



County of Fairfax, Virginia

MEMORANDUM

DATE: September 8, 2014

TO: Board of Supervisors

FROM: Leslie B. Johnson, Zoning Administrator *LBJ*
Department of Planning and Zoning

SUBJECT: Proposed Noise Ordinance Amendment Options
To be Discussed at the 9/30/14 Development Process Committee Meeting

Background

The Board has requested staff to consider revisions to Chapter 108 of the County Code (The Noise Ordinance) by reviewing the methodology used in noise measurements, considering the appropriateness of establishing daytime and nighttime noise levels to protect the community and, due to a 2009 Virginia Supreme Court decision, reviewing the nuisance noise provisions. On December 3, 2013, the Board adopted a new Article 6 of Chapter 5 of the County Code (Excessive Sound Generation in Residential Areas and Dwellings) which gave the Police Department the ability to address certain sound that is generated in a residential dwelling or residential area. The recently adopted Article 6 was intended to be an interim step in addressing noise until the more comprehensive amendments to Chapter 108 were considered by the Board.

Staff is proposing that Chapter 108 and Article 6 of Chapter 5 be repealed and that a new Chapter 108.1 (The Noise Ordinance) be adopted. The overall goal of the proposed amendment is to minimize nighttime noise and guarantee an appropriate quiet environment for residents in their homes. However, since Fairfax County is a rapidly urbanizing/suburbanizing area, there will always be certain levels of noise that are difficult to minimize. As such, staff is recommending that certain noises be prohibited, certain noises be excepted from the Noise Ordinance, and if a noise is not specifically prohibited or excepted, it be subject to maximum decibel levels. Staff has previously presented a draft Noise Ordinance to the Development Process Committee and has conducted outreach, including three public meetings held throughout the County. At the June 10, 2014, Development Process Committee meeting, staff presented a summary of all of the comments received on the draft proposal, and noted that the comments were many and varied, with oftentimes opposing views. The Board requested staff to develop a series of options and present them at the next Development Process Committee, which is scheduled for September 30, 2014, at 2:00 p.m. in Conference Rooms 9/10 of the Fairfax County Government Center.

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Options

Staff has developed the attached table, which sets forth whether, and in some instances when, a particular noise source is prohibited, excepted, or subject to maximum decibel levels. In addition, another column sets forth varying options for each type of noise source. It is noted that many of the options are complete opposites of each other, but staff has endeavored to present any viable option offered by the community as a result of outreach efforts. The Board's determination regarding the range of options to consider will be critical in drafting appropriate advertising that will maximize the Board's ultimate options during the public hearing process. Please note that the staff recommended option has been highlighted. In addition, comments have been added to assist in understanding the rationale behind some of the options. The proposed draft ordinance amendment has been updated, and recommended changes since the April 18, 2014, draft are highlighted in bold red italics. (The April 18, 2014, draft ordinance was the version presented to the Board at the June 10, 2014, Development Process Committee meeting). Copies of the September 8, 2014, table and the updated draft ordinance amendment are attached.

Conclusion

The updated table and proposed ordinance amendment will be the focus of the September 30th Development Process Committee discussion. We encourage you to look over these documents prior to the meeting and would welcome the opportunity to provide clarification or answers to any questions prior to the meeting. Please forward any questions or comments to me or Lorrie Kirst, who can be reached by email at lorrie.kirst@fairfaxcounty.gov or by telephone at 703-324-1309. Staff will be present at the Development Process Committee meeting on September 30, 2014, to discuss the options and to receive direction as to the next steps.

Attachments: A/S

cc: Edward L. Long, Jr., County Executive
Robert A. Stalzer, Deputy County Executive
David M. Rohrer, Deputy County Executive
David P. Bobzien, County Attorney
Fred Selden, Director, DPZ
Jeffrey L. Blackford, Director, DCC
Lorrie Kirst, Senior Deputy Zoning Administrator