

Framework for Noise Ordinance Updates

March 29, 2017

2nd Community Stakeholder Meeting



ORDER OF PRESENTATION

- Review
- Framework for Ordinance Updates
- Next Steps

REVIEW

- Evaluate current noise ordinance in a changed community environment
 - Growing pains downtown
 - More dense and mixed use
 - Residential and hotel projects
 - Vibrant community
 - Desire to be outdoors
 - Entertainment, side walk cafes, indoor and outdoor performance venues
 - Special events

REVIEW

- Sometimes competing interests
 - Entertainment businesses
 - Residents and hotel guests
- Many Mutual Interests
 - High quality of life for residents and visitors
 - Vibrant exciting place
 - Culture and art
 - Economically prosperous

REVIEW

- Finding a balance
 - Protect the residents quality of life
 - Stay vibrant and dynamic
 - Legally defensible
 - Implementable at a reasonable cost

Framework

1. **Noise Measurement Standards**
2. **Location and Use Standards**
3. **Permitting Process**
4. **Monitoring and Enforcement**



NOISE MEASUREMENT STANDARDS

- 1. Duration of Measurement** – 30 sec Leq
- 2. dBA**
- 3. dBC - Octave Band (bass)**
- 4. Plainly audible**
 - Modify definition to include “discernable vibrations”

LOCATION AND USE STANDARDS

Publicly-owned outdoor places and right-of-way

- No park or street closure permit: plainly audible 200' from sound source (between 11am and 11pm)
- Park or street closure permit: 70/75 dBA/dBC from the sending property or ROW measured on any adjacent property line (between 11am and 11pm) or any direct line to a sound receiver
- Sidewalk café: 65/70 dBA/dBC from any point on the perimeter of the sidewalk café boundary between 11am and 11pm)
- Street musicians/performers: 65/70 dBA/dBC from 80 feet away



LOCATION AND USE STANDARDS

Privately-owned outdoor places

- Plainly audible 100' from source (between 11pm and 11am – currently 8am)
- When sound making is not the principal use of the property (e.g., the outdoor deck of a restaurant): 65/70 dBA/dBC between 11am and 11pm (midnight on Fridays, Saturdays and days before a national holiday) measured 3' from adjacent building façade or adjacent ROW or any direct line to a receiving property
- When sound making is the principal use of the property (e.g., a performance venue): 70/75 dBA/dBC between 11am and 11pm (midnight on Fridays, Saturdays and days before a national holiday) measured 3' from adjacent building façade or adjacent ROW or any direct line to a receiving property

LOCATION AND USE STANDARDS

Buildings

- For amplified sound in nonresidential zoning districts: plainly audible 100' from building (between 11pm and 11am – currently 8am)



LOCATION AND USE STANDARDS

Plainly audible sound levels by receiving land use (no changes proposed)

Location of the Receiving Land Use	Time	Distance
Residential zoning district	8:00 a.m.—6:00 p.m.	500 feet or more
Residential zoning district	6:00 p.m.—11:00 p.m.*	200 feet or more
Residential zoning district	11:00 p.m.*—8:00 a.m.	50 feet or more
Nonresidential zoning district	7:00 a.m.—11:00 p.m.*	500 feet or more
Nonresidential zoning district	11:00 p.m.*—7:00 a.m.	200 feet or more

*12:00 (midnight) on Fridays, Saturdays, and the days prior to a national holiday.

LOCATION AND USE STANDARDS

Building Code

- Permitted days/hours of construction - no changes proposed

Special Events Permitting

- Standing staff policy for hours of operation – noise mitigation plan may be required

Exemptions

- Automobile races

Temporary Uses

- Noise mitigation plan may be required

Sidewalk Cafes

- Speaker orientation – would be subject to dBA and dBC standards and plainly audible (depending on time of day)

Outdoor performance venue

- add to use matrix in land development regulations
- License to operate – retroactive with reasonable time period to comply (1 year +/-)

LOCATION AND USE STANDARDS

LDR performance criteria for outdoor bars on private property (no changes):

- Location of outdoor bar prohibited on side of building next to single-family use
- Outdoor speakers oriented away from residential uses
- Applicable just to accessory outdoor bars:
 - Live music performances prohibited
 - Hours of operation:
 - Food and drink service not allowed between 11pm and 8am
 - Any use of outdoor area not allowed past hours of operation of principal use and not allowed between 11:15pm and 7am

Note: Accessory outdoor bars are limited to 500 sq. ft.

MECHANICAL EQUIPMENT

- Operating or permitting the operation of any pool equipment, irrigation equipment, air conditioning or air-handling equipment which is ~~not in good working condition and~~ creates sound of 60 dBA or higher measured at the receiving property at least 10 feet from the equipment. ~~that is plainly audible to a person at a distance of 100 feet or more from the equipment~~



Mechanical Equipment

- **Noise levels compliance retroactive**
- **Compliance required after adoption**
 - Fines/penalties
- **Variance can be sought for a period of time based on:**
 - Age of equipment
 - Time constraints of replacement
 - Cost of replacement or mitigation

PERMITTING PROCESS

Parks & Recreation

- events in public parks – compliance with the noise standard required 70/75 dBA/dBC during applicable hours

Development Review Services

- special events – compliance with the noise standard required 70/75 dBA/dBC during applicable hours
- permanent land uses (location of outdoor uses, etc.)

Construction Services and Permitting

- Information/notice about compliance with the noise ordinance (mechanical equipment) given at time of permitting



MONITORING AND ENFORCEMENT

dba/dbc Enforcement

- Police Department Responsible Agency:
 1. training period (consultant) to gain appropriate qualifications and expertise of dedicated PD staff
 2. own and maintain equipment
 3. proactive enforcement - victim/complaint not required
 4. escalating fine, reduce operating hours, loss of liquor license (30-60-90 days suspensions)

MONITORING AND ENFORCEMENT

Plainly Audible Standard

- **Police Department responsible for enforcement**
 1. complaint basis 24/7
 2. escalating fine

Sidewalk Café Speaker Orientation Standard

- **DRS Code Compliance Assistance responsible for enforcement**
 1. periodic inspections and complaint basis
 2. warnings and possible revocation of sidewalk café permit

Street Musicians

- **Permit required**
 - Fee
 - Application process
- **Prohibited at Certain Locations**
 - Beach Drive, Jannus Block
- **100' minimum distance from outdoor cafe's**
- **Maximum sound levels apply**
 - Amplification will be permitted
 - Measured from approximately 80 feet
- **Public information sheet will be available**



NEXT STEPS

- **Draft noise ordinance amendments**
- **Third stakeholder meeting**
- **Public Services & Infrastructure Committee Meeting**
- **City Council**



Web Page Address

- http://www.stpete.org/planning_zoning/land_development.php

Questions and Discussion