

1 **Staff Summary**

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3 This ordinance creates Section 9.09.00, Land Development Regulations, entitled Noise
4 Protection Standards. The ordinance requires a noise study for certain new development and
5 requires recommendations of the noise study to be incorporated into the design and
6 implementation of the new development. Sections 14.07.04(A), 14.07.05(A)(2)(g), 14.09.01(B),
7 and 14.10.02(B), Land Development Regulations, are being amended to reflect the requirement
8 for a noise study during varying stages in the development process.
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11 **ORDINANCE NO. 2009 – 19**

12
13 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**
14 **LAKE COUNTY, FLORIDA CREATING SECTION 9.09.00, LAKE COUNTY**
15 **CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, TO BE**
16 **ENTITLED NOISE PROTECTION STANDARDS; PROVIDING FOR NEW**
17 **DEVELOPMENT THAT DIFFERS IN USE FROM NEARBY PROPERTY TO**
18 **SUBMIT A NOISE STUDY; PROVIDING FOR NEW DEVELOPMENT**
19 **THAT CONTAINS DIFFERENT USES TO SUBMIT A NOISE STUDY;**
20 **PROVIDING FOR NOISE IMPACTS TO BE MITIGATED THROUGH THE**
21 **DESIGN AND IMPLEMENTATION OF NEW DEVELOPMENT;**
22 **AMENDING SECTIONS 14.07.04(A)(12), 14.07.05(A)(2)(g),**
23 **14.09.01(B)(2)(J)(8), AND 14.10.02(B), LAKE COUNTY CODE, APPENDIX E,**
24 **LAND DEVELOPMENT REGULATIONS, REGARDING SUBMITTAL**
25 **REQUIREMENTS FOR PRELIMINARY PLATS, CONSTRUCTION PLANS,**
26 **SITE PLANS, AND MASTER PARK PLANS, RESPECTIVELY; PROVIDING**
27 **FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY;**
28 **PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR FILING**
29 **WITH THE SECRETARY OF STATE FOR THE STATE OF FLORIDA.**
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32 **WHEREAS**, Policy 1-1.6E of the Lake County Comprehensive Plan, entitled
33 Regulations to Ensure Compatibility, requires Lake County to develop any regulations to ensure
34 compatibility of the use of areas and properties, including, but not limited to, noise control; and

35 **WHEREAS**, the Board of County Commissioners of Lake County, Florida, finds that
36 noise impact is an important consideration when determining whether new development is
37 compatible with existing development; and

38 **WHEREAS**, the Board finds that a noise study should be conducted to determine
39 whether new development will have a significant noise impact on existing development; and

1 **WHEREAS**, the Board finds that noise impact is also an important consideration when
2 new development contains different land uses; and

3 **WHEREAS**, the Board finds that a noise study should be conducted when new
4 development contains different land uses; and

5 **WHEREAS**, the Board finds that new development should incorporate any mitigation
6 recommendations from the noise study into the design and implementation of the new
7 development to minimize noise impact; and

8 **WHEREAS**, the Board now desires to create Section 9.09.00, Noise Protection
9 Standards, to require new development to consider and mitigate noise impacts; and

10 **WHEREAS**, the Board desires to amend Sections 14.07.04(A), 14.07.05(A), 14.09.01(B)
11 and 14.10.02(B), Land Development Regulations, to require submittal of a noise study as
12 necessary in applications for preliminary plats, construction plans, site plans and master park
13 plans, respectively.

14 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
15 Lake County, Florida that:

16 **Section 1.** **Recitals.** The foregoing recitals are true and correct and incorporated
17 herein by reference.

18 **Section 2.** **Creation.** Section 9.09.00, Lake County Code, Appendix E, Land
19 Development Regulations, entitled Noise Protection Standards, is hereby created to read as
20 follows:

21 **9.09.00 Noise Protection Standards.**

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23 **9.09.01 Purpose and Applicability.**

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25 A. The purpose of this section is to require new development to consider noise
26 impacts to different land uses. This section shall be implemented so as to promote noise

1 compatibility between existing and proposed land use and to provide for mitigation
2 measures in the design and layout of proposed development to avoid conflicts with
3 different land uses.

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5 B. This section shall apply to all site plans, preliminary plats, construction plans and
6 master park plans.

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8 **9.09.02 Noise Standards.**

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10 The allowable decibel level for new development shall be determined by an acceptable
11 noise study, as described below.

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13 **9.09.03 Determination of Need for Noise Study.**

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15 A. Adjoining Property. At the time of application for a preliminary plat, site plan, or
16 master park plan, an applicant shall identify the uses on all property within three hundred
17 (300) feet of the property to be developed. If the use on such neighboring property is a
18 different use, as defined below, than that proposed on the applicant's property, the
19 applicant shall be required to submit a noise study. The noise study shall identify the
20 sound level and quality of noise coming from the neighboring property as well as the
21 sound level and quality of noise proposed to come from the development of the
22 applicant's property. If existing noise impacts from neighboring property are greater than
23 expected from the proposed development, or if the noise impact expected from the
24 proposed development is greater than exists on the neighboring property, the noise study
25 shall include recommendations to mitigate the noise impacts and all plans for
26 development shall incorporate such recommendations in their design and implementation.

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28 B. Mixed Use Projects. In addition to the noise study required by (A) above, any
29 application for a final development order for property located in a mixed use
30 development shall include a noise study. The noise study shall identify the sound level
31 and quality of noise for each use expected from the development of the applicant's
32 property. If the noise impacts expected from any of the uses will exceed the noise
33 impacts expected from other uses, the noise study shall include recommendations to
34 mitigate the excessive noise impacts and all plans for development shall incorporate such
35 recommendations in their design and implementation.

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37 **9.09.04 Definition of Different Use.**

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39 The Use Classifications of Section 3.01.03 of the Land Development Regulations shall be
40 used to determine whether a use is different. For purposes of this section, whether a use
41 on neighboring property is different from the proposed use shall be determined as
42 follows:

- 43 1. If the neighboring property is developed, the actual neighboring use shall
44 be used for the comparison.

1 2. If the neighboring property is undeveloped, neighboring uses allowed by
2 the current zoning district which do not require a conditional use permit shall be
3 used for the comparison.
4

5 **9.09.05 Requirements for Noise Study.**
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7 A. Terminology and standards. All technical acoustical terminology and standards
8 used to comply with this section shall be read or construed in conformance with
9 applicable publications of the American National Standards Institute, Inc. (ANSI),
10 Housing and Urban Development (HUD) Noise Guidelines, or similar comprehensive
11 criteria approved by the Director of Growth Management, or designee.
12

13 B. Standardized measurements. Sound measurements shall conform to standardized
14 practices and must be completely delineated in any submitted noise study. Measurements
15 shall be taken so as to present an accurate representation of the sound.
16

17 C. Required measurement procedures. Calibration of all instruments, components,
18 and attachments used in the noise study shall conform to the latest ANSI
19 standards, HUD standards, or similar authoritative noise study standards approved
20 by the Director of Growth Management, or designee.
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23 **9.09.06 Noise Study Mitigation**
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25 A. The County Manager, or designee, shall review findings and recommendations of the
26 Noise Study. If it is determined by the County Manager, or designee, that the proposed
27 recommendations do not adequately mitigate expected noise impacts, then the application
28 shall be denied.
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30 B. If the mitigation of noise impacts is not sufficient it may still constitute a nuisance and
31 be subject to code enforcement action that may require further mitigation.
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34 **Section 3.** **Amendment.** Section 14.07.04(A), Lake County Code, Appendix E,
35 Land Development Regulations, entitled Preliminary Plat Review and Approval, is hereby
36 amended to read as follows:

37 **14.07.04 Preliminary Plats.**
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39 A. Preliminary Plat Review and Approval. Applications for preliminary plat review
40 shall be available from the County Manager or designee. A completed
41 application shall be signed by all owners, or their agent, of the property subject to
42 the proposal, and notarized. Signatures by agents will be accepted only with
43 notarized proof of authorization by the owners. In a case of corporate ownership,

1 the authorized signature Shall be accompanied by a notation of the signatory’s
2 office in the corporation. The preliminary plat must be approved by the County
3 Manager or designee prior to the applicant submitting construction plans. A
4 preliminary plat submittal Shall include the following information:

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8 12. Noise.

9 a. Use of all property within three hundred (300) feet of the
10 applicant’s property.

11 b. A noise study, if required, consistent with the standards delineated
12 in Section 9.09.00, Land Development Regulations.

13 c. Incorporation of noise study recommendations to mitigate noise
14 impacts into implementation and design of applicant’s property.

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17 The remainder of this section is unchanged.

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19 **Section 4. Amendment.** Section 14.07.05(A)(2)(g), Lake County Code, Appendix
20 E, Land Development Regulations, entitled Land Use and Dedications, is hereby amended to
21 read as follows:

22 **14.07.05 Construction Requirements.**

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24 A. Construction Plan Submittal Requirements. Construction plans Shall be approved
25 by the County Manager or designee before an applicant submits for final plat
26 approval. Construction plans Shall include the information required as a result of
27 preliminary plat approval, plus the following detailed information:

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31 2. Proposed Subdivision Activities and Design.

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34 g. Land Use and Dedications.

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37 (5) Incorporation of noise study recommendations for
38 mitigating noise impacts.

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40 The remainder of this section is unchanged.

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ENACTED this _____ day of _____, 2009.
FILED with the Secretary of State _____.
EFFECTIVE this _____ day of _____, 2009.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

Welton G. Cadwell, Chairman

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
Lake County, Florida

Approved as to form and legality:

Sanford A. Minkoff
County Attorney