

AN ORDINANCE 2010-06-24-0640

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS BY ADOPTING A NEW ZONING DISTRICT AND REGULATIONS FOR A MILITARY SOUND ATTENUATION OVERLAY ZONING DISTRICT AS PART OF THE IMPLEMENTATION OF THE CAMP BULLIS JOINT LAND USE STUDY AND ADOPTING A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A ZONING DISTRICT BOUNDARY CHANGE FOR THE MILITARY SOUND ATTENUATION OVERLAY ZONING DISTRICT.

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WHEREAS, the Camp Bullis Joint Land Use Study (JLUS) adopted by City Council in June of 2009 includes a recommendation for an initiative to implement a sound attenuation ordinance for the area impacted by noise from Camp Bullis training activities; and

WHEREAS, training is vital to the missions of the military bases, camps and installations in and around San Antonio. Continued complaints of noise from these military activities could result in reduction or loss of military missions at the local installations, which would have a negative impact on San Antonio's economy; and

WHEREAS, sound attenuation of structures for certain noise sensitive land uses, as recommended in the Camp Bullis JLUS will provide for a method to ameliorate the noise concerns; and

WHEREAS, City staff has worked with a stakeholder committee, which included industry experts and military representatives, to develop standards and regulations for a sound attenuation overlay zoning district; and

WHEREAS, a public hearing was held regarding this amendment at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has recommended approval of a new zoning district and regulations for a Military Sound Attenuation Overlay District; and

WHEREAS, City Council now desires to amend the Unified Development Code by adopting a Military Sound Attenuation Overlay Zoning District; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35 of the City Code of San Antonio, Texas is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 35 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 35, Article III, Section 35-303 is amended by adding the Military Sound Attenuation Overlay District to the existing overlay districts as follows:

Sec. 35-303. Establishment of Districts.

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Overlay Districts
(Listed in Alphabetical Order)

"MLOD"	Military Lighting Overlay Districts
"MSAO"	<u>Military Sound Attenuation Overlay Districts</u>
"NCD"	Neighborhood Conservation Districts

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Chapter 35, Article III, is amended by adding Section 35-339.05 "MSAO" Military Sound Attenuation Overlay District as follows:

Sec. 35-339.05. "MSAO" Military Sound Attenuation Overlay District.

Statement of Purpose

Noise generated from military training exercises and aircraft operations affects quality of life for various San Antonio neighborhoods and business districts. This section establishes standards intended to lessen the external noise audible within the interior of noise sensitive structures to a level which greatly mitigates the impact on the general welfare of the public.

(a) Zoning District Establishment and Designation Criteria.

- (1) This section establishes a military sound attenuation overlay district as an overlay to the base zoning districts. Separate ordinances are required to designate an overlay district via the official rezoning process.
- (2) To be designated as a military sound attenuation overlay district, the area must be identified by the United States military, joint land use study or adopted master plan as being situated within a noise military influence area.
- (3) The zoning designation for a military sound attenuation overlay district shall consist of a base zone symbol and the "MSAO" symbol as a suffix. Military sound attenuation overlay districts shall be numbered sequentially to distinguish among different districts, i.e., "MSAO-1", "MSAO-2", etc.

(b) Noise Sensitive Land Uses. The following is a list of noise sensitive land uses subject to this section:

- (1) Residential structures including but not limited to single-family and multi-family dwellings

- (2) Assisted living facilities, nursing facilities, adult day cares and similar congregated living uses
- (3) Facilities for religious worship or study
- (4) In-patient medical facilities including but not limited to hospitals and residential treatment centers
- (5) Funeral homes
- (6) Child care facilities
- (7) Senior/community centers
- (8) Libraries
- (9) Schools including but not limited to primary and secondary schools, colleges and universities; **Exceptions:**
 - A. Public school buildings built with standard masonry construction techniques
 - B. Non-classroom portions of public or private school gymnasiums
 - C. Public school temporary portable buildings with standard exterior mounted HVAC units, and with construction materials for walls, ceilings, windows and doors having a minimum tested or listed sound transmission class (STC) rating of thirty-two (32), in accordance with ASTM E 90.

(c) **District Standards – Camp Bullis (MSAO-1)**

All habitable portions of structures occupied by noise sensitive land uses shall be designed and constructed to achieve either:

- an outside to inside noise level reduction (NLR) of at least twenty-five (25) a-weighted decibels (dBA), or
- be built to the standards set forth in subsection (c)(1) B. below.

These standards are required regardless of whether the noise sensitive land use is stand-alone as a single use or part of a larger development that may include more than one land use.

- (1) **Options for Compliance.** Compliance may be demonstrated using one of the following methods:
 - A. Use simultaneous noise readings of instantaneous outside and inside noise levels in accordance with ASTM E 966 to ensure the structure achieves an outside to inside NLR of at least twenty-five (25) dBA; or
 - B. Utilize construction materials with a minimum tested or listed sound transmission class (STC) rating of forty (40), in accordance with ASTM E 90, for walls and ceilings, and with a minimum tested or listed STC rating for doors and windows as specified below, in accordance with the following construction methods:
 1. **Walls.** The specific exterior wall assemblies listed below shall include the interior finishes set forth therein. **Exception:** Exterior wall assemblies or materials that have been tested or listed with a minimum STC rating of forty (40).
 - a. **Brick veneer.** When exterior walls are constructed using brick veneer, a minimum of one-half ($\frac{1}{2}$) inch gypsum drywall shall be applied as the interior finish, or a minimum of three and one-half ($3\frac{1}{2}$) inches of foam insulation shall be sprayed in as allowed by the building and fire code.
 - b. **Vinyl or cement sidings.** When exterior walls are constructed using vinyl or cement sidings, a minimum of five-eighths ($\frac{5}{8}$) inch gypsum drywall shall be applied as the interior finish, or a minimum of three and one-half ($3\frac{1}{2}$) inches of foam insulation shall be sprayed in as allowed by the building and fire code.
 - c. **Other assemblies and materials.** All other exterior wall assemblies or materials shall have a tested or listed minimum STC rating of forty (40).

2. **Roof/Ceiling Assemblies.** Roof/ceiling assemblies shall be constructed in accordance with the requirements of subsections a or b below. **Exception:** Roof/ceiling assemblies or materials that have been tested or listed with a minimum STC rating of forty (40).
 - a. Ceilings with unconditioned attic space shall be insulated with a minimum of one-half (½) inch gypsum drywall on the interior ceiling side covered with a minimum of twelve (12) inches of blown in fiberglass insulation, or a minimum of three and one-half (3½) inches of spray foam insulation shall be applied to the underside of the roof deck as allowed by the building and fire code.
 - b. Ceilings without attic space above shall be insulated with a minimum of five-eighths (5/8) inch gypsum drywall on the interior side filled with a minimum of nine (9) inches of fiberglass batt insulation with a one (1) inch air space between the roof sheathing and the fiberglass, or a minimum of three and one-half (3½) inches of spray foam insulation shall be applied to the underside of the roof deck as allowed by the building and fire code.
3. **Windows.** The cavity between the wood framing and the window frame shall be insulated with fiberglass insulation or foam insulation to the depth of the window frame.
 - a. If the exterior windows and doors together comprise no more than thirty percent (30%) of the total exterior wall area, all windows shall have a minimum tested or listed STC rating of thirty (30).
 - b. If the exterior windows and doors together comprise more than thirty percent (30%) but no more than forty percent (40%) of the total exterior wall area, all windows shall have a minimum tested or listed STC rating of thirty-two (32).
 - c. If the exterior windows and doors together comprise more than forty percent (40%) of the total exterior wall area, all windows shall have a minimum tested or listed STC rating of forty (40).
4. **Doors.**
 - a. If the exterior windows and doors together comprise no more than thirty percent (30%) of the total exterior wall area, all exterior doors shall have a minimum tested or listed STC rating of thirty (30).
 - b. If the exterior windows and doors together comprise more than thirty percent (30%) but no more than forty percent (40%) of the total exterior wall area, all exterior doors shall have a minimum tested or listed STC rating of thirty-two (32).
 - c. If the exterior windows and doors together comprise more than forty percent (40%) of the total exterior wall area, all exterior doors shall have a minimum tested or listed STC rating of forty (40).
Exception: An exterior door may have a tested or listed STC rating of less than forty (40) when installed with a storm door which when combined, achieve a minimum tested or listed STC rating of forty (40).
5. **Mechanical Systems.** Mechanical ventilation systems (HVAC) shall provide minimum air circulation and fresh air requirements for various uses in occupied rooms without the need to open any windows, doors, or other openings to the exterior.
 - a. In-window, through-wall, or through-floor air conditioning, ventilating, or heating units may be used if:
 - i. the above insulation requirements for walls, ceilings, windows and doors are implemented, or
 - ii. walls, ceilings, windows and doors have a minimum tested or listed STC rating of forty (40).

- b. Evaporative coolers may be installed if the following is implemented to reduce sound entering through the unit:
 - i. Insert a duct extension with at least two (2) ninety degree (90°) "elbows" between the structure and the unit.
 - ii. Add acoustically designed "upducts" in the ceiling of each room to allow proper circulation of air while windows are closed.

(2) **Certification.**

- A. Prior to approval of final inspection or issuance of a certificate of occupancy, all project applicants shall submit to the planning and development services department a signed statement certifying compliance with this section.
- B. A single certification statement for multiple structures in the same development may be used as long as the structures implement the same floor plans and construction methods.

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Chapter 35, Appendix A, "Definitions and Rules of Interpretation" is amended by adding the following definitions:

**Appendix A
Definitions and Rules of Interpretation.**

Sec. 35-A101. Generally.

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ASTM E 90. The standard test method for laboratory measurement of airborne sound transmission loss of building partitions and elements.

ASTM E 966. The standard guide for field measurements of airborne sound insulation of building facades and façade elements.

A-Weighted Decibel (dBA). The most commonly weighted sound filter used to measure perceived loudness versus actual sound intensity. The human ear responds differently to frequencies. For example, the human hearing system perceives mid-frequency sounds as louder than low and high frequency sounds. To accommodate this condition when measuring sound levels, filters need to be installed into sound meters. The results are a more accurate measurement of sound for the human hearing system.

Decibel (dB). Unit of measurement used to express the intensity or loudness of sound.

Sound Transmission Class (STC). An integer rating relating to the quality of sound attenuation for building partitions such as walls, ceilings, doors, and windows.

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SECTION 3. All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if

any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 5. The City Clerk is directed to publish notice of these amendments to Chapter 35, Unified Development Code of the City Code of the City of San Antonio, Texas. Publication shall be in an official newspaper of general circulation in accordance with Section 17 of the City Charter.

SECTION 6. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

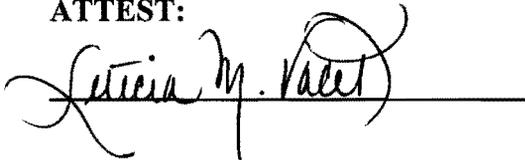
SECTION 7. The Planning and Development Services Department is directed to initiate a zoning district boundary change to apply the Sound Attenuation Overlay Zoning District.

SECTION 8. This ordinance shall take effect July 4, 2010.

PASSED AND APPROVED on this 24th day of June 2010.

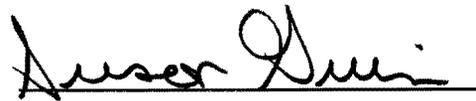

M A Y O R
Julián Castro

ATTEST:

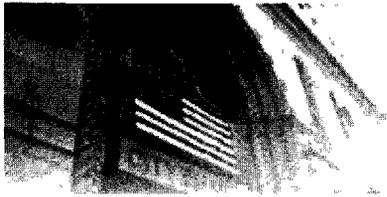


Leticia M. Vacek, City Clerk

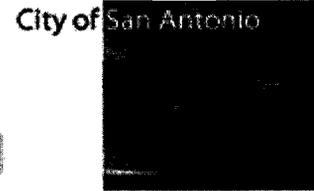
APPROVED AS TO FORM:



for Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 69

Name:	68, 69, Z-2						
Date:	06/24/2010						
Time:	03:36:56 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 35, Unified Development Code of the City Code of San Antonio, Texas by adopting a new zoning district and regulations for a Military Sound Attenuation Overlay zoning district as part of the implementation of the Camp Bullis Joint Land Use Study and adopting a Resolution directing the Planning and Development Services Department to initiate a zoning district boundary change for the Military Sound Attenuation Overlay zoning district. [T.C. Broadnax, Assistant City Manager; Roderick J. Sanchez, Director, Department of Planning and Development Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				x
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x			x	