

## MEMORANDUM

**TO:** Tom Harmer, Town Manager

**From:** Allen Parsons, AICP  
Director, Planning, Zoning & Building Department

**Report Date:** December 28, 2021

**Meeting Date:** January 10, 2022

**Subject:** Ordinance 2021-13, Amending Chapter 130, Sound Regulations

### **Recommended Action**

Adopt Ordinance 2021-13.

### **Background**

At their December 6, 2021 Regular Meeting the Town Commission held first reading and forwarded Ordinance 2021-13 to the January 10, 2022 Regular Meeting for second reading, public hearing and adoption. Ordinance 2021-13 repeals and replaces the Town's existing Sound Regulations (Town Code Section 130.02) and, among other changes, introduces two alternative enforcement standards to objectively measure whether sound would be considered unreasonably loud or excessive. The standards consist of: (1) a "plainly audible" standard; or (2) a limitation on certain sounds as measured by defined decibel levels.

The Commission provided feedback and consensus direction to revise a number of the Ordinance's elements during consideration at first reading on December 6, 2021. Below is a summary of the changes that have been incorporated into Ordinance 2021-13<sup>1</sup>:

- Added language to the *Unreasonably loud or excessive noise* definition clarifying that decibel measurements are taken from "at or within the bounds of the receiving land use zoning district".
- Subsection (E)(1) of Section 130.02 (Decibel Measured Alternative for Unreasonably Loud or Excessive Noise) was revised to mirror the *Unreasonably loud or excessive noise* definition language providing that the maximum permissible sound levels are those which exceed the limits "at or within the bounds of the receiving land use zoning district" as found in the Table of "Maximum Sound Pressure Levels by Receiving Land Use Zoning District."
- Subsection (G) of Section 130.02 (Waivers of Sound Ordinance requirements) was revised to modify the word "event" to "activities" in Criteria (G)(1), (2) and (4) and to remove Criteria (G)(3) that the Town

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<sup>1</sup> An underline/strikethrough version of Ordinance 2021-13 is provided, as Attachment B, depicting highlighted changes made to the Ordinance following the December 6, 2021 Regular Meeting.

Manager would use in considering Waiver requests. In addition, one of the former criteria (formerly Criteria #11) that addressed aspects of a waiver's approval (including who the waiver was granted to, expiration date, special conditions, etc.), was relocated into the body of the Waiver subsection as it is not a review Criteria.

- Subsection (I) of Section 130.02 (Exemptions to the Sound Ordinance requirements) was amended to:
  - In 130.02(I)(1), clarify that the exemption associated with publicly available recreational activities applied to unamplified sound. Additional named uses of golf courses, and public recreational facilities including performance stages were added to reflect other specific locations where such activities would occur.
  - In 130.02(I)(2), remove unnecessary qualifying locational language related to private property and being adjacent to a public right-of-way for special events where authorization has been provided by the Town (and the sound is in compliance with any conditions imposed by such a permit).
  - In 130.02(I)(3), add that the exemption for property maintenance related sounds (that do not require a building permit), are only applicable between the hours of 8:00 a.m. and 5:00 p.m.
  - In 130.02(I)(4), add that the exemption for unamplified human voice(s) are only applicable between the hours of 8:00 a.m. and 11:00 p.m.
  - In 130.02(I)(6), clarify that the exemption for motorized vessel noise (per Florida Statute 327.65) applies specifically to a vessel's engine or exhaust related noise.
  - In 130.02(I)(7), added a new exemption that addresses certain kinds of alarms that may be required due to life-safety related regulations and can exceed applicable decibel limits, such as swimming pool alarms. Residential swimming pool alarms (per Florida Statute 515.27), for example, have *minimum* decibel requirements of 85 dBA.
- Subsection (J) of Section 130.02 (Enforcement of the Sound Ordinance requirements) was amended to consistently use the terminology of unreasonably loud or excessive noise.
- Subsection (K) of Section 130.02 (Alternative Enforcement of the Sound Ordinance requirements) was revised to more clearly state the provision's intent to allow for legally alternative means to enforce the provisions of the Sound Ordinance.

**Staff Recommendation**

Adopt Ordinance 2021-13.

**Attachments**

- A. Ordinance 2021-13 (Available in Town Clerk's Office)
- B. Ordinance 2021-13: Underline/Strikethrough version depicting changes resulting from the December 6, 2021 Regular Meeting, 1<sup>st</sup> Reading (Available in Town Clerk's Office)
- C. PowerPoint Presentation (Available in Town Clerk's Office)

**End of Agenda Item**