



## Office of the City Attorney

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### Memorandum

TO: Mayor & Commissioners  
FROM: Shawn D. Smith, City Attorney  
RE: Sound Ordinance revisions  
DATE: April 1, 2014

Mayor and Commissioners

I have been asked to make amendments to the sound ordinance for your consideration. What follows is for informational purposes only in anticipation of tonight's meeting. Initially, the Mayor intends to amend the time at which commercial districts are permitted to increase their volume. The current version allows for greater volume starting at 4 p.m. The Mayor proposes to allow for greater volume commencing at 10 am instead.

I have also been asked by Commission members to propose additional protections for the HCT district and/or areas South of Truman Avenue. In review the zoning and legal issues involved, it is the collective determination of me and your planning director that Truman Avenue should not be used as an arbitrary boundary line. Zoning districts are the most defensible way to draw distinctions between areas. In order to recognize the concentration of lodging establishments in both the CG and the HCT districts, we propose changing the time restrictions in these districts. This change would recognize the highly dense commercial nature of these districts, while reducing the sound based upon the fact that they are comprised of a number of sleeping facilities.

The second change we propose is to create a transition area between residential and commercial districts by reducing the dBA and dBC levels on boundary properties between these districts.

The document attached shows what is in the current ordinance with the possible amendments listed in an underlined and ~~strike-through~~ format. I encourage you to contact me, Don or Jim with any questions.

Shawn D. Smith  
Cc: Jim Young  
Don Craig

(b) Noise limitations.

(1) Except as otherwise specifically provided herein,  
within a commercial district as defined in this Article, the  
maximum dBA and dBC sound levels permitted on any property 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 property line, or  
individual lease boundary in the case of property which has been  
subdivided by the execution of individual leases, of the noise  
generating property:

a. Eighty-five (85) dBA or ninety-four (94) dBC  
between the hours of ~~4:00 p.m.~~ 10:00 a.m. and 2:59 a.m. In the  
HCT and CG zoning districts, these levels shall be applicable  
between the hours of 12:00 p.m. to 11:59 p.m.

b. Seventy-five (75) dBA or eighty-four (84)  
dBC between the hours of 3:00 a.m. and ~~9:59 p~~ 9:59 p a.m. In the HCT  
and CG zoning districts, these levels shall be applicable  
between the hours of 12:00 a.m. to 11:59 a.m.

c. The dBA and dBC levels listed above shall be  
reduced by 5 for any property located in a commercial district  
that shares a zoning boundary line with a residential district.