:00 AM | 40 | 55 |
| R-2-Rural District 2 | 7:00 AM | 7:00 PM | 55 | 75 |
| | 7:00 PM | 7:00 AM | 40 | 55 |
| Sensitive Uses * | 7:00 AM | 7:00 PM | 55 | 75 |
| | 7:00 PM | 7:00 AM | 40 | 55 |

* residences, schools, hospitals, nursing homes, churches, and libraries

If the measured ambient noise level prior to project construction and operation exceeds that indicated in the table above at the property line of the site, then the allowable noise limits shall be set at 5 dBA above the ambient level.

4. A noise study shall be part of the site plan and shall be prepared and certified by a qualified professional showing how the site design shall meet the requirements in subsection 3 above. A qualified professional shall be one that is experienced in the field of environmental noise assessment and architectural acoustics.

5. The site design shall incorporate design controls and mitigation measures necessary to meet the requirements in subsection 3 above.

6. Compliance with the noise study, site plan design, and requirements in subsection 3 above shall be determined by measuring the noise level based on the mean average of not less than three 20 minute measurements for any given time period. The compliance measurements shall be conducted by the same qualified professional that produced the noise study, and shall be taken at full operation of the subject use for the site plan.

7. Compliance with the noise study, site plan design, and requirements in subsection 3 above shall be a continuing requirement after site plan approval, construction of project and operation of project, and shall be subject to continued enforcement through compliance inspections and/or response to complaints.

8. The above standards shall not apply to those activities associated with actual construction of a subject site plan project or to those projects associated with provision of emergency, law enforcement or necessary governmental or utility services or functions.

9. A legal nonconforming use meeting requirements in other sections of this resolution shall not be subject to the above standards, provided that if the nonconforming use loses its nonconforming status by any means, then future operation and/or modification of the site requiring a site plan shall meet all requirements of this section.