

# Orlando, Florida

## Noise Related Ordinances (Exclusive of Airports)

### BOATING

#### **Sec. 35.24. - Muffling Equipment.**

In order to minimize noise, boats, motorboats, and personal watercraft shall utilize only factory-issued **muffling** equipment.

### CHAPTER 42 NOISE

#### **Sec. 42.01. - Purpose.**

The overall purpose of this Chapter is to protect the public health, safety, and welfare by establishing regulations for noise. This Chapter shall apply to the volume level and control of all sound originating within the jurisdictional limits of the City. Nothing within this section shall be construed to limit the regulation of noise to those sources specified herein. It is not the intent of this Chapter to interfere unduly with the freedom of speech or religion.

#### **Sec. 42.02. - General Requirements.**

All uses in all zoning districts shall conform to the requirements contained in this Chapter, including Chart 1.

#### **Sec. 42.03. - Noises to Which the Standards Apply.**

(1) The requirements of Chart 1 shall apply to all noises (except those specifically exempted in Section 42.06), including but not limited to, continuous and intermittent noise, tones, impact noise, and noise emitted by speaker boxes, sound amplification devices, pick-up and delivery trucks and any other commercial or industrial activities.

(2) The noise levels listed in Chart 1 shall be those levels which may not be exceeded for a cumulative period of more than five (5) minutes in any sixty (60) minute period. Alternatively, these levels may not be exceeded for longer than eight and three-tenths percent (8.3%) of any measurement period, which measurement period shall not be less than thirty (30) minutes.

(3) Where the ambient noise level exceeds the allowable noise levels given in Chart 1, then the ambient level becomes the allowable exterior noise level.

(4) Definitions. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

(a) Commercial means property use that is for the trafficking of goods or furnishing of services for sale or profit, including, but not limited to, banking and other financial institutions, dining establishments, retail or wholesale establishments, recreation or entertainment establishments, office buildings, transportation facilities, and warehouses. This category excludes property which is defined as Multi-Use or is located in the Downtown Entertainment Area as described in section 42.07(6) herein.

(b) Downtown Entertainment Area means all property and uses contained within the area described in section 42.07(6) herein.

- (c) Industrial means property use that is for the fabrication, manufacturing, shipping, or production of durable or nondurable goods. This category excludes property which is located in the Downtown Entertainment Area as described in section 42.07(6) herein.
- (d) Multi-Use means property that includes a building(s) or structure(s) which contains both commercial (usually on the ground floor) and residential use, where such residential use is located above, behind, below or adjacent to the commercial use. This category shall also include any area where commercial use is located immediately or directly across a public right-of-way from residential use. Multi-Use excludes property which is located in the Downtown Entertainment Area as described in section 42.07(6) herein. Property used for the public benefit such as outdoor concert events, fairs, festivals, athletic fields, and public assemblies is also included in the definition of "Multi-Use."
- (e) Neighborhood inhabitants means person or persons who dwell or reside in a place which is immediately adjacent to or within one hundred (100) feet of the property generating the noise.
- (f) Public right-of-way means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.
- (g) Real property line means either (i) the imaginary line including its vertical extension that separates one parcel of real property from another; (ii) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit such as a condominium, townhouse, or apartment building; or (iii) on a multi-use property, the point of interface between the two (2) portions of the property on which different categories of activity are being performed.
- (h) Residential means property use that is for residences, including, but not limited to, single-family residences, multi-family residences, condominiums, apartments, hotels, motels, and assisted living facilities. This category excludes property which is defined as Multi-Use and property located in the Downtown Entertainment Area as described in section 42.07(6) herein.
- (i) Weekday means Sunday beginning at 2:00 a.m. through Friday ending at 11:59 p.m.
- (j) Weekend means Friday beginning at 12:00 a.m. through Sunday ending at 1:59 a.m.

CHART 1. MAXIMUM NOISE LEVELS IN A AND C-WEIGHTED DECIBELS

Type of Property Generating Noise	Class A Standard 7 AM—10 PM	Class A Standard 10 PM—7 AM	Class B Standard
Residential	60 dBA/65 dBC	55 dBA/60 dBC	65 dBA/70 dBC
Multi-Use	65 dBA/70dBC	55 dBA/60 dBC	65 dBA/70 dBC
Commercial	70 dBA/75 dBC	65 dBA/70 dBC	75 dBA/80 dBC
Industrial	75 dBA/80 dBC	75 dBA/70 dBC	85 dBA/90 dBC

Downtown Entertainment Area	7 AM—11:59 PM 75dBA/80dBC	12 AM—7AM 70dBA/75dBC	Weekdays
	7 AM—1:59 AM 75 Dba/80 dBC	2 AM—7 AM 70 dBA/75 dBC	Weekends

This chart establishes the maximum permissible noise level, measured in A-weighted and C-weighted decibels, which may be generated in the defined locations at the described time periods. As used below, dBA and dBC shall be the symbol designations of a noise level, using

the A-weighting and C-weighting network of sound level meters. For purposes of this Chapter, noise shall be measured using the slow exponential time weighting characteristic of the sound level meter.

Class B Standards apply to noises originating from heavy manufacturing uses, as defined in the City's Land Development Code. Class A Standards apply to all other uses.

The categories listed in the above Tables are not to be construed as defined by the City's Land Development Code, but shall have the meanings ascribed to them in this Chapter.

**Sec. 42.04. - Prohibited Acts.**

(1) No person shall produce, cause to be produced, or allow to be produced, by any means, any noise within any private property which, when measured fifty (50) feet from the source of the noise or at the real property line of the property generating said noise, exceeds the applicable sound level limits set forth in Chart 1 and as measured as set forth in Section 42.03(2).

(2) No person shall produce, cause to be produced, or allow to be produced, by any means, any noise within any public property which, when measured fifty (50) feet from the source of the noise, exceeds the applicable sound level limits set forth in Chart 1 and as measured as set forth in Section 42.03(2).

**Sec. 42.05. - Additional Prohibited Acts.**

(1) On Residential Property:

a. It shall be unlawful for any person to make, create or maintain any unreasonably annoying and disturbing noise on residential property that is of such character, intensity or duration as to be detrimental to the life, health, comfort or repose of any individual on residential property.

b. It shall be unlawful to play any radio, phonograph or any musical instrument or operate a sound-amplifying device in such a manner as to unreasonably disturb the peace, quiet and comfort of neighboring inhabitants, or at any time louder than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine, instrument, or device is operated and who are voluntary listeners thereto.

c. The operation of any such machine, instrument, or device between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of fifteen (15) feet from the real property line of the building or structure, or the boundary of the vehicle in which the noise is located shall be prima facie evidence of a violation of this section.

(2) On Multi-Use Property:

a. It shall be unlawful for any person to make, create or maintain any unreasonably annoying and disturbing noise on that portion of the property which is residential use that is of such character, intensity or duration as to be detrimental to the life, health, comfort or repose of any individual on that portion of the property which is residential use.

b. It shall be unlawful to play any radio, phonograph or any musical instrument or operate a sound-amplifying device in such a manner as to unreasonably disturb the peace, quiet and comfort of neighboring inhabitants, or at any time louder than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine, instrument, or device is operated and who are voluntary listeners thereto.

c. The operation of any such machine, instrument, or device between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of fifty (50) feet from the real property line of the building or structure, or the boundary of the vehicle in which it is located shall be prima facie evidence of a violation of this section.

(3) In the Downtown Entertainment Area:

a. It shall be unlawful to play any radio, phonograph or any musical instrument or operate a sound-amplifying device in such a manner as to unreasonably disturb the peace, quiet and comfort of neighboring inhabitants, or at any time louder than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine, instrument, or device is operated and who are voluntary listeners thereto.

b. The operation of any such machine, instrument, or device between the hours of 12:00 a.m. and 7:00 a.m. on weekdays and 2:00 a.m. and 7:00 a.m. on weekends in such manner as to be plainly audible at a distance of fifty (50) feet from the real property line of the building or structure, or the boundary of the vehicle in which it is located shall be prima facie evidence of a violation of this section.

#### **Sec. 42.06. - Exempt noises.**

The following types of noises shall be exempt from the provisions of this Chapter:

(1) Noises from temporary construction and maintenance activities between 7 AM and 9 PM except Sundays and federal holidays.

(2) Noises from safety signals, emergency equipment and vehicles, warning devices and emergency pressure release valves and law enforcement activities, including training.

(3) Noises from motor vehicles such as automobiles, trucks, airplanes, motorcycles, and railroads which are regulated by state and federal law.

(4) Ordinary domestic noises provided such noises comply with the requirements of Chart 1.

(5) Noises such as those from show and ride attractions, fireworks, show pyrotechnics, aerial displays, sound effects, theatrical sound systems, music and human voices that are created within that part of the MA Overlay Zoning District that is not within the Downtown Entertainment Area.

#### **Sec. 42.07. - Use of Mechanical Loud Speakers or Amplifiers Out of Doors.**

(1) It shall be unlawful to use any mechanical loud speaker or other sound-amplifying device on a truck or other moving vehicle or out of doors on a public or private property except under a permit issued by the Chief of Police.

(2) Except as provided in subsections (6) and (7) below, no person shall use a loud speaker or other sound-amplifying device on a truck or other moving vehicle or out of doors on public or private property between the hours of 10:00 p.m. and 7:00 a.m.

(3) No person shall use a loud speaker or other sound-amplifying device out of doors within one thousand (1,000) feet of any school, church, hospital, court of law, or public transportation facility without the permission of that property owner.

(4) Each permit application will include the name, address, and telephone number of the permit applicant, the time, date and location of the loudspeaker or sound-amplifying device is to be used, and a description of the loudspeaker or sound-amplifying device including its decibel level. The application must be submitted at least seventy-two (72) hours in advance of the event

excluding holidays, Saturdays and Sundays, and be accompanied by a twenty dollar (\$20.00) processing fee.

(5) Upon receipt of the permit application and processing fee, the Chief of Police will review the application and issue a decision promptly, but in no event later than forty-eight (48) hours prior to the date of the event, excluding holidays, Saturdays and Sundays. The Chief of Police shall issue a permit provided the proposed activity:

- (a) Complies with subsections (2) through and including (7) of this section; and
- (b) Will not interfere with any governmental function or with any event previously permitted pursuant to the City Code Chapter 18A, or with any event scheduled through the Families, Parks and Recreation Department; and
- (c) Is not for a fixed location within one thousand (1,000) feet of an activity previously permitted under this section for the same date and time.

(6) For the purpose of providing an exemption from the prohibitions contained in subsections (1), (2), and (3) above, there is hereby created a Downtown Entertainment Area which includes that area of the City of Orlando bounded on the north by Colonial Drive, on the South by Anderson Street, on the west by Hughey Avenue, including the Church Street garage, and on the east by Rosalind Avenue south of Livingston Street and Magnolia Avenue north of Livingston Street, including the sidewalks and rights-of-way abutting said streets. Within said Area, loud speakers or other sound-amplifying devices may be used out of doors between 7:00 p.m. and 12:00 a.m. on weekdays and 7:00 p.m. and 2:00 a.m. on weekends and without regard to the other prohibitions set forth in subsections (1), (2), and (3) above. However, sections 42.02 through 42.04 set forth herein shall still apply.

(7) Notwithstanding the prohibition contained in subsection (2) above, the City Council may approve and authorize extended hours for use of a loud speaker or other sound-amplifying device provided that a permit application is filed which contains the information specified in subsection (4) above and that the proposed activity otherwise complies with the provisions of subsections (3), (5)(b), (5)(c) and 42.02 through 42.04

(8) Any applicant shall have the right to appeal the denial of a permit by immediately requesting review with a court of competent jurisdiction or by appealing the decision to the City Council. The appeal to City Council shall be taken by the applicant within five (5) days after receipt of the notice of denial, by filing a written notice with the Chief of Police with a copy to the City Clerk. The City Council shall consider the appeal at the next regularly scheduled meeting following receipt by the Chief of Police of the notice of appeal. The City Council shall direct the Chief of Police to issue a permit if the applicant has met the criteria set forth in this Chapter for issuance of a permit. If the applicant is not satisfied with the decision of City Council, the applicant may file a request for immediate judicial review by a court of competent jurisdiction.

**Sec. 42.08. - Method of Noise Measurement.**

All measurements shall be made with a sound level meter. The sound level meter shall be calibrated in accordance with the meter manufacturer's recommendations. As necessary, a windscreen shall be utilized with the sound level meter. The measurements shall in general be made in accordance with the standards as promulgated by the American Society for Testing and Materials guidance.

**Sec. 42.09. - Enforcement.**

This Chapter shall be enforced pursuant to the provisions set forth in Chapter 1, section 1.08 or Chapter 5, Article II of this Code.

**ALCOHOLIC BEVERAGE SALES**

**Sec. 58.713. – Approval as Exception to Distance Requirements.**

.....

(c) Conditional Use Permit Procedures. An eating and drinking establishment which is located at least 500 feet from, but no more than 1,000 feet from, an established school and/or an established church, but which is otherwise prohibited from the sale of alcoholic beverages for on-premise consumption because its sales of food and non-alcoholic beverages are less than 51% of gross revenues, may apply for a Conditional Use Permit to permit the sale of alcoholic beverages for on-premise consumption. Such application shall be submitted and reviewed in accordance with the procedures set forth in Chapter 65, Part 2D. When the City approves any Conditional Use Permit pursuant to this Section, it shall require that the applicant comply with the requirements of Section 58.712(A)(3)-(4) and may also prescribe additional conditions and safeguards in conformity with the intent and provisions of this Code, including any of the following listed conditions. Violation of such conditions and safeguards, when made a part of the terms under which the Conditional Use Permit is approved, shall be deemed a violation of this Code subject to enforcement under the provisions of Chapter 5 of this Code.

- (1) Require that the eating and drinking establishment have permanent kitchen facilities within the premises in which full-course meals are regularly prepared for service to patrons of the establishment.
- (2) Limit **noise** levels from live or recorded music.

**Sec. 58.743. - Speaker Boxes—Orientation and Noise Requirements.**

All speaker boxes used in connection with any Drive-in Facility shall be operated in conformance with the Class A noise standards of Chapter 63, Part 2F. All speaker boxes located within 300 ft. of any residential use(s) shall be oriented away from the residential use(s).

**RECREATIONAL VEHICLE PARKS**

**Sec. 58.782. - Site Design Requirements.**

.....

Site Conditions. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The RV spaces shall not be exposed to objectionable smoke, **noise**, odors, or other adverse influences, and no portion of the park subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards. To this end, all recreational vehicle spaces which are located in any designated hurricane flood zone shall conform to the applicable federal or state minimum finished elevation

## RECYCLING CENTERS

### **Sec. 58.801. - Use Restrictions.**

.....

Nuisance Prohibited. The use shall be conducted in a manner so as not to constitute a nuisance with regard to odor, **noise**, or other environmental effects.

## SHOOTING RANGES

### **Sec. 58.860. - General Requirements.**

In addition to any applicable Zoning District and Use Regulations of Figures 1 and 2, the following requirements shall apply to indoor shooting ranges.

### **Sec. 58.861. - Location and Distance.**

- a. Indoor shooting ranges shall be located more than five hundred (500) feet from any adjoining residential district boundary line or another indoor or outdoor shooting range.
- b. The location and distance requirements shall not apply to government owned and operated shooting ranges, restricted to use by law enforcement officers.
- c. The applicant shall demonstrate that the location and operation of the shooting range will not pose a threat to the health and safety of the citizens in the surrounding area.

### **Sec. 58.862. - Site Plan.**

- a. The site plan and structure shall incorporate, at a minimum, the standards for shooting range construction in accordance with Section 13.38 of the Building Code of the City of Orlando.
- b. Shooting ranges shall not be allowed as accessory uses to gun stores unless shooting ranges are allowed in that district.
- c. Parking for shooting range customers shall be provided on-site. The parking standards for shooting ranges shall be one (1) parking space per shooting lane, plus the requirements for retail use applied to the portions of the operation not dedicated to the shooting lanes.

### **Sec. 58.863. - Nuisance.**

Shooting ranges shall not create a nuisance, including, but not limited to, high noise levels, pollution or other detrimental effects on the environment.

### **Sec. 58.864. - Nonconforming Uses.**

Any shooting range which is nonconforming to the provisions of this Part and Chapter, including any facility which is nonconforming to the distance requirements of this Part, shall be subject to the nonconforming use provisions of Chapter 58, Part 7.

### **Sec. 58.872. - Conditions.**

Cogeneration facilities shall meet all of the following conditions in addition to all other applicable development standards of the zoning district in which it is to be located:

.....

- (d) Cogeneration facilities shall not create a nuisance, including but not limited to high **noise** levels, visible on-site storage of waste materials, air or water pollution or other detrimental effects on the community's environment.

**Sec. 58.896. - Regulation of Pet Boarding Facilities.**

(a) Pet boarding facilities shall be permitted only as an accessory use to a permitted primary pet-oriented use. If the primary pet-oriented use requires a Conditional Use Permit, the accessory pet boarding facility must be specifically allowed as part of that conditional use approval.

(b) All pet boarding facilities shall:

(1) Be established only in conjunction with another pet-oriented use, including a veterinary clinic, grooming parlor, pet-oriented retail shop or pet day care facility.

(2) Board all animals within a fully enclosed structure designed to limit **noise** and odor. No pet boarding facility shall generate **noise** in excess of the Class A Standards set forth in Chapter 42 of this Code. No pet boarding facility shall generate off-site offensive odors.

**HOME OCCUPATIONS**

**Sec. 58.938. - Performance and Design Requirements.**

.....

Zero-Impact Performance Standards. No equipment or process used in the home occupation shall create **noise, vibration, glare, fumes, odors** or air pollution off the building site.

**Sec. 58.971. – Automated Individual Car Wash.**

.....

h) A verification of the peak **noise** levels during the different stages of the operation of the unit shall be conducted during final inspection of the building enclosing the wash facility. The operation of the unit shall meet the Residential Uses Class A Standards as listed in Chapter 42.01 of the City Code prior to receiving final approval.

**MECHANICAL EQUIPMENT**

**Sec. 58.985. - Alternative Standards.**

Air conditioning systems rated at least 15 SEER and 12.5 EER which service single-family, duplex or attached dwelling units may be located no less than one (1) foot from the side lot line and no less than five (5) foot from the rear lot line.

Mechanical Equipment which utilizes an energy efficiency rating standard which is comparable to 15 SEER or 12.5 EER may also utilize these alternative setback standards if:

(a) such rating system is recognized in the Florida Building Code, and

(b) the Building Official determines that the energy efficiency of the mechanical equipment is comparable to 15 SEER or 12.5 EER in regard to **noise**, energy efficiency and emissions, and

(c) the Planning Official determines that there is no adverse effect on adjoining properties by application of the alternative standards.

**Sec. 60.260. - Purpose of Bufferyards.**

Bufferyards required by this Section are intended to separate different land uses from each other and are intended to eliminate or minimize potential nuisances such as dirt, litter, **noise**, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. Plantings provided in connection with bufferyards also assist in reducing air pollution hazards.

**Sec. 61.307. – Parking Garages.**

.....

(e) Mechanical Garages. Automated, robotic or elevated parking garages shall require a Conditional Use Permit. Any application for such approval shall include the following:

(1) A written report, prepared by an independent certified acoustical expert accepted by the City, evaluating an existing mechanical parking system having the specifications of the proposed system. The report shall detail the **noise** levels of the proposed system, with any modifications, and document the system's compliance with the noise provisions of Chapter 42 of Orlando City Code. The design specifications and **noise** levels of any proposed back-up generator shall also be addressed in the report.