

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES ENTITLED "SOUND CONTROL," BY AMENDING SECTION 26-191 ENTITLED "DEFINITIONS," BY ADDING HRCC-4 TO THE CORE COMMERCIAL DISTRICT, AND AMENDING SECTION 26-192 OF THE CODE OF ORDINANCES ENTITLED "UNREASONABLY EXCESSIVE NOISE PROHIBITED" BY PROVIDING FOR SOUND MEASUREMENT REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 1999, the City of Key west created a new zoning district in the Truman Waterfront Park titled HRCC-4, however at that time, the accompanying noise regulations were not amended to recognize the newly created district; and

WHEREAS, the sound control ordinance currently does not specifically recognize HRCC-4; and

WHEREAS, the City Commission for the City of Key West finds that it is in the best interests of the citizens and visitors of the city to have HRCC-4 specifically recognized in the sound control ordinance as part of the core commercial district; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA;

Section 1: That Section 26-191 of the code of ordinances is hereby amended as follows*:

Sec. 26-191. - Definitions.

Core commercial district means the HRCC-1, HRCC-4, and HRCC-2 zoning districts.

Section 2: That Section 26-192 of the code of ordinances is hereby amended as follows*:

(b) *Noise limitations.*

(1) Within a core commercial district as defined in this article, the maximum dBA and dBC sound levels permitted on any property located therein shall be as follows:

The average measurement taken between ten (10) and twenty (20) seconds shall be no greater than the maximum levels set out below. The measurement shall be taken from the sound source property line, or individual lease boundary

*(Coding: Added language at first reading is underlined; deleted language is ~~struck through~~. Added language is double underlined and ~~double struck through~~ at second reading.)

in the case of property which has been subdivided by the execution of individual leases, of the noise generating property at a location that is closest to the complainant's property line:

Section 3: If any section, provision, clause, phase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 4: All Ordinances or parts of Ordinances of said City in conflict with the provisions of the Ordinance are hereby superseded to the extent of such conflict.

Section 5: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2017.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2017.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2017.

Filed with the Clerk _____, 2017.

Mayor Craig Cates _____

Vice Mayor Clayton Lopez _____

Commissioner Sam Kaufman _____

Commissioner Richard Payne _____

Commissioner Margaret Romero _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK