



30 (1) 600 feet of one or more outdoor music venues that:

31 (a) operates after 10:00 p.m.; and

32 (b) is authorized to exceed 70 dBA or 80 dBC; or

33 (2) 300 feet of one or more performance venues.

34 (B) A sound assessment is not required if the residential use may be developed:

35 (1) without a site plan; or

36 (2) as a small project under Section 25-5-3 (*Small Projects*).

37 (C) When a sound assessment is required, the accountable official may not process a  
38 site plan application unless the applicant certifies that a sound assessment was  
39 conducted. Nothing in this subsection authorizes the accountable official to  
40 disapprove a site plan application because the applicant does not incorporate the  
41 sound assessment into the design of the residential or hotel-motel use.

42 **§ 4-18-42 SOUND ASSESSMENT.**

43 (A) The purpose of a sound assessment is to:

44 (1) improve compatibility between residents, lodging establishments, and  
45 music-related businesses; and

46 (2) ensure residential and hotel development projects understand the sound  
47 levels in the area so they can design and construct their buildings  
48 accordingly.

49 (B) The director of the Development Services Department must adopt requirements for  
50 a sound assessment by rule and in accordance with Chapter 1-2 (*Adoption of*  
51 *Rules*).

52 **PART 2.** City Code Section 9-2-41 (*Sound Impact Plan*) is amended to add new  
53 Subsections (D) and (E) to read:

54 (D) Except as provided in Subsection (E), an outdoor music venue that is operated in  
55 compliance with its applicable sound impact plan is presumed not to constitute a  
56 nuisance as it concerns noise, sound, and sound equipment.

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(E) If the accountable official issues a notice of intent to modify the sound impact plan, the presumption in Subsection (D) does not apply beginning three months before the notice of intent is issued and ending three months after the sound impact plan is modified.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2024.

**PASSED AND APPROVED**

\_\_\_\_\_ § \_\_\_\_\_  
\_\_\_\_\_ § \_\_\_\_\_  
\_\_\_\_\_, 2024 § \_\_\_\_\_  
Kirk Watson  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Deborah Thomas Myrna Rios  
Acting City Attorney City Clerk

DRAFT