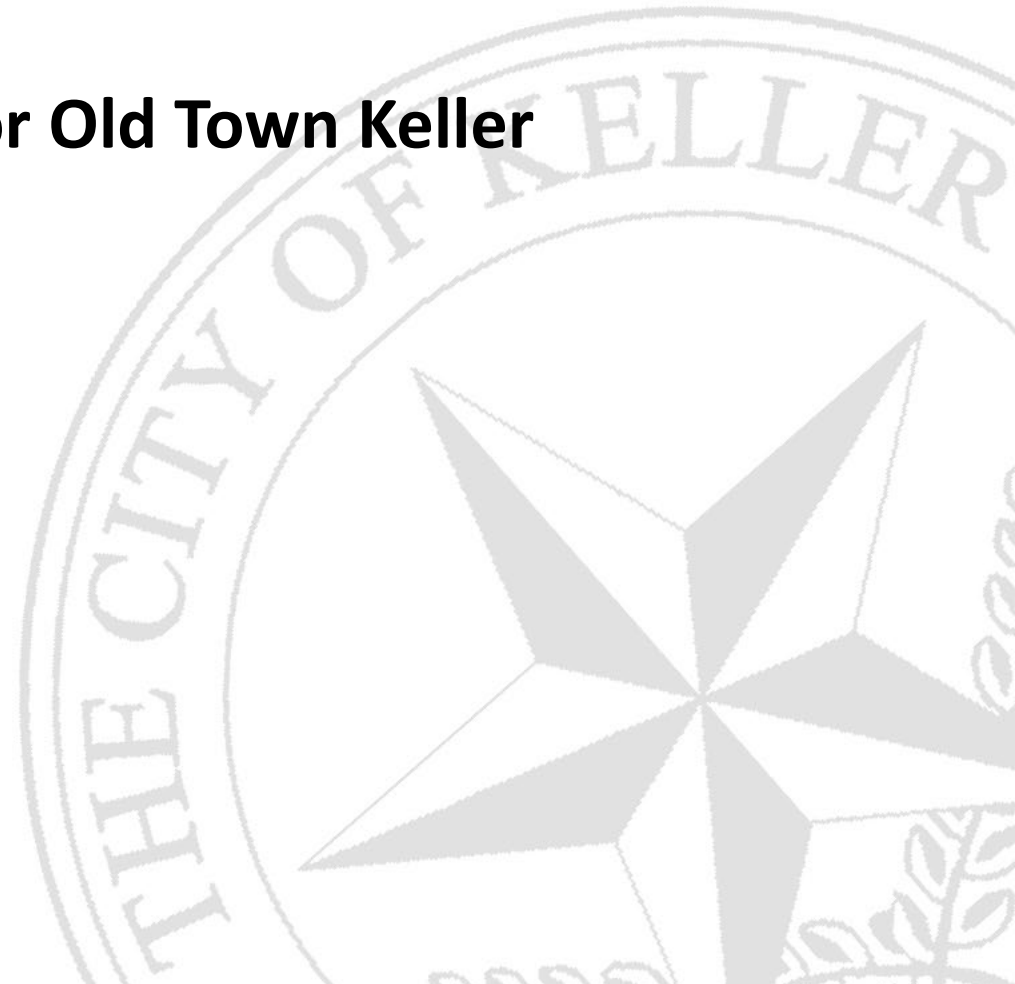


**Item D-4**

**Noise Ordinance Considerations for Old Town Keller**



# Item D-4

## Today's Discussion

- Old Town Keller (OTK) Zoning District
- Current noise ordinance and its implications for the OTK Zoning District
- Police Department background on noise complaints in OTK
- Staff recommendations
- Council Direction/Discuss next steps

## Item D-4

### Old Town Keller Zoning District

*General Purpose and Description.* The OTK District encompasses most of the original town site of Keller. The area generally contains a mixture of some of the oldest buildings in Keller along with newer uses and buildings that have replaced older structures over the years.... The OTK District is designed to transform the area into a historic focal point of the City with the character of a small Texas town of the early to middle 1900's....

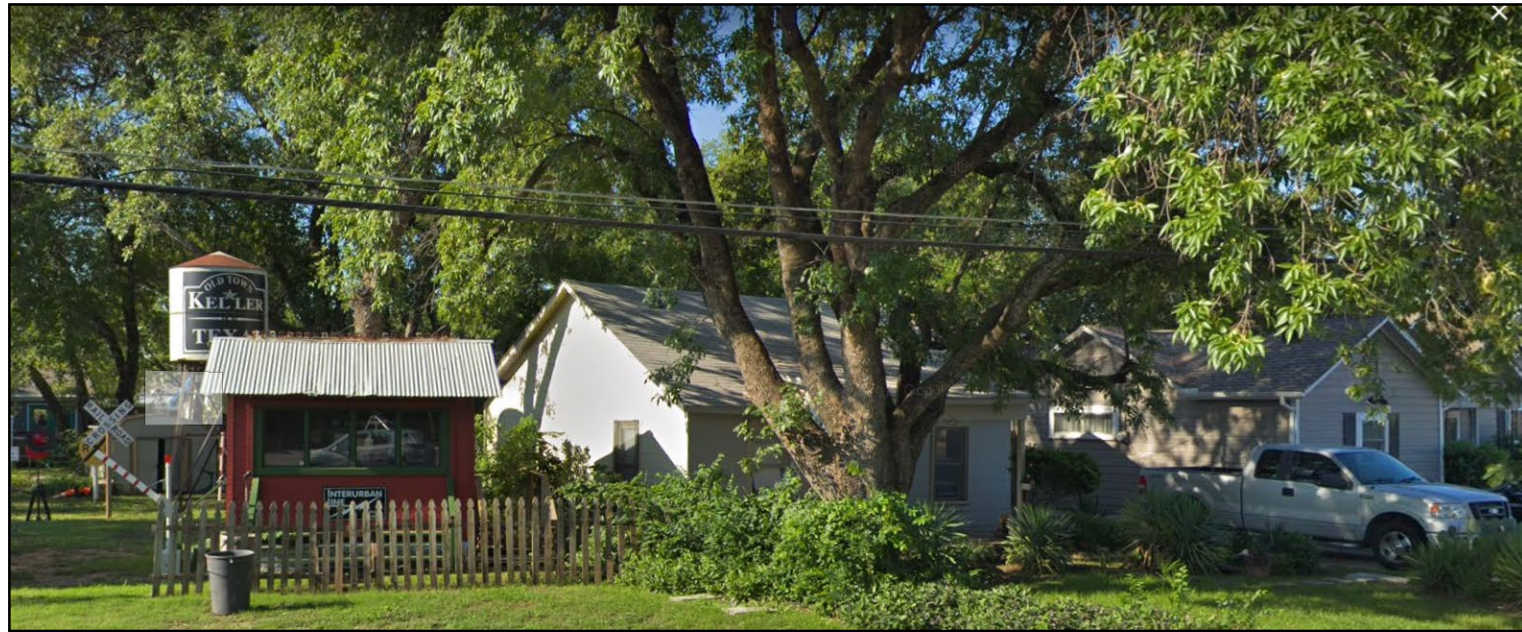




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### Old Town Keller Zoning District

*Neighborhood Subdistrict of Old Town Keller.* The Neighborhood Subdistrict is more residential in character and contains a mixture of some of the early homes built in Keller and some infill residential structures from the 1900's through the 1970's.



Neighborhood  
Sub District

Main Street  
Sub District

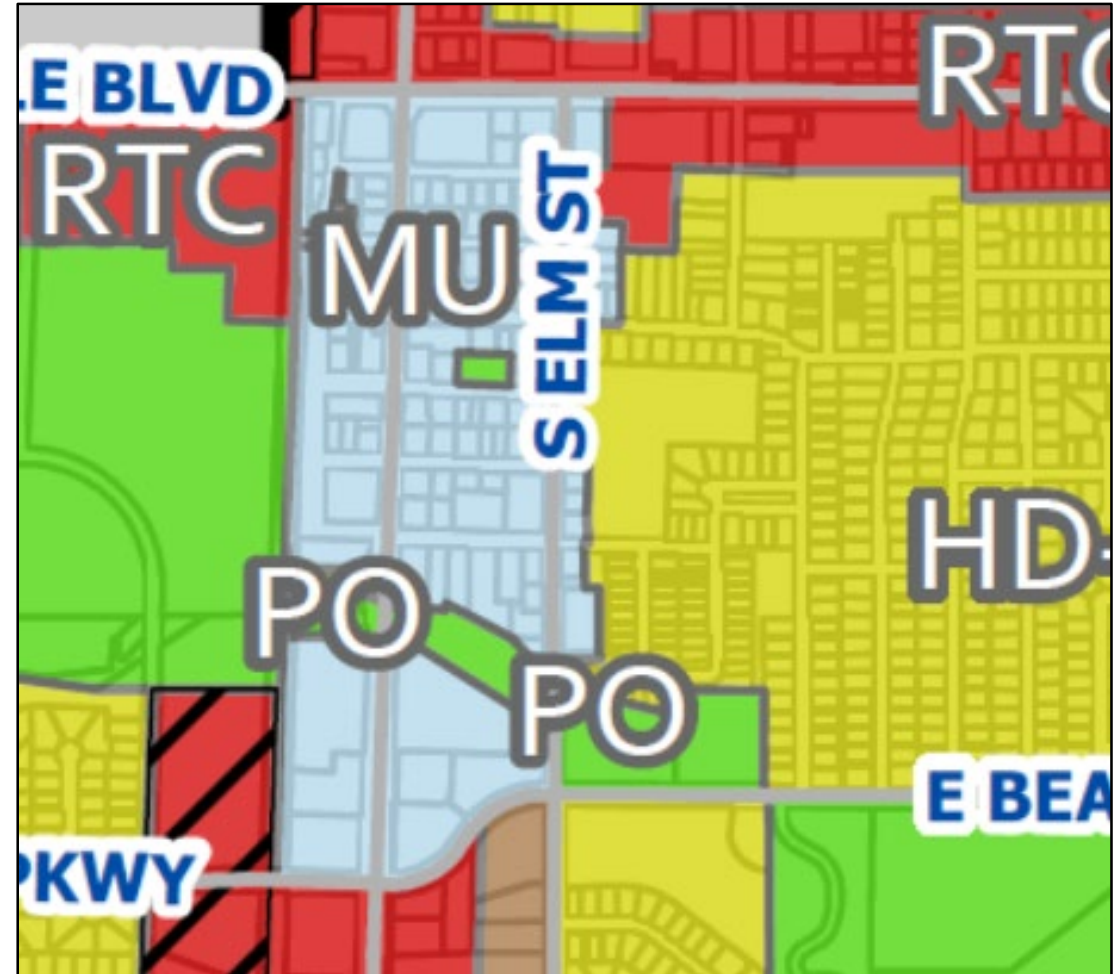




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### FLUP Mixed-Use

The Mixed-Use Zoning Districts (MU) provide unique opportunities to develop community destinations with a mix of retail/commercial, office, entertainment, open space, civic, institutional and residential uses within pedestrian-oriented, vertical and horizontal mixed-use environments.



## Item D-4

### Current Noise Ordinance

Sec. 10-1300. - Definitions.

(d) *Residential district.* A district as described in the City of Keller Unified Development Code for residential use. Examples of this district would include, but is not limited to, SF-LD, SF-8.4, SF-10, SF-12, SF-15, SF-20, SF-25, SF-30,2F, and MF.

(e) *Commercial district.* A district as described in the City of Keller Unified Development Code **for uses other than residential**. Examples of this district would include, but is not limited to, O, NS, R, TC, C, IP, LI, PD, SUP, OTK, N377 and KATY ROAD.



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### Current Noise Ordinance

- Enforced by the Police Department

#### **Sec. 10-1310. - Noise nuisances.**

The following acts, among others, are declared to be per se, violations of this article. The following enumerations shall not be deemed to be exclusive:

(2) *Unreasonable noise prohibited in or near residential areas.* No person shall make or allow for any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities. **No business within a commercial district shall allow for any *unreasonable noise* of such character, intensity, and continued duration which *substantially interferes* with the comfortable enjoyment of private homes by persons of *ordinary sensibilities*.**



# Item D-4

## Current Noise Ordinance

### Sec. 10-1310. - Noise nuisances.

The following acts, among others, are declared to be per se, violations of this article. The following enumerations shall not be deemed to be exclusive:

(5) *Radios, televisions, boom boxes, phonographs, stereos, musical instruments, and similar devices:* The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passersby, or is plainly audible at a distance of fifty (50) feet from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential areas, including multi-family or single-family dwellings.

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### How will police officers decide what is “reasonable noise”? (PD Website)

Keller Police officers will attend a training course on the new noise ordinance. This training will ensure that officers understand the “Spirit of the Law” under which the ordinance was written. The reasonable standard will adjust according to a number of factors, the primary of which will be residential vs. commercial districts, day of week and time of day. Example: Music and shouting from a backyard party a few doors down that is discernible inside of someone’s home on a Saturday afternoon may be reasonable, but the same level of noise/music would likely not be reasonable at 1 a.m. on a Sunday.

As mentioned above, voluntary compliance and warnings will always be used by officers before a citation is issued.

## Item D-4

### Background

- Recent SUP application for Pour Shack initiated conversation on outdoor entertainment and noise concerns in OTK
- During development of the city noise ordinance in 2015, there was discussion about establishing a decibel limit (objective measurement), but Council wanted PD to have flexibility for enforcement
- The resulting ordinance is subjective (“unreasonable noise,” “substantially interferes,” “ordinary sensibilities”), creating a challenge for PD to enforce the ordinance consistently





# Item D-4

## Background

### Noise complaints/PD Comments

- Who should be issued the warning? Sound Board Tech, Band Manager, Business Manager, Property Owner, or someone else?
- Resident on Pecan (approximately 100 feet away from music venue) has actually called fewer times than resident on E. Vine St. (approx. 1200 feet away)
- Motorcycle-related Issues
- Complaints associated with Pour Shack are often actually the result of music at other area businesses



## Item D-4

### Staff Recommendation

#### Sec. 10-1310. - Noise nuisances.

(11) *Commercial establishments adjacent to residential property:* Businesses in a Commercial District **with residential uses (TC, OTK, PDs, etc.)** shall only be allowed to have an outdoor band, music or any type of amplified sound according to the following schedule:

Sunday: Between 10:00 a.m. to ~~11:00 p.m.~~ 10 p.m.

Monday: Between 10:00 a.m. to ~~11:00 p.m.~~ 10 p.m.

Tuesday: Between 10:00 a.m. to ~~11:00 p.m.~~ 10 p.m.

Wednesday: Between 10:00 a.m. to ~~11:00 p.m.~~ 10 p.m.

Thursday: Between 10:00 a.m. to ~~2:00 a.m.~~ 10 p.m. the following Friday morning

Friday: Between 10:00 a.m. to ~~2:00 a.m.~~ 12:00 a.m. the following Saturday morning

Saturday: Between 10:00 a.m. to ~~2:00 a.m.~~ 12:00 a.m. the following Sunday morning

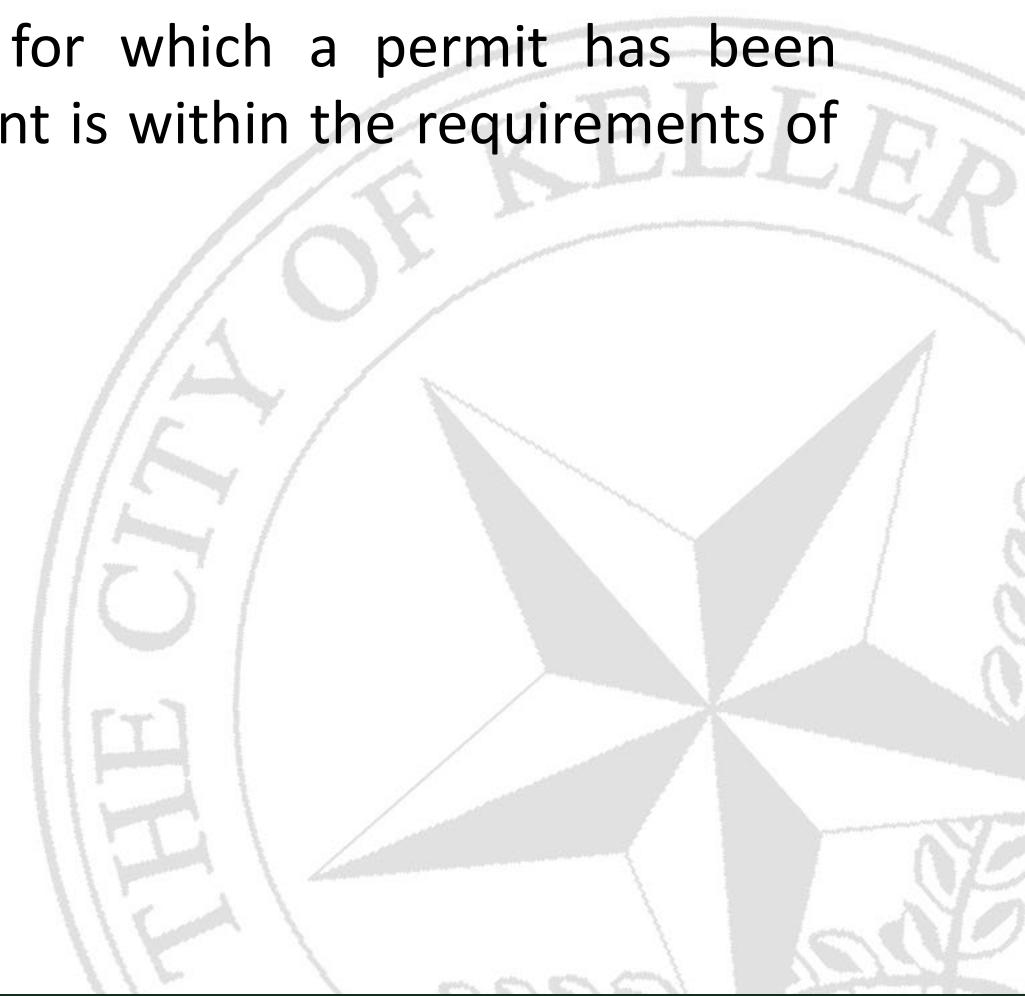


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### Special Event Permit

#### **Sec. 10-1330. - Affirmative defenses.**

(7) A public performance, gathering, or parade for which a permit has been obtained from the City of Keller, so long as the event is within the requirements of the permit

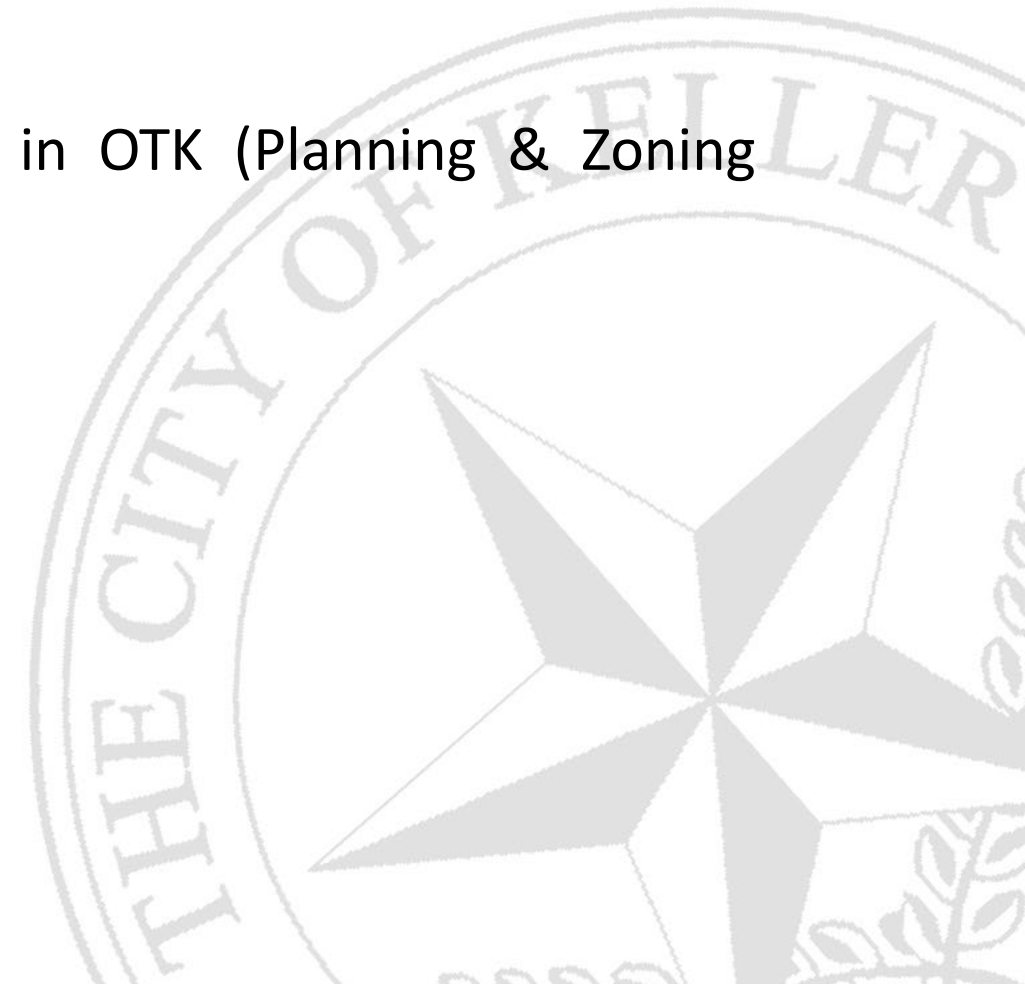




## Item D-4

### Next Steps

- Amend noise ordinance (City Council)
- Amend UDC to allow outdoor entertainment in OTK (Planning & Zoning Commission, City Council)





## Questions?

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