



WILDWOOD

June 15, 2021

MEMORANDUM

To: Planning and Parks Committee Members

From: Department of Planning and Parks

Re: **Changes to the Zoning Ordinance and Noise Code for Constant Emitters of Noise (Wards – All)**

Cc: The Honorable James R. Bowlin, Mayor
Administration and Public Works Committee Members
Economic Development Committee Members
Steve Cross, City Administrator
John A. Young, City Attorney
Rick Brown, P.E. and P.T.O.E., Director of Public Works
Travis Newberry, Senior Planner

As the Committee Members are aware, this matter has been on the Planning and Parks Committee agenda for a number of months, dating back to mid-2020. The matters that are being discussed relate to six (6) items that focus on the Noise Code and certain other items tangential to it. These six (6) items included the following areas:

1. **Define** a general nighttime ambient background level of noise for all rural areas of Wildwood, which would be defined by the collective properties' zoning district designations.
2. **Restore** allowable permitted uses to the NU Non-Urban Residence District zoned property that has an existing aquaculture operation in place, without the benefit of the Conditional Use Permit (CUP).
3. **Modify** the description that only addresses agricultural types of equipment as those kinds subject to the new Noise Code regulations regarding continuous sound that results in an increase in the noise level above the ambient noise level at all boundary lines of the lot on which the machinery or equipment is located.
4. **Create** criteria to address roadway noise for any City project.
5. **Retain** current daytime and nighttime hours [7:00 a.m. to 7:00 p.m. (daytime hours)/7:00 p.m. to 7:00 a.m. (nighttime hours)], as defined, which are typically more restrictive than national standards.
6. **Introduce** new regulations for other types of shorter duration noises that are offensive, threatening, and impactful to the public health.

The Planning and Parks Committee has been focused only on Items #1, 2, and 5 in these discussions. The Department has provided recommendations in regard to these three (3) items, which has generated a significant amount of discussion among the Members. This discussion has led to changes in the recommendations of the Department, along with improving them in many regards.

At the last meeting where this matter was discussed at length, April 2021, the Committee Members noted that any action on its part relative to the recommended and revised changes would have to be held, until the verification of the equipment in use at the aquaculture operation was completed and testing, relative to noise levels, was undertaken by the City's consultant in this regard. It was noted at the May 2021 meeting of this Committee, the consultant planned to be in Wildwood the week of June 7, 2021 to accomplish these tasks.

The consultant did visit Wildwood during the week of June 7th, being here from that Monday, through Wednesday, June 9th. The visit had two (2) distinct projects in mind. These projects were the aquaculture operation and then the corridor sound studies in the vicinity of State Route 100 and State Route 109. Both were completed from a field investigation standpoint, but the results and accompanying report will not be available until the July meeting of this Committee, at the earliest. However, the Department would note the following regarding the aquaculture operation and the results of the site visit there by the consultant and City staff:

1. The property owner allowed the City full access to the property.
2. The Department of Planning visually verified all of the motors have been converted to the newer equipment, i.e., six (6) of six (6).
3. The site visit, when conducted on June 9, 2021, had only three (3) of the motors operating at that time, while the other three (3) items of equipment were not. The consultant noted this situation would not impact the testing that was underway, given the modeling associated with such.
4. The typical discrete tone associated with the older equipment was absent at each of the operating motors.
5. The consultant has set up sound monitoring equipment at the property line between the aquaculture operation and the nearest neighbor to the south and at the water tank on Wild Horse Creek Road for the purposes to obtain the ambient background level measurement for the general area.

Again, the results of the testing for both components of the City's engagement of this consultant are planned to be presented to the Committee Members as early as its July 2021 meeting. To then, the consultant did not provide any readings or specific opinions during the visit.

If any of the Committee Members have questions or comments regarding this process, please feel free to contact the Department of Planning at (636) 458-0440. A presentation on this matter is planned at tonight's meeting. Thank you for your patience in this regard and direction that has been provided by the Committee Members on this matter.