

M E M O R A N D U M

TO: Tom Harmer, Town Manager

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

Report Date: August 30, 2022

Meeting Date: January 23, 2023

Subject: Proposed Ordinance 2022-16, Amending Chapter 130,
Sound Regulations

Recommended Action

Forward Ordinance 2022-16 to the February 6, 2023 Regular Meeting for first reading.

Background

The Town Commission recently updated (Ordinance 2021-13, adopted January 10, 2022) the Town's Sound Regulations (Town Code Section 130.02). In the months following adoption, staff has had the opportunity to implement the Code, including its exemptions. Based in part on that experience staff is recommending expanding the categories of sound subject to exemption provisions, along with a clarification to the existing exemption associated with unamplified sounds at recreational facilities, and its associated definition of facilities being 'open to the public'.

A summary of the recommended changes to Subsection (I) (Exemptions to the Sound Ordinance requirements) of Section 130.02 is provided below:

- In 130.02(I)(1), clarify that the exemption for unamplified sound associated with publicly available recreational facilities are applicable to various kinds of recreational facilities that are 'open to the public.' A definition of what open to the public means has been added to address any potential ambiguity between private residential recreational facilities (e.g. a community pool or clubhouse) where a general member of the public would not have an expectation of usage and those recreational facilities that are open to the public but where a fee or membership may also be required (e.g. the Town Tennis Center or the Longboat Key Club recreational facilities).
- In 130.02(I)(8), add a separate exemption for performance stages on Town-owned properties, between the hours of 8:00 a.m. and 11:00 p.m. The exemption for performance stages is currently included in 130.02(I)(1) and staff is taking the opportunity with these amendments to carve out performance stages as being distinct from recreational facilities where games/competitions are played.
- In 130.02(I)(9), add an exemption for mechanical equipment (that is operating in accordance with manufacturer's specifications) such as air conditioners, and swimming pool pumps. This exemption is in recognition

that this type of equipment is associated with nearly all structures in the Town and that their sound levels, depending on distance (e.g. a next-door neighboring property), can routinely exceed decibel level limits, even when operating within the manufacturer's specifications.

- In 130.02(l)(10), add an exemption for the usage of generators during, or as a result of, an emergency. This exemption is in recognition that limited usage (i.e. associated with emergencies where loss of power has occurred) of generators may be necessary for the health, safety and welfare of the public and that such equipment can exceed decibel level limits.
- In 130.02(l)(11), add an exemption for the splashing sound of water striking water associated with a fountain. This exemption would not apply to a fountain's motor or other mechanically derived sound operating outside of a manufacturer's specifications. This exemption is intended to address situations, such as one that occurred recently, where a noise complaint was registered on an aerating stormwater pond fountain in a residential neighborhood and its associated sounds of water hitting water. The resulting sound measurements indicated that the fountain exceeded the decibel levels at the location measured. Staff is of the opinion that sounds associated with water from fountains should reasonably be exempted from Sound Ordinance requirements.

Staff Recommendation

Forward Ordinance 2022-16 to the February 6, 2023 Regular Meeting for first reading.

Attachments

- A. Ordinance 2022-16 (Available in Town Clerk's Office)
- B. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item