

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA RELATING TO NOISE AS PART OF THE PERFORMANCE STANDARDS FOR THE ZONING REGULATIONS OF SEMINOLE COUNTY; AMENDING PART 68 (PERFORMANCE STANDARDS) OF CHAPTER 30 (ZONING REGULATIONS) OF THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY TO CLARIFY CERTAIN MATTERS AND TO CONFORM WITH CONCURRENT REVISIONS TO CHAPTER 165, SEMINOLE COUNTY CODE, CONCERNING NOISE; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION IN THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Seminole County previously adopted Chapter 165, Seminole County Code, concerning noise and noise disturbances, but the last major revision to Chapter 165 was in 1992; and

WHEREAS, the Sheriff of Seminole County is tasked with enforcing Chapter 165; and

WHEREAS, the Sheriff of Seminole County has identified issues and concerns with the content and enforcement of Chapter 165, which is being addressed by a separate, concurrent revision to Chapter 165, Seminole County Code; and

WHEREAS, the revision to Chapter 165, Seminole County Code, requires this conforming revision to Chapter 30, Part 68, of the Land Development Code of Seminole County; and

WHEREAS, the Seminole County Local Planning Agency held a public hearing, with all required public notice on March 4, 2020, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Ordinance amending the Land Development Code and recommended that the Board of County Commissioners adopt the Ordinance amending the noise provisions of Chapter 30, Part 68, of the Land Development Code.



NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals represent the legislative findings of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

Section 2. Short Title. This Ordinance is designated as Noise Performance Standards Land Development Code Amendment.

Section 3. Intent and Purpose. The intent and purpose of this Ordinance is to amend the Seminole County Land Development Code to conform to Seminole County's stated policy that the peace, health, safety, and welfare of its citizens require protection from excessive, unnecessary, and unreasonable noises from any and all sources in the community. It is the intention of the Seminole County Board of County Commissioners to control the adverse effect of the noise sources on the citizens under any condition of use, especially those conditions of use that have the most severe impact on any person.

Section 4. Part 68 (Performance Standards) of Chapter 30 (Zoning Regulations) of the Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.1301. Intent. All uses conducted in commercial and industrial districts ~~shall~~ must conform to the standards ~~or of~~ of performance described below and ~~shall must~~ be so constructed, maintained, and operated ~~so as~~ in a manner not to be injurious or offensive to the occupants of adjacent and nearby premises by reason of emission or creation of noise, vibration, smoke, dust, or other ~~particular~~ particulate matter, toxic or noxious waste materials, odors, fire, ~~and~~ explosive hazard, or glare.

Sec. 30.1302. Noise. Every use ~~shall must~~ must be ~~so operated as to comply with~~ in a manner not to exceed the maximum performance standards governing noise sound level limits described

~~below~~ in Section 165.22 of the Seminole County Code. Objectionable noises due to intermittence, ~~heat~~, frequency, or ~~shrillness shall~~ loudness must be ~~so~~ muffled or eliminated ~~so~~ as to an extent not to become a nuisance to adjacent and nearby uses. Sound levels may be measured ~~at any point on the property line on which the use is located with a sound level meter and associated octave band filter manufactured according to standards prescribed by The American Standards Association~~ as specified in Section 165.22 of the Seminole County Code.

Center Frequency Cycles Per Second	Along Property Line Butting in a Residential District in Decibels	Along Property Line Abutting a Commercial/Industrial District in Decibels
31.5	68	76
63	67	74
125	66	68
250	59	63
500	52	57
1,000	46	52
2,000	37	45
4,000	26	38
8,000	17	32

Sec. 30.1303. Vibration. Every use ~~shall~~ must be ~~so~~ operated in a manner that ~~grounds~~ ground vibrations that are inherently and recurrently generated ~~is~~ are not perceptible without instruments at any point on the property line of the property on which the use is located.

Sec. 30.1304. Smoke. Every use ~~shall~~ must be ~~so~~ operated ~~as~~ in a manner to prevent the emission of smoke, from any source whatever, to a density greater than described as Number 1 on the Ringelmann Chart; ~~provided, however, except~~ that smoke equal to, but not in excess of, that shade of appearance described as Number 2 on the Ringelmann Chart may be emitted for a period or periods totaling four (4) minutes in any thirty (30) minutes. For the purpose of grading

the density of smoke, the Ringelmann Chart, as published and used by the United States Bureau of Mines, and which is hereby made by reference a part of this regulation, ~~shall be~~ is The Standard. All measurements ~~shall~~ must be made at the point of emission.

Sec. 30.1305. Dust and dirt. Every use ~~shall~~ must be ~~so~~ operated ~~as~~ in a manner to prevent the emission into the air of dust or other solid matter ~~which~~ that may cause damage to property or discomfort to persons or animals at or beyond the lot line of the property on which the use is located.

Sec. 30.1306. Odors. Every use ~~shall~~ must be ~~so~~ operated ~~as~~ in a manner to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located.

Sec. 30.1307. Glare. Any operation or activity producing glare ~~shall~~ must be conducted so that direct or indirect illumination from the source of light ~~shall~~ does not cause illumination in excess of 0.5 foot candles in any residential district.

Sec. 30.1308. Toxic matter. Any operation or activity producing toxic matter ~~shall~~ insure must be conducted in a manner to ensure that the release of airborne toxic matter, beyond the district boundary line, ~~shall~~ does not exceed one-thirtieth (1/30) of the Threshold Limit Values (TLVs) permitted of those toxic matters currently listed in the Threshold Limit Values adopted by The American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in this listing, the applicant shall satisfy ~~the department of health~~ Florida Department of Health that the proposed levels will be safe to the general population. The measurement of toxic matter ~~shall~~ must be made at ground level or habitable elevation and shall be the average of any twenty-four (24) hour sampling.

Sec. 30.1309. Electrical disturbance and radioactivity. Each use ~~shall~~ must be ~~so~~ operated ~~as~~ in a manner to prevent the emission of quantities of radioactive materials in excess of limits established as safe by The United States Bureau of Standards.

Sec. 30.1310. Fire and explosive hazards. All activities and all storage of flammable and explosive materials ~~shall be in accordance~~ must comply with Seminole County's Department of Fire Protection and Building Codes.

Secs. 30.1311—30.1320. - Reserved.

Section 5. Conflicts. This Ordinance controls over any previously adopted County ordinances or parts of ordinances in conflict with this Ordinance.

Section 6. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Land Development Code of Seminole County, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, except that Sections 5, 6, 7 and 8 of this Ordinance are not to be codified.

Section 7. Severability. If any provision or application of this Ordinance to any person or circumstance is held invalid, then it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

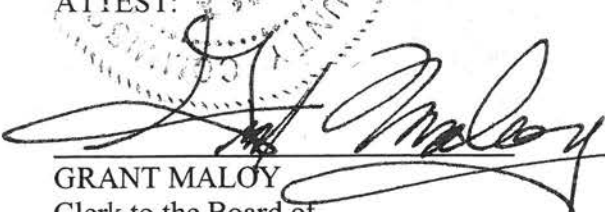
Section 8. Effective date. This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this

12th day of May, 2020

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA


GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida


JAY ZEMBOWER, Chairman

DGS/sjs
3/12/20

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