

EXHIBIT A

AMENDED SMMC CHAPTER 10.24

CHAPTER 10.24 **NOISE**

10.24.010 Loud, Annoying, and Unnecessary Noises Prohibited. No person shall make, cause to be made, or continue to make or cause to be made, within the city limits of the City of San Marcos, any loud, annoying or unnecessary noise that injures, impairs or endangers the health, peace or safety of any person of reasonable sensibilities, or that disturbs the peace, quiet, comfort or tranquility of the neighborhood or community, or exceeds the noise limits set forth in Chapter 20.300.070(F) of this Code. The characteristics and conditions that should be considered in determining whether a violation of the provisions of this section exists, include, but are not limited to, the following:

- (1) The level and intensity of the noise;
- (2) Whether the nature of the noise is usual or unusual;
- (3) Whether the origin of the noise is natural or unnatural;
- (4) The level and intensity of background noise;
- (5) The nature and zoning of the area abutting and within which the noise emanates;
- (6) The time of the day or night the noise occurs;
- (7) Whether the noise is recurrent, intermittent or constant;

10.24.020 Definitions and Examples of Prohibited Noise.

(a) “Prohibited Noise” means any sound that disturbs a reasonable person of normal sensitivities, or is plainly audible as further defined in this section, or the noise limits set forth in Chapter 20.300.070(F) of this Code. Where no specific distance is set forth for the determination of audibility, references to noise disturbance shall be deemed to mean plainly audible at a distance of two hundred (200) feet from the real property line of the source of the sound, if the sound occurs on privately owned property, or from the source of the sound, if the sound occurs on public right of way, public space or other publicly owned property.

AMENDED SMMC SECTION 20.300.070

Section 20.300.070 Performance Standards

...

F. **Noise.** These regulations aim to prohibit unnecessary, excessive, and annoying noises from all sources, as certain noise levels are detrimental to the health and welfare of individuals. The standards of this section and of Chapter 10.24 Noise of the Municipal Code apply to all land uses in all Zones unless otherwise specified.

1. Noise shall be measured with a sound-level meter that meets the standards of the American National Standards Institute (ANSI) (Section S1.4-1979, Type 1 or Type 2). Noise levels shall be measured in decibels at the property line of the receptor property, and at least ~~four~~ five (5) feet above the ground and ~~five (5)~~ ten (10) feet from the nearest structure or wall. The unit of measure shall be designated as an A-weighted decibel (dBA) Leq standard. A calibration check shall be made of the instrument at the time any noise measurement is made.

...

AMENDED SMMC TABLE 20.300-4

**Table 20.300-4
Exterior Noise Standards by Zone**

Zone	Allowable Noise Level (dBA Leq) Measured from the Property
Single-Family Residential (A, R-1, R-2) ^{1,2}	
7 a.m. to 10 p.m. (daytime)	60
10 p.m. to 7 a.m. (overnight)	50
Multifamily Residential (R-3) ^{1,2}	
7 a.m. to 10 p.m. (daytime)	65
10 p.m. to 7 a.m. (overnight)	55
Commercial (C, O-P, SR) ³	
7 a.m. to 10 p.m. (daytime)	60 65
10 p.m. to 7 a.m. (overnight)	55
Industrial	
7 a.m. to 10 p.m. (daytime)	65
10 p.m. to 7 a.m. (overnight)	60
Notes:	
<p>1. For single-family detached dwelling units, the “exterior noise level” is defined as the noise level measured at an outdoor living area which adjoins and is on the same lot as the dwelling, and which contains at least the following minimum net lot area: (i) for lots less than 4,000 square feet in area, the exterior area shall include 400 square feet, (ii) for lots between 4,000 square feet to 10 acres in area, the exterior area shall include 10 percent of the lot area; (iii) for lots over 10 acres in area, the exterior area shall include 1 acre.</p>	
<p>2. For all other residential land uses, “exterior noise level” is defined as noise measured at exterior areas which are provided for private or group usable open space purposes. “Private Usable Open Space” is defined as usable open space intended for use of occupants of one dwelling unit, normally including yards, decks, and balconies. When the noise limit for Private Usable Open Space cannot be met, then a Group Usable Open Space that meets the exterior noise level standard shall be provided. “Group Usable Open Space” is defined as usable open space intended for common use by occupants of a development, either privately owned and maintained or dedicated to a public agency, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian walkways and equestrian and bicycle trails, but not including off-street parking and loading areas or driveways.</p>	
<p>3. For non-residential noise sensitive land uses, exterior noise level is defined as noise measured at the exterior area provided for public use.</p>	

AMENDED SMMC SECTION 20.400.020

Section 20.400.020 Applicability

Land uses and activities addressed by this chapter shall comply with the provisions of this chapter applicable to the land use, in addition to all requirements of the applicable Zone and this Zoning Ordinance.

...

- D. **Regulations.** All land uses and activities regulated by this chapter shall comply with all state, building, and fire codes, and shall not exceed the City's noise limits ~~as established by the General Plan~~ of Section 20.300.070(F) or Chapter 10.24 Noise of the San Marcos Municipal Code.

...

AMENDED SMMC SECTION 20.450.040

Section 20.450.040 Development Standards

The following requirements shall apply to all non-solar, non-public renewable energy systems based on the type of system and applicable performance standards:

- A. **Noise.** All renewable energy systems shall be operated in such a manner that they do not exceed the City's noise standards as established ~~in the General Plan~~ in Section 20.300.070(F) and Chapter 10.24 Noise of the San Marcos Municipal Code.
- B. **Setbacks.** All non-solar renewable energy systems mounted to a building or structure shall be subject to the required setbacks of the applicable Zone, except as modified below:
 - 1. Where encroachments are *necessary for proper function* of the renewable energy system, based on system type or adjacency conditions, no portion of the system shall be:
 - a. less than two (2) feet from any rear or interior property line; however, Section 20.300.070(F) GP noise restrictions as ~~measures~~ measured from the property line shall prevail over this encroachment provision; or
 - b. closer than ten (10) feet to any street frontage or ROW
 - 2. Stand-alone, ground-mounted renewable energy systems are prohibited; in the I and I-2 Zones, such systems shall be subject to a CUP and appropriate public hearings.

...