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June 27, 2019

VIA EMAIL AND HAND DELIVERY

CHRIS LAGERBLOOM, CITY MANAGER
SARAH SPURLOCK, NIGHTTIME ECONOMY MANAGER
BARBARA SMITH, SPECIAL EVENTS COORDINATOR
CITY OF FORT LAUDERDALE
100 N ANDREWS AVE.
FORT LAUDERDALE, FL 33301

**Re: Sails Ventures, LLC - Pier Sixty-Six South Temporary Events
Amended Special Event Permit Application**

Dear Chris, Sarah, and Barbara:

This firm represents Sails Ventures, LLC ("Applicant"), which is owned by Tavistock Development Company ("Tavistock"). Tavistock owns the properties located at 2301, 2150, 2170, and 2202 SE 17th Street, Fort Lauderdale, FL 33316, which are commonly referred to as "Pier North" on the north side of 17th Street Causeway and "Pier South" on the south of 17th Street Causeway. On January 8, 2019, the City Commission approved a sequential series of special events for the Pier Sixty-Six South Temporary Events from May 1, 2019 to April 4, 2024. Tavistock has since partnered with Informa U.S. Boat Shows ("Informa") and the Marine Industries Association of South Florida ("MIASF") to revitalize the Pier South property as the social harbor of Fort Lauderdale with the debut of the Superyacht Village for the 2019 Fort Lauderdale International Boat Show's ("FLIBS") 60th Anniversary. Applicant hereby requests an amendment to the original Special Event Application to modify the five year event period to September 1, 2019 to August 5, 2024 and the proposed site plan to accommodate the Superyacht Village and the Pier Sixty-Six Temporary Events. Please see a detailed description of the request below.

I. EVENT DESCRIPTION

Pier South currently includes a marina but is largely comprised of an approximately 6.93 acre (302,043 square feet) vacant lot and parking lot located south of 17th Street Causeway and abutting the Intracoastal Waterway. The site is approximately 2.25 acres (98,220 square feet) on the parcel of land located along the Intracoastal Waterway on the northwest portion of the Property.

Pier South will host the Superyacht Village from **October 30, 2019 to November 3, 2019** and will feature dedicated marina and on-land exhibition space displaying the most spectacular yachts and exhibits by renowned shipyards as well as yacht toys and exotic and collectible automobiles. The Superyacht Village will be programmed for day and night experiences, including on-site dining and exclusive VIP events. The Superyacht Village is open to all general admission ticket holders with direct access by water tenders and shuttle bus routes from the show's other six locations as well as on-site reserved and valet parking.

Beyond the Boat Show, Pier South will be activated as a waterfront indoor-outdoor recreational venue as part of the previously approved Pier Sixty-Six South Temporary Events with an evolving weekly program that includes neighborhood friendly happy hour and brunch in addition to community programming with activities for the entire family from farmers markets to local artist displays and musical performances. The venue would also be available to reserve for private functions which are subject to event management approval, participation and supervision.

Amaury Piedra, General Manager of Pier Sixty-Six Hotel and Marina, is the Event Coordinator. A maximum attendance of approximately two-hundred-ninety-five (295) at peak times and a sustained attendance of seventy-five (75) is anticipated. Recycling and sustainability will be encouraged throughout the duration of the event by providing a

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CAM 19-0695
Exhibit 1c
Page 1 of 23

waste receptacle and the appropriate number of bins where they are needed. Storage and trash will be adequately screened from view. **No road closures are planned.**

The approved Development Agreement between the City of Fort Lauderdale and the Applicant governs the Pier North and South parcels. Section 3.2.1 of the Development Agreement approved by the City of Fort Lauderdale City Commission on July 10, 2018, provides the following:

The City acknowledges and agrees that Developer may apply for a Special Event Permit as provided for in the ULDR to construct temporary uses on Pier 66 South that include but are not limited to the use of **semi-permanent structures including, tents, shipping containers, food trucks, air streams, and the like**, subject to review and approval pursuant to the Florida Building Code South Florida Edition together with the Broward County amendments, in effect at the time, and that the effective liquor license associated with Pier 66 North may be used on Pier 66 South due to the common ownership of the parcels, subject to any applicable State regulations, or in the alternative that the Developer can place an alcoholic beverage license(s) including a 2 COP, 4 COP quota, or a 4 COP SFS at any time. Developer agrees to file a Special Event Permit Application as that term is provided for in the City Code of Ordinances and ULDR and follow any prescribed procedures for said permit. Nothing contained herein shall grant Developer any exemption nor limit or restrict the powers and responsibilities of the City in acting on such applications in its regulatory capacity.

The Development Agreement provides that the Applicant may apply for Special Event Permit Applications on Pier South to construct temporary uses including, but not limited to, the use of semi-permanent structures such as the proposed structure in the modified site plan. The site plan has been modified to accommodate the Superyacht Village and the Pier Sixty-Six South Temporary Events. The event tent pad for the 60x84 semi-permanent tent structure has been relocated closer to the Intracoastal Waterway to maximize waterway views and is surrounded by event flex space which can be programmed accordingly. As depicted in the site plan, the Superyacht Village will utilize the flex space for tents ranging in size from 20x20, 20x30, and 30x40. The proposed semi-permanent structure is subject to building permitting review and approval by the City of Fort Lauderdale.

The site's existing pedestrian and vehicular entrances along SE 17th Street Causeway will remain unchanged and will at no time be blocked or amended. The northeast entry drive now includes a drop off area to the event's main entry to the south. A secondary pedestrian entry is located to the northwest of the site. The tender drop off area and tender reception is located to the south. The site is generously landscaped and includes relocated trees from Pier North to provide patrons shade and comfort.

a. Permitted Uses in the Boulevard Business (B-1) Zoning District

The proposed use for the event site will remain in compliance with ULDR, Sec.47-6.11 as approved in the original Special Event Permit Application. The Property is zoned Boulevard Business ("B-1") with an underlying land use of Commercial. Bars, cocktail lounges, restaurants and accessory outdoor dining areas, and outdoor activities are permitted uses pursuant to the list of permitted and conditional uses in the B-1 zoning district in the City's Unified Land Development Regulations ("ULDR"), Sec. 47-6.11. Currently, the approved site plan for Pier South, which is valid until September 21, 2033 pursuant to the Development Agreement, includes these as-of-right uses, specifically two (2) lounges/bars totaling 2,000 square feet, 16,100 square feet of meeting space, and three (3) restaurants totaling 11,700 square feet that can be built today pursuant to the approved site plan (the "Sails Parcel Approval").

Applicant is self-restricting the event site to similarly include recreational and food and beverage venue use for the community. Applicant will utilize the property for neighborhood appropriate events. Applicant will not utilize the property for Tortuga Music Festival style noisy events or as a similar concert, car racing or large festival venue. Any event at Pier South which would exceed the maximum attendance of 295 people at any one-time will require a separate event application, communication and coordination with the community and City Commission approval.

Attached as Exhibit "A" is a comprehensive list of the permitted and conditional uses in the existing B-1 zoning district.

b. Hours of Operation and Music

The hours of operation and music will remain as approved in the original Special Event Permit Application. The hours of operation will ONLY be from 10:00AM to 12:00AM from Monday to Sunday each week from September 1, 2019 to August 5, 2024. While indoor and outdoor activity may be permitted to continue during the

hours of operation in conformance with the ULDR, ALL outdoor music will end at 9:00PM on Sunday to Thursday and 10:00PM on Friday to Saturday to maintain and respect neighbors' quality of life and as required by and in conformance with the time restrictions outlined by the City Manager's Memorandum, No: 15-055. *Attached as Exhibit "B" is Memorandum No: 15-055: Special Event Time Restrictions.*

The venue will utilize a central audio system with zoned volume control and soundproofing equipment. Indoor and outdoor rooms where beer, wine, or liquor are sold or offered for sale will be adequately designed to ensure noise from instrumental music, singing, and other forms of entertainment is mitigated pursuant to Sec.5-34, Code of Ordinances. *Attached as Exhibit "C" is Sec.5-34, Code of Ordinances.*

Applicant will ensure that recorded and live music emitted from the event does not exceed the applicable maximum permissible indoor and outdoor decibel levels as provided in Sec.17-6, Code of Ordinances in the table below. A sound mitigation specialist will measure sound levels as described in Sec.17-6 and Sec.17-7, Code of Ordinances, as appropriate. *Attached as Exhibit "D" is Chapter 17 - Noise Control, Code of Ordinances.*

Maximum Permissible Sound Level Limits dBA (Sec.17-6, Code of Ordinances)			
Use	Times	Outdoor	Indoor
Commercial	24 hours	65 dBA	55 dBA

Applicant will engage a noise mitigation expert to consult on any noise mitigation issues during the building permit phase.

Finally, Applicant agrees to meet with the respective President of each affected neighborhood association on or about the 6-month, 12-month and 24-month anniversary of the issuance of the Certificate of Occupancy and thereafter as may requested, to discuss any issues and opportunities that the neighborhood wishes to discuss.

c. Alcoholic Beverages

As provided for in the Development Agreement, the effective liquor license associated with Pier North will be used on Pier South during Special Events due to the common ownership of the parcels. Alcoholic beverages for sale on-site during hours of operation will be controlled and served only by bartenders and wait staff. Indoor and outdoor rooms where beer, wine, or liquor are sold or offered for sale will be adequately soundproofed to ensure noise from instrumental music, singing, and other forms of entertainment is mitigated pursuant to Sec.5-34, Code of Ordinances.

d. Parking Requirements

The modified site plan provides on-site parking and promotes multimodal access. Patrons can arrive to the event site on foot, by car or bus shuttle, and by boat. On-site valet and reserved parking is available. In the circumstance of a special event that would require City Commission approval, the eastern lot of the Property will accommodate the overflow parking.

e. Traffic Circulation

There will be no changes to the existing traffic patterns with the modified site plan. The existing vehicular driveway entrances on the northeast and northwest areas of the site along SE 17th Street Causeway will remain. The northeast entry drive now includes a drop off area to the event's main entry to the south. Patrons can arrive to the event site on foot, by car or bus shuttle, and by boat. There will not be a publicly accessible vehicular entrance along Harbor Inlet Drive. Applicant is not requesting any road or bridge closings.

d. Security

The Security Plan will remain as approved in the original Special Event Permit Application. In addition to utilizing City of Fort Lauderdale security personnel to patrol the Property, Pier Sixty-Six Hotel and Marina will be contracted to provide twenty-four-hour security on-site to ensure the ongoing safety of the venue and attendees. The in-house Security Team will be led by the Pier Sixty-Six Hotel and Marina Security Manager. The Security Team will have appropriate management and coordination systems in place for each phase of the event to assure health and safety risks are controlled. During hours of operation, there will be between three (3) to six (6) security personnel depending on the day. Security personnel will be strategically located at the main entrance, inside the structure, and

roving the area by the north satellite bar, food trucks, marina and restrooms. The Security Manager will be roaming the entire venue. The parking area will be controlled and patrolled by the Pier Sixty-Six Hotel and Marina parking company and the roving security personnel.

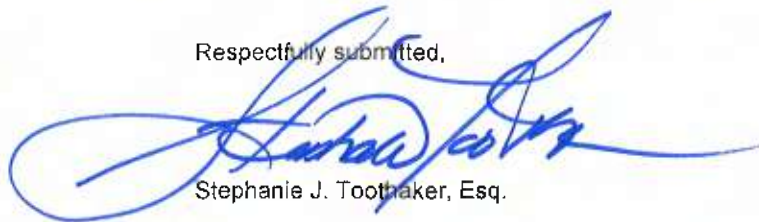
II. CONCLUSION

The Development Agreement between the City of Fort Lauderdale and Applicant provides conditions which govern the Pier Sixty-Six parcels and allows Applicant to apply for Special Event Permits to construct temporary uses and semi-permanent structures on the event site. Applicant is requesting an amendment to the original Special Event Application approval to ONLY modify the five year event period and the proposed site plan to accommodate the debut of the Superyacht Village and the Pier Sixty-Six Temporary Events, which will comply with the applicable provisions of the City of Fort Lauderdale's Code of Ordinances and ULDR. The Event Coordinator has contracted the Pier Sixty-Six Hotel and Marina to ensure the proper security planning for the venue.

The proposed five year special event permit is intended to activate a rare waterfront location and open it up for the public to enjoy. The City of Fort Lauderdale City Manager has the authority to immediately suspend all or any part of the special event permit if it is determined that the recreational venue poses a threat to the public health, safety, or welfare or if any of the stipulations in the executed event agreement are violated.

If I can provide any additional information, or if you have any comments or questions, please do not hesitate to contact me.

Respectfully submitted,



Stephanie J. Toothaker, Esq.

Sec. 47-6.11. - List of permitted and conditional uses, Boulevard Business (B-1) District.

District Categories—Automotive, Boats, Watercraft and Marinas, Commercial Recreation, Food and Beverage Sales and Service, Lodging, Mixed Use Developments, Public Purpose Facilities, Retail Sales, Services/Office Facilities, and Accessory Uses, Buildings and Structures.

A.	PERMITTED USES	B.	CONDITIONAL USES: See <u>Section 47-24.3.</u>
1.	Automotive		
a.	Automotive Sales, Rental, New vehicles, see <u>Section 47-18.3.</u>		
b.	Automotive Parts & Supplies Store.		
c.	Automotive Repair Shop, including minor repair, see <u>Section 47-18.4.</u>		
d.	Automotive Service Station, see <u>Section 47-18.5.</u>		
e.	Car Wash, automatic, see <u>Section 47-18.7.</u>		
f.	Motorcycle/moped sales.		
g.	Tire Sales, including Retreading and Service.		
2.	Boats, Watercraft and Marinas		

<ul style="list-style-type: none"> a. Marine Parts and Supplies Store. b. Sailmaking. c. Watercraft Repair, minor repair, see <u>Section 47-18.37</u>. d. Watercraft Sales and Rental, new or used, see <u>Section 47-18.36</u>. 	<ul style="list-style-type: none"> a. Charter and Sightseeing Boat, see <u>Section 47-23.8</u>. b. Hotel Marina, see <u>Section 47-23.8</u>. c. Marina, see <u>Section 47-23.8</u>. d. Marine Service Station see <u>Section 47-18.20</u>. e. Watercraft Sales and Rental, new or used, on a waterway, see <u>Section 47-23.8</u>.
3.	<i>Commercial Recreation</i>
<ul style="list-style-type: none"> a. Billiard Parlor. b. Bingo Hall. c. Bowling Alley. d. Indoor Motion Picture Theater. e. Performing Arts Theater. 	<ul style="list-style-type: none"> a. Golf Course, Golf Range. b. Indoor Firearms Range, <u>Section 47-18.18</u>. c. Miniature Golf.
4.	<i>Food and Beverage Service</i>
a.	Bakery Store.
b.	Bar, Cocktail Lounge, Nightclub.
c.	Cafeteria.
d.	Candy, Nuts Store.
e.	Convenience Kiosk. See <u>Sec. 47-18.43</u> .
f.	Convenience Store. See <u>Sec. 47-18.43</u> .

g.	Convenience Store, Multi-Purpose. See <u>Sec. 47-18.43</u> .		
h.	Delicatessen.		
i.	Food and Beverage Drive-Thru.		
j.	Fruit and Produce Store.		
k.	Grocery/Food Store.		
l.	Ice Cream/Yogurt Store.		
m.	Liquor Store. See <u>Sec. 47-18.43</u> .		
n.	Meat and Poultry Store.		
o.	Package Liquor Store. See <u>Sec. 47-18.43</u> .		
p.	Restaurant.		
q.	Seafood Store.		
r.	Supermarket.		
5.	<i>Lodging</i>		
a.	Bed and Breakfast Dwelling, see <u>Section 47-18.6</u> .		
b.	Hotel, see <u>Section 47-18.16</u> .		
6.	<i>Mixed Use Developments</i>		
		a.	Mixed Use Development, see <u>Section 47-18.21</u> .
7.	<i>Public Purpose Facilities</i>		

<ul style="list-style-type: none"> a. Civic and Private Club Facility. b. Government Administration. c. Hospital. d. House of Worship. e. Library. f. Museum. g. Active and Passive Park, see <u>Section 47-18.44</u>. h. Public/Private Recreation. i. Police and Fire Substation. j. Post Office Substation. k. School. 	<ul style="list-style-type: none"> a. Social Service Residential Facility, see <u>Section 47-18.32</u>.
8.	<i>Retail Sales</i>
a.	Antiques Store.
b.	Apparel/Accessories Store.
c.	Arts & Crafts Supplies Store.
d.	Art Galleries, Art Studio.
e.	Bait and Tackle Store.
f.	Bicycle Shop.
g.	Book Store.

h.	Camera, Photographic Supplies Store.
i.	Card & Stationery Store.
j.	Cigar, Tobacco Store.
k.	Computer/Software Store.
l.	Consignment, Thrift Store.
m.	Cosmetic, Sundries Store.
n.	Department Store.
o.	[<i>Reserved.</i>]
p.	Fabric, Needlework, Yarn Shop.
q.	Flooring Store.
r.	Florist Shop.
s.	Furniture Store.
t.	Gifts, Novelties, Souvenirs Store.
u.	Glassware, China, Pottery Store.
v.	Hardware Store.
w.	Hobby Items, Toys, Games Store.
x.	Holiday-Related Merchandise, Outdoor Sales, see <u>Section 47-18.15</u> .
y.	Home Improvement Center.
z.	Household Appliances Store.
aa.	Jewelry Store.

bb.	Lawn & Garden Center, outdoor display permitted.		
cc.	Linen, Bath, Bedding Store.		
dd.	Luggage, Handbags, Leather Goods Store.		
ee.	Medical Supplies Sales.		
ff.	Music, Musical Instruments Store.		
gg.	Newspapers, Magazines Store.		
hh.	Office Supplies, Equipment Store.		
ii.	Optical Store.		
jj.	Paint, Wallpaper Store.		
kk.	Party Supply Store.		
ll.	Pet Store.		
ll-1.	Pharmacy.		
mm.	Shoe Store.		
nn.	Sporting Goods Store.		
oo.	Tapes, Videos, Music CD's Stores.		
9.	<i>Services/Office Facilities</i>		
a.	Auction House.	a.	Adult Gaming Center, see <u>Section 47-18.42</u> .
b.	Copy Center.	b.	Child Day Care Facilities, see <u>Section 47-18.8</u> .
c.	Check Cashing Store.	c.	Helistop, see <u>Section 47-18.14</u> .
d.	Dry Cleaner, see <u>Section 47-18.12</u> .	d.	

e.
Financial Institution, including Drive-Thru Banks.

f.
Film Processing Store.

g.
Formal Wear, Rental.

h.
Funeral Home.

i.
Hair Salon.

j.
Health and Fitness Center.

k.
Instruction: Fine Arts, Sports Recreation, Dance,
Music, Theater.

l.
Interior Decorator.

m.
Laundromat, see Section 47-18.19.

n.
Mail, Postage, Fax Service.

o.
Massage Therapist.

p.
Medical Clinic.

q.
Medical/Dental Office.

r.
Nail Salon.

s.
Nursing Home.

t.
Parking Facility, see Section 47-20.

u.
Personnel Services.

v.
Pet Boarding Domestic Animals only.

Medical Cannabis Dispensing Facilities, see
Section 47-18.46.

w.
Photographic Studio.

x.
Professional Office.

y.
Security Systems.

z.
Senior Citizen Center, see Section 47-18.30.

aa.
Shoe Repair, Shoe Shine.

bb.
Swimming Pool Supplies and Service.

cc.
Tailor, Dressmaking Store, Direct to the Customer.

dd.
Tanning Salon.

ee.
Tattoo Artist.

ff.
Trade/Business School.

gg.
Travel Agency.

hh.
Veterinary Clinic, see Section 47-18.35.

ii.
Watch and Jewelry Repair.

10. *Accessory Uses, Buildings and Structures* (See also Section 47-19.)

a. Accessory Uses to Hotels, see Section 47-19.8.

b. Automotive Sales, Used Vehicles, when
accessory to a new automotive sales dealer.

c. Catering Services.

d.	Child Day Care—Corporate/Employee Sponsors, when accessory to Professional Office, see <u>Section 47-18.8</u> .	
e.	Electronic Installation, when accessory to electronic sales, only in wholly enclosed building.	
f.	Film Processing, when accessory to a permitted use.	
g.	Outdoor Dining and Sidewalk Café, see <u>Section 47-19.9</u> .	
h.	Video Games Arcade, when accessory to a shopping center.	
11.	<i>Urban Agriculture</i> See <u>Section 47-18.41</u> .	

(Ord. No. C-97-19, § 1(47-6.3.2), 6-18-97; Ord. No. C-11-14, § 7, 6-21-11; Ord. No. C-12-24, § 4, 7-10-12; Ord. No. C-12-45, § 3, 12-4-12; Ord. No. C-13-29, § 1, 8-20-13; Ord. No. C-15-36, § 2, 10-20-15; Ord. No. C-17-09, § 1, 5-16-17)



CITY OF
FORT LAUDERDALE

City Manager's Office

Memorandum

Memorandum No: 15-055

Date: March 18, 2015

To: Honorable Mayor and Commissioners

From: Lee R. Feldman, ICMA-CM, City Manager

Re: Outdoor Event Applications

The City of Fort Lauderdale strives to celebrate our community through special events. Currently there are over 200 outdoor events held annually in the City. While these events are community building, provide entertainment, wellness and draw visitors to our City, they can also, at times, have an impact on the surrounding neighborhoods due to the noise and/or traffic congestion.

In order to promote a better quality of life for our neighbors, we will begin to recommend approval of outdoor event applications with the following time restrictions:

Sunday – Thursday – Music shall not be allowed after 9:00 p.m.

Friday and Saturday – Music shall not be allowed after 10:00 p.m.

These restrictions will not pertain to the Entertainment Districts in the City. They will be allowed to submit Outdoor Event Applications along with associated music entertainment up to 11:00 p.m.

Likewise, in response to recent concerns, all outdoor events that block streets anywhere on the Barrier Island must have all streets open no later than 10:00 a.m.

Since summer is a slow time of year for special events and to provide staff ample time to transition and inform past promoters of the new policy, implementation will begin October 1, 2015. This will also be posted on our website.

C: Stanley D. Hawthorne, Assistant City Manager
Susanne M. Torriente, Assistant City Manager
Cynthia A. Everett, City Attorney
Jonda K. Joseph, City Clerk
John C. Herbst, City Auditor
Department Directors
CMO Managers

Sec. 5-34. - Hours music or disturbing noises prohibited.

No person licensed under the state beverage law, except nightclubs, shall allow or permit after 11:00 p.m. instrumental music, singing or other forms of entertainment, in any room where beers, wines, liquors or alcoholic beverages are sold or offered for sale, indoors or outdoors, unless such room or rooms are soundproofed, in order that the noise therefrom may not disrupt the peace and quiet of the neighborhood. It being intended hereby that in rooms soundproofed as defined in this section, music, singing and other forms of entertainment may be conducted during the hours that alcoholic beverages may be sold, as set forth in this chapter, but at no other hours.

(Code 1953, § 5-18; Ord. No. C-73-11, § 1, 2-6-73)

Chapter 17 - NOISE CONTROL

Sec. 17-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-weighted sound level means the sound level as measured with the A-weighting network on a sound level meter meeting the standards set forth in the American National Standards Institute (ANSI) S1.4-1983 or its successors. The unit of reporting is dBA. Sounds measured with the "A" weighting network approximate the response of human hearing when measuring sounds of low to moderate intensity without an amplified low frequency component.

Ambient sound level means that measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds and those from the source under investigation. Ambient sound level is synonymous with background sound level. Ambient sounds are differentiated from extraneous sounds by the fact that the former are of a more steady state, although they may not be continuous.

Amplified sound means the reproduction of sound from any radio, stereo, CD player, DVD player, microphone, drum, turn table, audio or visual equipment, musical instrument, sound equipment, sound amplification device, television set, exterior loudspeakers, bullhorn or any similar device.

Backup alarm means an audible safety device designed to alert people that a vehicle is operating in reverse, meeting Occupational Safety and Health Administration (OSHA) rules at 29 CFR Part 1926.601(b)(4) and 29 CFR Part 1026.602(a)(9), which require, in part, that: the vehicle has a reverse signal alarm audible above the surrounding noise level.

C-weighted sound level is the sound level as measured using the "C" weighting network with a sound level meter meeting the standards as set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dBC. The "C" weighting network is more sensitive to low frequencies than the "A" weighting network.

Continuous sound means any sound with a duration of more than one (1) second, as measured with a sound level meter set to the "slow" meter response.

Decibel means a logarithmic (dimensionless) unit of measure often used in describing the amplitude of sound. Decibel is denoted as dB.

Emergency energy release device means a device used specifically to release excess energy on a non-scheduled basis as necessary for purposes of safety.

Extraneous sound means a sound of high intensity and relatively short duration which is neither part of the ambient sound, nor comes from the sound source under investigation.

Impulsive sound means a sound that has a duration of less than one (1) second and comes from the sound source under investigation.

LMAX means the maximum sound level measured during the sound measurement period.

Mechanical device means any device that transmits or modifies energy.

Moped means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels; with a motor rated not in excess of two (2) brake horsepower and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground; as defined in F.S. § 316.03, as may be amended from time to time.

Motor vehicle means any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped; as defined in F.S. § 316.03, as may be amended from time to time.

Motorboat means any vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is on actual operation; as defined in F.S. § 327.02, as may be amended from time to time.

Motorcycle means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or moped; as defined in F.S. § 316.03, as may be amended from time to time.

Motorized scooter means any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three (3) wheels, and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground; as defined in F.S. § 316.03, as may be amended from time to time.

Mixed-use property means more than one (1) type of use in a building or set of buildings; some combination of residential and non-residential use.

Multifamily dwelling means any building occupied or intended to be occupied by more than two (2) families, living separately and with separate kitchens or facilities for cooking on the premises. This includes apartments, condominiums and coach homes, but does not include hotels, motels, bed and breakfast, townhouse, or cluster dwellings.

Noise means, for the purposes of this chapter, any sound that is in violation of any provision of this chapter.

Noise control officer means environmental inspectors, building and zoning inspectors, code enforcement officers and police enforcement personnel authorized to enforce provisions of this code.

Noise disturbance means any sound which is unreasonably loud, raucous, or jarring to reasonable persons of ordinary sensibilities, or any sound which affects the health, safety, or welfare of other persons, or exceeds the noise levels as defined in section 17-6.

Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties.

Public right-of-way and *public space* means land conveyed or dedicated by plat, deed, easement or other conveyance which is devoted to, required for or intended for the use by the public as a means of public traverse and other public purposes.

Real property line means either (a) the boundary line of a parcel; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multifamily dwelling; or (c) on a mixed-use property, the interface between the two (2) portions of the property on which different categories of activity are being performed.

Single-family dwelling is a dwelling unit designed for or occupied by one (1) family and includes standard, detached, and attached dwellings.

Single-family dwelling (attached) is a one-family dwelling attached to another one-family dwelling by a common vertical wall and where each unit is located on a separate plot. Single-family dwellings that are attached include duplex, cluster, and townhouse dwellings.

Sound means oscillations in pressure in a medium with elasticity and viscosity, such as air, that evoke auditory sensation in the human ear.

Sound level meter means an instrument that measures sound and conforms to ANSI S1.4-1983 or its successor publications.

Total sound level means that measured level which represents the summation of the sounds from the sound source under investigation and the ambient sounds which affect a given place at a given time, exclusive of extraneous sound sources.

Vessel means every watercraft, barge, and airboat, used or capable of being used as a means of transportation on water, as defined in F.S. § 327.02, as may be amended from time to time.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-2. - Penalties.

Any person who violates any provision of this chapter and who shall be found violating or found in violation of any provision of this chapter shall be subject to the penalties as prescribed in section 1-6 and/or Chapter 11 of this Code.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-3. - Noise control officers.

- (a) The noise control program established by this chapter shall be administered and enforced by noise control officers.

- (b) The noise control officers shall have the power to investigate and pursue possible violations of this ordinance and initiate enforcement of this chapter.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-4. - Sound level measurement.

Sound level measurement shall be made with a sound level meter using the "A" weighting scale or "C" weighting scale, as specified in this chapter for the specific sound source being investigated.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-5. - General prohibitions.

It shall be unlawful for any person to make or continue or cause to be made or continued any noise disturbance within the limits of the city.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-6. - Maximum permissible dBA sound levels.

Notwithstanding any other provision in this chapter, it shall be unlawful, except as expressly permitted herein, to cause, allow, or permit the making of any sound which exceeds the limits set forth in this section.

TABLE I
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS dBA

USE	TIMES	OUTDOOR	INDOOR
Residential	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.	60 dBA* 50 dBA	45 dBA 35 dBA
Commercial	24 hours	65 dBA	55 dBA
Industrial	24 hours	75 dBA	65 dBA

*If the residential use is within a commercial, industrial, or mixed use, or within two hundred (200) feet of such use, the outdoor sound level limit is sixty-five (65) dBA between 7:00 a.m. to 10:00 p.m.

Sound level measurements shall be taken as follows:

- a. The sound level limit for the complainant's use shall apply.
- b. Outdoor sound level measurements shall be taken on or within the real property line of the complainant.
- c. Indoor sound level measurements shall apply when the sound source is on or within the same parcel of land as the complainant or when the real property line between the sound source and the complainant is a common wall, floor, or ceiling. Indoor sound level measurements shall be taken within the premises of the complainant.
- d. Three (3) measurements of the normal, usual operation of the sound source under investigation shall be taken. The metric that shall be applied is LMAX. Each of the three (3) measurements shall be no less than thirty (30) seconds in duration, and all three (3) measurements shall be taken within any one-hour period. If the sound source under investigation is of a total duration of less than ninety (90) seconds, one thirty-second measurement shall be sufficient.

1. *Impulsive sound:*

- a. Between the hours of 7:00 a.m. and 10:00 p.m. daily, impulsive sounds which occur ten (10) or more times in any one

CAM-19-0695

Exhibit 1c

Page 18 of 23

- (1) hour shall not exceed the permissible sound level limits as set forth in Table I, and impulsive sounds which occur less than four (4) times in any one-hour period shall not equal or exceed twenty (20) decibels above the permissible sound level limits as set forth in Table I.
- b. Between the hours of 10:00 p.m. and 7:00 a.m. daily, impulsive sounds which occur four (4) or more times in any one (1) hour shall not exceed the permissible sound level limits as set forth in Table I, and impulsive sounds which occur less than four (4) times in any one-hour period shall not equal or exceed twenty (20) decibels above the permissible sound level limits as set forth in Table I.
2. *Steady pure tones:* If the sound source under investigation is a mechanical device, excluding HVAC equipment on residential property, and is emitting a sound with a steady tonal quality which does not fluctuate more than plus or minus three (3) dBA, the permissible sound level limits in Table I shall be reduced by five (5) dBA.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-7. - Specific restrictions.

1. *Amplified sound.* No person shall cause, allow, or permit the operation of any amplified sound device from the following use districts or locations in the following manner:
 - a. *Residential use:*
 - i. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily.
 - ii. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily.
 - b. *Rights-of-way.* Sound shall not be plainly audible at a distance of twenty-five (25) feet or more from a motor vehicle or any other sound source.
 - c. *Special entertainment overlay district.* When measured at a distance of five (5) feet from the building, structure or establishment from which the sound is emanating:
 - i. *Sound shall not exceed:*
 1. Eighty-five (85) dBA or ninety-five (95) dBC Monday through Thursday from 12:00 p.m. to 12:00 a.m. the following day:
 2. Seventy (70) dBA or eighty (80) dBC Monday through Thursday from 12:00 a.m. to 2:00 a.m.
 3. Sixty-five (65) dBA or seventy-five (75) dBC Monday through Thursday from 2:00 a.m. to 12:00 p.m.
 - ii. *Sound shall not exceed:*
 1. Eighty-five (85) dBA or ninety-five (95) dBC Friday through Sunday and legal holidays (as provided by state law), from 12:00 p.m. to 1:00 a.m. the following day:
 2. Seventy (70) dBA or eighty (80) dBC Friday through Sunday and legal holidays (as defined by state law), from 1:00 a.m. to 3:00 a.m.
 3. Sixty-five (65) dBA or seventy-five (75) dBC Friday through Sunday and legal holidays (as defined by State law), from 3:00 a.m. to 12:00 p.m.
 - d. *Commercial, mixed-use, or industrial uses.* No person shall cause, allow, or permit the operation of any amplified sound device in such a manner that it exceeds the following sound level limits:
 - i. From 12:00 p.m. to 10:00 p.m. daily: sound levels shall not exceed sixty (60) dBC when measured within the premises of a complainant.
 - ii. From 10:00 p.m. daily to 12:00 p.m. the following day: sound levels shall not exceed fifty-five (55) dBC when measured within the premises of a complainant.
 - iii. Sound level limits in Table 1 shall apply when sound level measurements are taken outdoors at or within the property line of the complainant.
2. *Animals.* Unless unreasonably provoked, it shall be unlawful for any person to own, keep, possess or maintain any domesticated animal which vocalizes (howls, yelps, barks, squawks, or other noise) and the vocalizing is plainly audible at or within the property line of the complainant; and:

- a. The vocalizing is for more than five (5) minutes without interruptions, defined as an average of four (4) vocalizations per minute; or
 - b. The vocalizing is two (2) times or more per minute for twenty (20) consecutive minutes.
3. *Commercial sanitation operations.* No person shall cause, allow, or permit the loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or recyclable containers, between the hours of 10:00 p.m. and 7:00 a.m. daily when such operations are conducted on a property located within two hundred fifty (250) feet of a residential use.
4. *Construction:*
- a. No person shall operate or cause to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.
 - b. It shall be unlawful for any person to operate or cause to be operated equipment for the aforementioned uses Monday through Saturday before 8:00 a.m. or after 7:00 p.m. and Sunday before 10:00 a.m. or after 7:00 p.m., except for public works transportation projects that are approved pursuant to section 17-9.
5. *Emergency generators:*
- a. Testing of generators shall be conducted for the minimum duration and at the minimum frequency recommended by the manufacturer, but in no case shall said testing exceed one (1) hour in any one (1) day.
 - b. Testing shall only be conducted between the hours of 10:00 a.m. and 7:00 p.m. daily.
 - c. The sound emissions from generators shall not exceed sixty-eight (68) dBA when measured at a distance of twenty-three (23) feet from the generator.
 - d. When the generator is located on the same parcel as the complainant, the indoor sound level limits in Table 1 shall apply.
6. *Heating, ventilation, and air conditioning (HVAC) equipment on residential property.* No person shall operate or cause to be operated any HVAC equipment on residential property which exceeds forty (40) dBA between the hours of 10:00 p.m. and 7:00 a.m. daily when measured within the premises of a complainant.
7. *Landscaping and yard maintenance power tools or motorized equipment.* No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment Monday through Friday before 7:00 a.m. or after 7:00 p.m. and Saturday and Sunday before 8:00 a.m. or after 6:00 p.m. No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.
8. *Motorboat.* No person shall operate or cause to be operated any motorboat in any lake, river, stream, or other waterway which is not muffled pursuant to F.S. § 327.65.
9. *Motor vehicles, motorcycles, mopeds and motorized scooters.* No person shall cause a rapid throttle advance (revving) of an internal combustion engine resulting in a noise disturbance.

(Ord. No. C-08-37, § 2, 7-15-08.)

Sec. 17-8. - Exemptions.

- 1. Construction operations between 8:00 a.m. and 7:00 p.m., Monday through Saturday and between 10:00 a.m. and 7:00 p.m. on Sunday for which building permits have been issued, or construction operations not requiring permits due to the scope of work or ownership of the project by an agency of government; providing all equipment is operated in accordance with its manufacturers' specifications, uses as standard equipment its manufacturers' mufflers and noise-reducing equipment, and is in proper operating condition.
- 2. Emergency energy release devices.
- 3. Facility-wide warning devices.
- 4. Back-up alarms so long as they are self-adjusting to ambient sound levels and meet the requirements of OSHA standards.
- 5. Noises arising from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- 6. Noise caused in the performance of emergency work, at the site of the emergency, for the immediate safety, health or welfare of the community or individuals of the community or to restore property to a safe condition.
- 7. All noises coming from the normal operations of an aircraft.

8. Motor vehicles, mopeds, or motorized scooters as defined herein and muffled in accordance with state law.
9. Vessels operated on the waterways within the city limits which are muffled pursuant to F.S. § 327.65, as may be amended from time to time.
10. Impulsive sound resulting from the controlled detonation of explosives at quarries and construction sites.
11. Sanitation operations which include the unloading, emptying or collection of any waste or recyclable container between the hours of 7:00 a.m. and 10:00 p.m. daily.
12. The sound emissions of emergency generators shall be exempt when there is loss of power for any cause other than non-payment of utility services. The testing of emergency generators shall be conducted pursuant to section 17-7(e).
13. Landscaping and yard maintenance power tools or motorized equipment between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 8:00 a.m. and 6:00 p.m. Saturday and Sunday. No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-9. - Construction of large public works transportation projects.

- (a) When a public transportation project that cannot reasonably be constructed within the noise limitations set forth in Chapter 17, is to be constructed and the project is one that substantially impacts vehicular or vessel traffic for a period of time that exceeds one hundred eighty (180) days, the city commission may determine that special circumstances exist and approve a noise management plan that establishes project-specific noise regulations, which will apply instead of the other regulations contained herein.
- (b) Consideration of an application for relief from the requirements of Chapter 17 of the Code of Ordinances of the City of Fort Lauderdale shall be initiated by filing an application for approval by the public entity wishing to construct the transportation improvement, with the city engineering division. An application shall include a noise management plan that shall include the following elements:
 - (1) A conceptual site plan showing the size and location of all structures and infrastructure improvements to be constructed under the proposed project;
 - (2) A legal description of the property where the project is occurring;
 - (3) A description of the need for the public improvement;
 - (4) A description of the economic and environmental impact on the area as a result of improvement;
 - (5) A description of the noise regulation(s) from which relief is necessary in order to construct the improvement and a description of the proposed regulations that the project shall meet during construction;
 - (6) A description of the anticipated noise impact of the construction on adjacent properties;
 - (7) A description of how the noise management plan mitigates negative impacts that might occur;
 - (8) A description of the continuous noise-monitoring program proposed for the construction period, which measure noise levels as well as makes an audio recording of the noise;
 - (9) The results of a baseline ambient, A-weighted sound levels noise study, in the project area of continuous duration, at monitoring sites, said study to be previously approved by the city engineer;
 - (10) A description outlining the resources of the applicant to monitor noise and implement the noise management plan, which shall include the identification of noise control officers; and
 - (11) An estimate of the cost and time savings that will result from the adoption of the noise management plan.
- (c) The application shall be reviewed by the city department responsible for review of development permits for a determination that the application is complete and then forwarded when complete to the development review committee (DRC). After review and comments by the DRC, the application shall be forwarded to the city commission.
- (d) The city commission shall hold one (1) public hearing to consider a resolution approving the noise management plan and shall provide notice of hearing to owners of property within three hundred (300) feet of the boundaries of the public works transportation project. For purposes of notification, the owners shall be considered to be the names shown on the property

appraiser's tax rolls as such are known by the city. Except as otherwise required by law, condominium, cooperative and time-share associations shall be notified as one entity and that entity shall be responsible for notifying individual owners or members of their association. The notice shall be mailed to the address shown at least ten (10) days before the date of the hearing.

- (e) The city commission may approve, or approve with conditions, the noise management plan based on the following findings:
 - (1) There is a need for the public works transportation project and the project is of such large size and that its duration is for more than one hundred eighty (180) days such that special circumstances exist.
 - (2) On-site improvements have been incorporated into the noise management plan that minimize the impact of construction noise.
 - (3) The noise management plan represents a viable and cost-effective plan that balances the need for the public improvement to be constructed in a reasonable period of time versus the noise to be produced and hours of construction, which impact adjacent properties.
 - (4) Off-site or on-site conditions exist that reduce the noise impact if any, and to the extent possible, the noise management plan utilizes those conditions.
 - (5) That the noise management plan provides for the continuous monitoring of noise during the project construction period, the data from which shall be provided to the city by a direct, real-time, hook-up between city and applicant's computer system in a computer readable format, compatible with the city's noise monitoring system.
- (f) Any person involved with a public entity transportation construction project who has been convicted of violating any of the terms or conditions of an approved noise management plan, by a court of competent jurisdiction, may be cause for the city commission to revoke such public entity's noise management plan. Upon such a conviction, the city manager may place on the city commission agenda the matter of revoking the plan. After consideration of the matter and allowing representatives of the public entity to be heard, the city commission by resolution may revoke or place conditions upon the noise management plan. The factors to be considered by the city manager and the city commission shall include the number and seriousness of the specific noise management plan violations of which a person involved with the public entity's project has been convicted of violating, whether the penalty imposed pursuant to the conviction has been satisfied, whether the public entity has made modification to its operations to conform to the requirements of the noise management plan and based on the foregoing criteria, the danger to the health, safety, and welfare of the public due to continued operation by the public entity pursuant to its noise management plan.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-10. - Construction of large or complex projects (transportation and non-transportation); exemption for time to comply.

- (a) Upon good cause shown by the owner of any noise source when a noise management plan has been approved by the city commission, the city manager shall have the power to grant a special permit, which provides an exemption from the provisions of section 17-7(4) of the Noise Control Ordinance in order to allow sufficient time for the installation of necessary materials, equipment, facilities, or modifications necessary for construction as certified by the Building Official. Provided however, the aforementioned special permit shall not be granted for a period of time to exceed thirty (30) days from the date said exemption is granted, but such exemption may be renewed for an additional fifteen-day period of time provided that the special permit remains in compliance.
- (b) Approval of the special permit shall be based upon cases of necessity or in the interest of public health, safety and convenience. In the issuance of such permit(s), the city manager shall weigh all facts and circumstances and shall determine whether the reasons given for the necessity are valid and reasonable, whether the public health, safety and convenience will be protected or better served by granting the permit requested, and whether the manner and amount of loss or inconvenience to the party in interest imposes a significant hardship upon such party.
 - (1) The special permit shall not authorize construction sound between the hours of 11:00 p.m. and 6:00 a.m., unless specifically granted by the city manager.
 - (2) Special permit(s) shall be for a specific period and shall include a start date and a finish date. Each specific period shall require a special permit.
 - (3) A notice measuring at least 16" x 20" with two (2) inch letters must be posted in at least two (2) places on the perimeter of the construction site during the life of the permit describing the activity, purpose, hours and dates for the special permit.

- (4) Nothing in the special permit shall imply multiple periods or multiple construction sites or projects.
- (5) Appropriate Maintenance of Traffic (MOT) agreements must also be submitted or included with any special permit request.
- (c) The city manager may refer approval of a special permit to the city commission.

(Ord. No. C-18-18, § 1, 8-21-18)

Editor's note— (Ord. No. C-18-18, § 1, adopted August 21, 2018, amended § 17-10 in its entirety to read as herein set out. Former § 17-10, pertained to construction of large projects; noise management plan; exemption for time to comply, and derived from Ord. No. C-08-37, § 2, 7-15-08.