



Memorandum

Meeting Details: May 22, 2024, BOC Workshop Meeting

Prepared For: Honorable Mayor Rostek and Board of Commissioners

From: Community Development Department

Subject: Potential amendments to Chapter 34 Environment, Article III Noise of the Madeira Beach Code of Ordinances

Background: The Board of Commissioners discussed potential negative outcomes from mechanical units and hours of operations on commercial properties adjacent to residentially zoned areas. The recent discussion of Ordinance 2024-02 Open Accessory Structures/Shade Structures amends the accessory structure section in the Code and sparked discussion about potential negative impacts with noise. The Board also received concerns and complaints about noise generated during special events.

Discussion: Madeira Beach Code of Ordinances (Sec. 34-90) references the adoption of the Pinellas County Code (Section 58-441 et seq.), but also has a section for enumeration (Sec. 34-87). If the Board of Commissioners would like to pursue more restrictive noise regulations, Section 34-87 provides a potential area to add specific timeframes and/or decibel levels so that our Code would not have to recreate all of Pinellas County's noise ordinance verbiage.

Madeira Beach adopted Pinellas County's noise regulations which do not account for noise across waterways (see table below).

Section 58-450 Table 2.

Zone from which noise emanates	Adjoining commercial zone (no time limit)	Adjoining residential zone 7:00 a.m.—11:00 p.m., Monday through Saturday
Industrial	72 dBA	66 dBA
Commercial	66 dBA	60 dBA

The maximum permitted noise level emanating from a commercially or industrially zoned district, measured at the nearest adjacent residentially zoned property line for the hours between 11:00 p.m. and 7:00 a.m., Monday through Saturday and during all hours of Sunday, shall be 55 dBA.

Moving forward with amending the noise section in the Code, the Board should be aware of other protections in the Florida Statute and exceptions in the Pinellas County noise ordinance. The Florida Statute 379.2351 discusses the importance of commercial and recreational fishing operations and protection of those operations in developing and urbanizing areas. FS 379.2351 “prevents the curtailment or abolishment of commercial and recreational fishing operations solely because the area in which they are located has changed in character or the operations are displeasing to neighboring residents.” The statute goes on to specify legal protection and local ordinances. Staff searched for further assistance in what the city may legally adopt or amend and have not found a clear answer on the topic. Section 58-450(c) of the Pinellas County Noise Ordinance also includes exceptions to the maximum noise levels which includes “A further exception to the noise levels listed in table 2 shall be permitted in instances where an industry or commercial business had in prior years established its place of business in an area away from a residential zone, and subsequently, through the encroachment of residential development or rezoning, now finds itself adjoining a residential zone. In instances of this latter nature, the noise ordinance pertaining to industrial-commercial boundaries shall govern, and the business shall not be required to meet those noise levels pertaining to residential boundaries.”

Recommendation:

BOC to provide recommendations to city staff for further research and potential amendments. City staff recommends finding a subject expert in working waterfronts and commercial and recreational fishing operations in what is reasonable for hours of operations and decibel levels emanating from these types of industries.

Fiscal Impact or Other:

It would be reasonable to anticipate fiscal impacts to businesses if they were required to expend funds to mitigate their current noise and become compliant with new, more restrictive codes. Limited fiscal impact would be expected for additional enforcement of more restrictive codes.

Attachments:

- Madeira Beach Code_Noise
- Pinellas County Code_Noise
- Florida Statute 379.2351