

**BOARD OF ALDERMEN**  
**AGENDA ITEM ABSTRACT**

ITEM NO. B(7)

**MEETING DATE: June 22, 2004**

**TITLE: PUBLIC HEARING: Hours of Operation Related to Noise from  
Dry Cleaning Machinery in B-3 Zoning District**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES <u>X</u> NO <u>  </u></b>
<b>ATTACHMENTS:</b> A) Draft Ordinance B) Materials submitted by Village Square residents on May 4, 2004 C) OSHA 1910.95 – Occupational Noise Standards D) Location Map – B-3 Zoning Districts E) Location Map – Hangers Cleaners F) Planning Board recommendation G) Memo and Letter from Village Square HOA regarding hours of operation	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – 918-7327 Mike Brough – 929-3905

**PURPOSE**

A draft ordinance that limits the hours of operation of dry cleaning machinery that generates audible noise at the property line has been prepared. The Board of Aldermen must hold a public hearing prior to making a decision on this draft ordinance.

**INFORMATION**

Residents of the Village Square Townhomes approached the Board of Aldermen on May 4, 2004 and requested that hours of operation be established for dry cleaning establishments. The Village Square Townhomes are located on Fidelity Street in a B-3 zoning district, within which is also located a commercial building that has, since the early 1980's housed various dry cleaning enterprises. The residents noted that current noise levels from the dry cleaning business were unpleasant and reported that they understood an even larger, potentially louder piece of dry cleaning machinery might be installed on the property soon. A copy of the materials submitted by the residents is attached (*Attachment B*).

The Board of Aldermen directed staff to prepare a draft ordinance in response to this request. The draft ordinance was reviewed on May 18 and a public hearing set for June 22, 2004.

The Board of Aldermen also requested information on regulations that controlled noise impacts to employees in a business. It should be noted that federal regulations apply to these impacts and are outside of the Town's enforcement jurisdiction. A copy of the applicable standards is attached (*Attachment C*).

#### Discussion of the draft ordinance

The draft ordinance is structured as follows:

- 1) Dry cleaning machinery that generates noise that is audible at the property line in the B-3 zoning district may not be operated outside of the hours between 7 a.m. and 7 p.m. weekdays and weekends.
- 2) Businesses that are not in compliance with this limitation shall be required to come into compliance within 90 days of the effective date of the ordinance.

A map showing the location of the B-3 zoning districts is attached, with the existing dry cleaning businesses in that zone noted (*Attachment D*). A map showing the location of the Hangers Cleaners business is also attached (*Attachment E*). The draft ordinance includes italic text indicating a change since the May 18 review. This italic text would establish hours of limit the noise generation of dry cleaning machinery between the hours of 9 a.m. and 5 p.m. on Saturdays and noon and 5 p.m. on Sundays.

Per the requirements of the Joint Planning Agreement and the Land Use Ordinance, the draft ordinance was referred to the Orange County and the Carrboro Planning Board for comment. A Planning Board recommendation is attached (*Attachment F*).

On June 18, 2003, the Village Square Homeowners' Association submitted a memo and letter regarding an agreement on hours of operation for the Hangers Cleaners business at 127 Fidelity Street (*Attachment G*).

#### **FISCAL IMPACT**

None noted.

#### **RECOMMENDATION**

The Administration recommends that the Board of Aldermen adopt the June 10 version of the draft ordinance, including the recommended hours of operation for Saturday and Sunday (*Attachment A*).