

----- Forwarded message -----

From: **Shawn Smith** <sdsmith@keywestcity.com>

Date: Tue, Apr 15, 2014 at 9:20 AM

Subject: Fwd: sound items

To: City Commission <commissioners@keywestcity.com>

Cc: Jim Young <jjyoung@keywestcity.com>, Don Craig <dcraig@keywestcity.com>, Bogdan Vitas <bvitas@keywestcity.com>, Larry Erskine <lberskine@keywestcity.com>

Mayor & Commissioners

I'm resending my prior attachment concerning the sound ordinance. I'll also forward the memo drafted shortly before this one as well by separate email.

In considering the changes suggested to the proposed revised ordinance, I spent a good deal of time trying to come up with the exceptions or exclusions requested. However, I believe it best to alter the way we have viewed the issue. Instead of trying to remove certain zoning districts from the commercial district because they are not as intense as areas of the entertainment corridors, the most prudent course of action is to recognize that the "entertainment" district is the exception rather than the rule. We should not have to craft an ordinance based upon these noise levels that is equally applicable in all commercial areas. In doing so thus far, the noise levels in commercial districts has actually increased. I do not believe that was the intent at the outset of this ordinance revision. The Planning and Code departments have collected much data and performed extensive analysis of the issues. Based upon this, my recommendation is as follows:

1. Adopt the new elevated noise levels you have been discussing for the core commercial areas of **HRCC-1** & **HRCC-2** only. The primary reason for a change to the location of the measurement and adoption of a C level was to be able to differentiate between establishments in these areas who were generating unacceptable levels of noise. We do not have the same issue with distinguishing between sound sources in other parts of the City. These two zoning districts are intensely commercial and contain the majority of nightlife activity. This would simply require a revised definition of "core commercial district" within the sound ordinance. It is much easier to defend the rationale behind these distinctions than attempting to remove other commercial districts in a piecemeal fashion. One other possibility is to allow any commercial establishment currently holding an entertainment license that immediately borders either the **HRCC-1** or **HRCC-2** District to be considered "core commercial", and thus subject to the elevated noise levels based upon past use and immediate proximity to those other zones. This is a link to the zoning map showing these two districts:

http://www.keywestcity.com/egov/documents/1161957288_56854.pdf

2. After removing these two districts from the definition of "commercial" by creating "core commercial" the prior standard would remain and the same lower levels, including the plainly audible test some of you have asked about, would be applicable to the other commercial areas.

I believe this solution goes directly to the issue of elevated noise levels in the heart of the commercial district, while retaining the lower standards for other commercial areas. Please let me know if you have any questions.

Shawn