

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 – \_\_\_\_\_**

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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; AND**  
28 **PROVIDING FOR AN EFFECTIVE DATE.**  
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31 **WHEREAS**, Policy 1-1.6E of the Lake County Comprehensive Plan, entitled  
32 Regulations to Ensure Compatibility, requires Lake County to develop any regulations to ensure  
33 compatibility of the use of areas and properties, including, but not limited to, noise control; and

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

37 **WHEREAS**, the Board finds that a noise study should be conducted to determine  
38 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.**

22           **9.09.01           Purpose and Applicability.**

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

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28 B. In addition to the noise study required by (A) above, any application for a final  
29 development order for property located in a mixed use development or Planned Unit  
30 Development shall include a noise study. The noise study shall identify the sound level  
31 and quality of noise for each use proposed to come from the development of the  
32 applicant's property. If the noise levels expected from any of the uses will be greater  
33 than the noise levels expected from other uses, the noise study shall include  
34 recommendations to mitigate the louder noise and any plans for development shall  
35 incorporate such 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 3.01.02 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 use shall be used for  
44 the comparison.  
45 2. If the neighboring property is undeveloped, uses allowed by the current  
46 zoning district shall be used for the comparison.

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2 **9.09.05 Requirements for Noise Study.**  
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4 A. Terminology and standards. All technical acoustical terminology and standards  
5 used to comply with this section shall be read or construed in conformance with  
6 applicable publications of the American National Standards Institute, Inc. (ANSI),  
7 Housing and Urban Development (HUD) Noise Guidelines, or similar comprehensive  
8 criteria.  
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10 B. Standardized measurements. Sound measurements shall conform to standardized  
11 practices and must be completely delineated in any submitted noise study. Measurements  
12 should be taken so as to present an accurate representation of the sound.  
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14 C. Required measurement procedures. Calibration of all instruments, components,  
15 and attachments used in the noise study shall conform to the latest ANSI standards, HUD  
16 standards, or similar authoritative noise study standards.  
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18 **Section 3. Amendment.** Section 14.07.04(A), Lake County Code, Appendix E,  
19 Land Development Regulations, entitled Preliminary Plat Review and Approval, is hereby  
20 amended to read as follows:

21 **14.07.04 Preliminary Plats.**  
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23 A. Preliminary Plat Review and Approval. Applications for preliminary plat review  
24 Shall be available from the County Manager or designee. A completed  
25 application Shall be signed by all owners, or their agent, of the property subject to  
26 the proposal, and notarized. Signatures by agents will be accepted only with  
27 notarized proof of authorization by the owners. In a case of corporate ownership,  
28 the authorized signature Shall be accompanied by a notation of the signatory's  
29 office in the corporation. The preliminary plat must be approved by the County  
30 Manager or designee prior to the applicant submitting construction plans. A  
31 preliminary plat submittal Shall include the following information:  
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34 12. Noise.

35 a. Use of all property within three hundred (300) feet of the  
36 applicant's property.

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

39 c. Incorporation of noise study recommendations to mitigate louder  
40 noise into implementation and design of applicant's property.  
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42  
43 The remainder of this section is unchanged.

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

**14.07.05 Construction Requirements.**

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

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2. Proposed Subdivision Activities and Design.

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g. Land Use and Dedications.

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(5) Incorporation of noise study recommendations for mitigating louder noise.

The remainder of this section is unchanged.

**Section 5.** **Amendment.** Section 14.09.01(B)(2)(j), Lake County Code, Appendix E, Land Development Regulations, entitled Proposed Site Activities and Design, is hereby amended to read as follows:

**14.09.00 Site Plans.**

**14.09.01 Generally.** The County may approve site plans for non-residential development or multi-family development if found to be in compliance with the requirements of these regulations. Additionally, site plans Shall be required for all ancillary uses to a residential subdivision, mobile home or recreational vehicle park, including but not limited to clubhouses, community buildings, active recreation sites, golf courses, and community pools. No application for a building permit on a parcel requiring site plan approval Shall be granted unless the site has been approved by the County Manager or designee. No site plan which authorizes the development of five (5) or more lots or dwelling units Shall be approved by the County Manager, or designee, unless the School Board has provided a certification in accordance with Chapter V-A of these regulations indicating that there is or will be sufficient school capacity to provide

1 education services for the students who will live in dwelling units placed or constructed  
2 on such lots.

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5 B. Submittal requirements.

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8 2. Requirements for all Submittals.

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11 j. Proposed Site Activities and Design.

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14 (8) A description of how the plan mitigates or avoids potential  
15 conflicts between land uses, including incorporation of any noise  
16 study recommendations to mitigate louder noise, if required.

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18 The remainder of this section is unchanged.

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20 **Section 6. Amendment.** Section 14.10.02(B), Lake County Code, Appendix E,

21 Land Development Regulations, entitled Submittal Requirements, is hereby amended to read as  
22 follows:

23 **14.10.00 Master Park Plans.**

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25 **14.10.02 Applications.**

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27 B. Submittal requirements. The master park plan shall be prepared by an architect,  
28 surveyor or land planner together with an engineer and shall be submitted to the County  
29 Manager or designee on a reproducible sheet, size twenty-four (24) inches by thirty-six  
30 (36) inches with two (2) prints drawn to scale and shall contain the following information:

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33 9. A noise study, as required, consistent with the standards delineated in  
34 Section 9.09.00, Land Development Regulations. The master park plan shall  
35 incorporate any noise study recommendations to mitigate louder noise into the  
36 implementation and design of the park.

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38 The remainder of this section is unchanged.

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40 **Section 7. Inclusion in Code.** It is the intent of the Board of County

41 Commissioners that the provisions of this Ordinance shall become and be made a part of the

1 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and  
2 the word "ordinance" may be changed to "section", "article", or such other appropriate word of  
3 phrase in order to accomplish such intentions.

4 **Section 8. Severability.** If any section, sentence, clause, or phrase of the  
5 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then  
6 said holding shall in no way affect the validity of the remaining portion of this Ordinance.

7 **Section 9. Effective Date.** This Ordinance shall become effective as provided  
8 for by law.

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10 **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

11 **FILED** with the Secretary of State \_\_\_\_\_.

12 **EFFECTIVE** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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14 BOARD OF COUNTY COMMISSIONERS  
15 LAKE COUNTY, FLORIDA

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\_\_\_\_\_  
Welton G. Cadwell, Chairman

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21 ATTEST:

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25 Neil Kelly, Clerk of the  
26 Board of County Commissioners  
27 Lake County, Florida

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30 Approved as to form and legality:

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34 Sanford A. Minkoff  
35 County Attorney