

MEMORANDUM

To: Marco Island City Council

From: Alan L. Gabriel, City Attorney 

Date: April 13, 2026

Subject: Racquet Sports Noise Regulation Options

City Council has received numerous complaints regarding noises resulting from racquet related sport activities that are occurring within certain areas within the city. These activities are occurring within City owned parks, as well as privately owned property. As a result, Council has asked for information as to how such activities, in particular the sounds resulting from these activities, may be managed or regulated.

There are several potential options to regulate racquet-sport court noise whether citywide or by specific individual parcels, (i.e. a city park or specified parcel). Either way, the strongest and most defensible approach generally fall into the following regulatory methods related to the adoption of:

- Objective noise standards;
- Operational restrictions;
- Court-specific mitigation requirements, or
- A combination of all of the above.

The most comprehensive approach to regulate sound would be to adopt a citywide framework that combines measurable sound limits, restricted hours of play, and physical or equipment-based mitigation requirements for properties (racquet courts) that generate recurring noise impacts. The most analogous ordinance provisions in Florida may be the ordinances adopted by the Village of Estero, the Town of Bay Harbor Islands, and the City of Winter Park, each of which provides a different model for how a municipality may regulate this subject matter in a direct and targeted manner. For your convenience, attached is a copy of the Village of Estero's Ordinance that specifically applies to a specific residential planned development that permits recreational uses, including pickleball.

It appears that many Florida municipalities do not regulate pickleball, tennis, racquetball, or similar racquet sport activities by name. Instead, most local governments rely on general noise ordinances that may be enforced against those particular court uses. For that reason, the jurisdictions that expressly address sound generated from racquet-sport courts, impose measurable standards or approval conditions tied to those facilities. In practice, those approaches generally fall into three categories:

- First, objective decibel limits measured at the receiving property line.
- Second, operational restrictions such as limited hours of play or lighting curfews; and
- Third, site-specific mitigation requirements such as quiet paddles, acoustic fencing, sound attenuation walls, or substantial setbacks.

If Council prefers a citywide regulatory approach, the first option would be to amend the City's existing municipal noise ordinance provisions so that court-generated sound would be subject to objective and measurable standards. That approach is best reflected in municipalities such as Holmes Beach, Venice, Fort Myers Beach, St. Pete Beach, and Naples, all of which use measurable decibel thresholds or similar standards that can be enforced against recreational activity when sound levels exceed the allowable limit. The benefit of this approach is that it provides a citywide enforcement mechanism that is not limited to a single facility and can be applied uniformly wherever noise impacts occur.

A second option is to regulate the operation of racquet-sport courts through citywide land development zoning standards, or use-specific operational rules. This approach can include limited hours of play, lighting curfews, setback requirements, appropriate screening, wall requirements, or court-location restrictions. The City of Winter Park, for example, regulates pickleball through the imposition of substantial setbacks, masonry walls, and limited hours. Longboat Key also illustrates the ability to impose conditions at the time of development approval including a lighting cutoff to reduce nuisance impacts associated with evening play. This option is particularly useful if the City wishes to address the problem through the adoption of sound buffering and compatibility standards rather than relying only on after-the-fact noise enforcement.

The third and most restrictive option is to adopt court-specific regulations that directly address pickleball or similar uses by name, and require mitigation measures as a condition of approval or for existing uses to continue operations. The Village of Estero is the clearest example of a municipality requiring a decibel cap, quiet or "Green Zone" paddles, approved balls, acoustic fencing, and restricted hours. The Town of Bay Harbor Islands is among the most restrictive examples because, Bay Harbor Islands specifically prohibits pickleball and requires noise-mitigation features, including sound attenuation measures, for other game courts. If the Council's objective is to adopt the strongest citywide framework specifically directed at racquet-sport noise, those two models provide the clearest guidance.

In practical terms, the most defensible citywide approach would likely combine aspects of each model rather than rely on a single tool. A citywide ordinance could establish measurable noise limits, restrict hours of play, require lighting curfews where appropriate, and impose mitigation requirements for new or expanded courts, including setbacks, screening, sound wall requirements, and quieter equipment standards.

Attachments (3)

Town of Bay Harbor, Florida, Ordinance

Village of Estero, Florida, Ordinance

City of Venice, Florida, Ordinance

CC: Casey Lucius, Interim City Manager
Tracy Frazzano, Chief of Police

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE BY AMENDING SECTION 23-12 ENTITLED GENERAL PROVISIONS; AMENDING SECTION 23-12(26) RELATED TO OUTDOOR RECREATIONAL GAME COURT FACILITIES TO CLARIFY AND EXPAND THE TYPES OF GAME COURT FACILITIES ALLOWED AND TO MODIFY FENCING ALLOWANCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands adopted the first Zoning and Planning Code for the community in June 1957; and

WHEREAS, the Town Council periodically studies various land development trends and issues and amends the Zoning and Planning Code accordingly; and

WHEREAS, the Town retains the services of urban planning professionals to study land development activities and land development regulations and recommend strategies and Code modifications to address identified problems; and

WHEREAS, in 2009 the Town Council adopted land development regulations for outdoor recreational game court facilities such as tennis courts, racquetball, handball, basketball, shuffleboard, children's multi-purpose and similar facilities; and

WHEREAS, the Town Council desires to amend the Town's Zoning and Planning Code to modify those land development regulations to address other types of courts; and

WHEREAS, the Town Council held duly advertised public hearings to consider the proposed modifications to the Town's Zoning and Planning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

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Section 2: That the Town of Bay Harbor Islands Zoning and Planning Code is hereby amended to modify Section 23-12(26) entitled Outdoor Recreational Game Court Facilities to modify certain provisions related to the types of game courts allowed and modify the applicable fencing allowances for certain types of court facilities, as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 14TH day Of May, 2025.

PASSED on Second Reading 11th day Of June, 2025.

ISAAC SALVER
MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC TOWN
CLERK

EXHIBIT A
Amendments to the Town of Bay Harbor Islands
Zoning and Planning Code – Chapter 23

Sec. 23-12. General provisions.

(26) *Outdoor recreational game court facilities.* The following regulations shall apply to all recreational game court facilities, including but not limited to tennis, racquetball, handball, basketball, shuffleboard, children's multipurpose and similar facilities, or any combination thereof, except that pickleball courts and use of any court facility for pickleball is expressly prohibited in the entire Town :

- a) In the RD district the only outdoor recreational game court facilities permitted are tennis, basketball, padel ball and/or children's multipurpose facilities. Such facilities may be approved by the town subject to site plan approval by the design review board, except for a permanent or portable basketball pole installed in accordance with the provisions listed herein.
- b) In all other zoning districts, any individual or combination of recreational game court facilities may be approved by the town subject to site plan approval by the design review board.
- c) Tennis and Padel courts.
 - i. Fencing and Glass. The maximum height allowed for a tennis court fence shall be ten feet. For padel courts, fencing and tempered glass enclosures shall also not exceed ~~ten (10) feet in height~~ the guidelines set forth by the International Padel Federation (FIP). Any such ~~chain-link materials~~ used for either comply with the respective sport's federations guidelines tennis or padel courts shall be clad in black or green vinyl, including all posts and fence surfaces. Notwithstanding the foregoing, padel courts may shall incorporate clear tempered glass or an equivalent material at the ends and near the ends of the court, as necessary to comply with guidelines set forth by the International Padel Federation (FIP). All court netting shall be either black or dark green in color; bright or fluorescent colors are prohibited. Any fencing over exceeding five (5) feet in height must be placed so as to comply with the minimum setback requirements within the district in which the tennis court is located.
 - ii. Playing surface location. Within the RD district the playing surface of a tennis or padel court may not be placed within twenty-five (25) feet of a property line abutting a street, ten (10) feet to an interior side or fifteen (15) feet for the

rear property line. Within any other zoning district, the playing surface of a tennis court may not be placed within the minimum base setback for the district in which the facility is proposed. The town council may consider variations to the above criteria for odd-shaped lots, corner lots or other special instances on a case-by-case basis through the submission of a variance application.

- iii. Hours of operation. The hours of operation of a tennis or padel court shall be between the hours of 9:00 a.m. and 10:00 p.m. during all days of the week. If any accessory lighting is provided the light fixtures shall only be operated when the court is actively used and shall not be illuminated outside of the hours of play specified herein. All such lighting shall be equipped with a timer switch to ensure the lighting will be controlled to operate in the specified time period listed herein. The town manager may authorize the temporary use of a tennis or padel court and/or lighting for special occasions outside of the times listed herein on a case-by-case basis after a written request to do so is submitted to the town and approved by the town in writing
- iv. Lighting . If any accessory lighting is provided, the lighting fixtures shall not produce more than one-half foot-candle at any property line nor more than 75 foot-candles overall. All such lighting shall be equipped with a timer switch to ensure the lighting will be controlled to operate within the specified time period listed herein. The color of any lighting fixture or pole shall match the fence color. No portion of an exterior lighting fixture may exceed ten feet in a required yard area nor a maximum of 18.5 feet in height in the RD district nor more than 25 feet in any other zoning district and shall be aimed and/or provided with cutoffs so that the light source is directed to the outdoor recreational play court facility so as to minimize negative impacts to adjoining properties.
- v. Screening requirements. ~~Sufficient landscaping (trees and/or hedges) shall be approved as part of the site plan, installed when the facility is constructed, and maintained to opaquely screen the fence and all activities from view. The landscaping shall be at least six feet in height at the time of planting and equal to and maintained at the height of the fence within one year of the installation. As a condition of approval during the site plan review process for any proposed tennis or padel court, the applicant shall be required to install and thereafter maintain sufficient landscaping for purposes of visual screening and noise mitigation. Such landscaping shall be installed contemporaneously with the construction of the court and shall consist of trees and/or hedges arranged and maintained in a manner that~~

provides a continuous opaque screen of the court fencing and related activities when viewed from ground level outside the subject property. Hedges shall be not less than six (6) feet in height at the time of planting and shall achieve and be maintained at a height equal to that of the surrounding fence, or to an equivalent line of sight, within one (1) year from the date of installation, except where the court is fully screened from view by existing lawful structures. Trees shall conform to the minimum standards set forth in Section 24-16 of this Code. All required landscaping shall be continuously maintained in a healthy, viable condition and promptly replaced as necessary to ensure ongoing compliance with this section. In addition to the foregoing, a sound attenuation wall, such as a six (6) foot high Acoustiblok barrier or a functionally equivalent noise-mitigating structure, shall be installed along the full length of all sides of the tennis or padel court that abuts a shared property line with an adjacent lot. Said wall shall be constructed simultaneously with the court and shall be maintained in good working condition to ensure effective noise reduction.

- vi) Court Dimensions and Materials. The dimensions and required materials for tennis and padel courts, including but not limited to flooring, fencing, glass, and netting, shall conform to the specifications established by the United States Tennis Association (USTA) for tennis courts and by the International Padel Federation (FIP) for padel courts in effect at the time of the initial permit. Compliance with these standards shall be verified at the time of permit application. No variances shall be permitted from these requirements, except as provided in subsection ii, which addresses irregular or odd-shaped lots.
- d) Basketball.
 - i. Outdoor basketball poles, including moveable relocatable poles, shall not be installed or placed within public road rights-of-way.
 - ii. No exterior lighting shall be allowed specifically for basketball use, except as approved by the town manager.
 - iii. No driveway may be enlarged to serve as a basketball game court.
 - iv. No striping (paint/decal) for any basketball court shall be placed on any public roadway. No striping (paint/decal) for a basketball court shall be placed on any private roadway, driveway or sidewalk without the prior approval of the town. Any such striping or markings shall be limited to inconspicuous colors.
- e) Screening requirements. As part of the site plan review, sufficient landscaping consisting of trees and/or hedges shall be required. This landscaping must be installed during the construction of the padel court and maintained thereafter. It

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should be designed and placed to fully screen the fence and all activities on the padel court from view. The landscaping shall be a minimum of six (6) feet in height at the time of planting and shall grow to and be maintained at the height of the surrounding fence within one (1) year of installation. Additionally, a six (6) foot high Acoustiblok® wall or an equivalent sound-attenuating barrier must be installed along the entire length of the padel court where it borders a property line shared with an adjacent neighbor. This wall is required to reduce noise transmission and must be constructed concurrently with the court.

f) Other game court facilities.

- i. No other type of outdoor recreational game court facilities shall be placed closer than the minimum specified base setbacks for the zoning district in which the facility is proposed.
- ii. No exterior lighting shall be allowed, except as specifically approved by the design review board.
- iii. No driveway may be enlarged to serve as a recreational game court and no portion of a parking lot may be used as a recreational game court without the prior approval of the town.
- iv. No striping (paint/decal) for any recreational game court shall be placed on any public roadway. No striping (paint/decal) for a recreational game court shall be placed on any private roadway, driveway or sidewalk without the prior approval of the town. Any such striping or markings shall be limited to inconspicuous colors.
- v. Any accessory structures such as fences, canopies, etc. shall meet the minimum design standards and setback requirements listed in this section.

g) Miscellaneous requirements.

- i. No portion of an exterior wall surface shall be used for a backboard or rebound wall or structure.
- ii. If multiple plated lots, or portions thereof, are required to allow for the principal structure as well as any accessory uses and structures, including recreational game courts, a unity of title declaration acceptable to the town attorney shall be provided and recorded in the public records prior to the issuance of building permits. This provision shall not be interpreted to prohibit a freestanding recreational game court as a principal use, provided the lands upon which the recreational game court is proposed are adequate "as is" to accommodate the use (i.e. setbacks/screening) or a unity of title declaration acceptable to the town attorney is provided and recorded in the public records prior to the issuance of building permits.

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- iii. In determining the percentage of coverage of a lot by buildings the area of a recreational game court shall not be provided in such computation.
Notwithstanding the above, sufficient drainage shall be provided on-site so as not to negatively affect adjoining properties or public roads.
 - iv. Any recreational game court facilities constructed on the rooftop of a principal or accessory structure shall comply with the provisions contained in subsection (25).
- h) *Nonconforming preexisting game court facilities.* As to any outdoor recreational court facilities that existed as of the date this subsection was adopted (November 9th, 2009), that were previously issued permits from the Town but are in some way in conflict with the provisions stated herein, those improvements shall be allowed to remain as nonconforming, if maintained in a safe and aesthetic manner. If an existing nonconforming outdoor recreational game court facility is altered, it must comply with the current town regulations, to the extent possible, and may be reestablished if in need of repair caused by normal wear and tear to the facility or acts of God. The design review board shall review and approve any alterations to non-conforming outdoor recreational game court facilities. The design review board is authorized to grant variations to the regulations listed herein above for nonconforming facilities. This shall not be construed to require a property owner seeking to repair a nonconforming outdoor recreational game court to file a formal zoning variance application, unless a request is being made to expand the nonconforming of the facility.

VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022 - 15

AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, AMENDING
THE PELICAN SOUND RESIDENTIAL PLANNED
DEVELOPMENT (RPD) ZONING TO ALLOW
RECREATION USES, INCLUDING PICKLEBALL,
IN THE GOLF MAINTENANCE AND STORAGE
AREA ON A 150.23-ACRE PROPERTY ON THE
SOUTH SIDE OF THE ESTERO RIVER, NORTH OF
WILLIAMS ROAD AND WEST OF US 41;
PROVIDING FOR SEVERABILITY; PROVIDING
FOR CONFLICTS; AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, Pelican Sound Golf and River Club represented by Eric Long, and Kenrick Gallander of RWA, Inc. (the "Applicant") filed an application for a zoning amendment to the Pelican Sound Residential Planned Development (RPD) for a 150.23-acre property (the "Property"); and

WHEREAS, the property STRAP number is 32-46-25-E2-00003.10CE and is legally described in Exhibit A; and

WHEREAS, at a duly noticed public hearing held on September 13, 2022, the Planning, Zoning, and Design Board continued the public hearing; and

WHEREAS, at a continued public hearing held on October 25, 2022, the Planning, Zoning, and Design Board recommended _____; and

WHEREAS, a duly noticed first reading was held before the Village Council on October 19, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on November 2, 2022 for adoption of the Ordinance; and

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Zoning Amendment.

The Village Council approves the zoning amendment of the Residential Planned Development to allow for recreation uses, including pickleball, on the Golf Maintenance and Storage Area, subject to the following conditions.

46 **Section 2. Conditions**

47
48 1. Master Concept Plan

49
50 Development of this project must be consistent with the Pelican Sound Golf &
51 River Club, Inc. Master Concept Plan, received April 6, 2022.

52
53 2. Resolution Z-13-003 Amendments

54
55 Zoning Resolution Z-13-003 remains in effect except as amended by this approval
56 for Pickleball Facilities in the Golf Maintenance and Storage Area.

57
58 The following conditions of approval are amended by ~~striketrough~~ for deletions
59 and underline for additions:

60
61 Condition 4. Schedule of Uses

62 Accessory Uses, buildings & structures:

- 63 • Pickleball Facilities

64
65 Condition 15.f.

66 Recreational facilities, Private on-site to include Pickleball facilities, shall be
67 allowed within the designated Golf Maintenance and Storage Area tract as depicted
68 on the approved MCP. Specific to the Pickleball facility, specialized acoustic
69 material shall be provided on the north and south sides of the fencing, and players
70 shall utilize equipment designated as “quiet” or “Green Zone” approved.

71
72 3. Noise Mitigation

73
74 The Pickleball Courts within the Golf Maintenance and Storage Area shall have an
75 eight-foot tall fence and gates installed with 1/8 inch thick sound deadening black
76 Acoustifence material to ensure that the sound generated by the pickleball facility
77 does not exceed the maximum of 66 dBA. The black Acoustifence material will be
78 made to meet the dimensional standards of the eight-foot fence associated with the
79 pickleball courts. Each sound deadening curtain must be made of Industrial, UV
80 resistant Acoustifence material.

81
82 4. Hours of Operation

83
84 Hours of operation for the pickleball courts within the Golf Maintenance and
85 Storage Area are limited to 8 a.m. to dusk.

91 5. Approved Equipment

92
93 The pickleball paddles approved for use are on a “Green Zone” approved list and
94 use of these paddles will be administered by the Pelican Sound Golf & River Club.
95 Use of paddles that are not on the “Green Zone” approved list are prohibited.
96

97 The approved balls for pickleball play are limited to “Onix Fuze 2”, or similar, to
98 reduce noise.
99

100 6. Noise Complaints

101
102 Within 30 days of approval of the Zoning Amendment, the property owner
103 (currently identified as Pelican Sound Golf & River Club, Inc.) must send a letter
104 to every owner of record within 750 feet of the Pickleball Facility area. This letter
105 must include a designated phone number to be used to register a complaint in the
106 event they are disturbed by noise related to the pickleball play. If the contact
107 information changes in the future, a new letter must be sent out in accordance with
108 this condition. A copy of said letter will be provided to the Village of Estero
109 Director of Community Development for inclusion in the official file for this case.
110

111 If excessive noise complaints are received regarding noise from pickleball play, the
112 applicant shall have 30 days to submit a noise mitigation plan to the Village staff
113 for review.
114

115 7. Lighting

116
117 No lighting of the Pickleball Facilities in the Golf Maintenance and Storage Area
118 is permitted.
119

120 **Section 3. Deviation**

121
122 Deviation from LDC Section 5-205.C.3 is approved to allow 16 paved golf cart spaces,
123 with one space being handicap accessible, and a bicycle rack installed with a minimum
124 of 16 bike spaces in lieu of vehicular parking at the pickleball facilities.
125

126 **Section 4. Findings and Conclusions**

127
128 Based upon an analysis of the application and the standards for approval in the Land
129 Development Code, and the conditions of approval, the Council finds and concludes
130 the application:
131

132 1. Is consistent with and furthers the goals, objective, and policies of the
133 Comprehensive Plan and all other Village adopted plans.
134

135 2. Is not in conflict with any portion of the LDC.

- 136 3. Addresses a demonstrated community need
137
138 4. Is compatible with existing and proposed uses surrounding the subject land and is
139 the appropriate zoning district for the land.
140
141 5. Would result in a logical and orderly development pattern.
142
143 6. Would not adversely affect the property values in the area.
144
145 7. Would result in development that is adequately served by public facilities (road,
146 potable water, wastewater, solid, waster, storm water, schools, parks, police, and
147 fire and emergency medical facilities.
148
149 8. Would not result in significantly adverse impacts on the natural environment –
150 including, but not limited to water air, noise, storm water management, wildlife,
151 vegetation, wetlands, environmentally critical area, and the natural functioning of
152 the environment.
153
154 9. Is compatible with existing or planned uses in the surrounding area.
155
156 10. The deviation approved:
157
158 a) Will improve the quality of the proposed RPD;
159 b) Will preserve and promote the general intent of the Land Development Code to
160 protect the public health, safety, and welfare;
161 c) Will be compatible with uses on surrounding property;
162 d) Will not create an undue burden on essential public facilities.
163

164 **Section 6. Exhibits**
165

166 The following exhibits are attached to this Ordinance and incorporated by reference:
167

168 Exhibit A Legal Description

169 Exhibit B Master Concept Plan, received and date stamped April 6, 2022.
170

171 **Section 7. Severability.**
172

173 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance
174 subsequent to its effective date be declared by a court of competent jurisdiction to be
175 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
176 portion thereof, other than the part so declared to be invalid.
177

178 **Section 8. Effective Date.**
179

180 This ordinance shall take effect upon adoption at second reading.

181 **PASSED** on first reading this 19th day of October, 2022.

182

183 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
184 Florida this ____ day of ____ 2022.

185

186

187 Attest:

VILLAGE OF ESTERO, FLORIDA

188

189

190 By: _____
191 Carol Sacco, Village Clerk

By: _____
Katy Errington, Mayor

192

193

194 Reviewed for legal sufficiency:

195

196

197 By: _____
198 Nancy Stroud, Esq., Village Land Use Attorney

199

200

201 Vote: AYE NAY

202

203 Mayor Errington	_____	_____
204 Vice Mayor McLain	_____	_____
205 Councilmember Ribble	_____	_____
206 Councilmember Fiesel	_____	_____
207 Councilmember Boesch	_____	_____
208 Councilmember Ward	_____	_____
209 Councilmember Wilson	_____	_____

210

EXHIBIT A
LEGAL DESCRIPTION

**PELICAN SOUND GOLF AND RIVER CLUB LEGAL
DESCRIPTION:**

IN SECTIONS 29, 32 AND 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA;
BEGIN AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 32;
THENCE RUN N00°55'53"W ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE1/4) FOR 1,226.64 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF A FLORIDA POWER AND LIGHT TRANSMISSION LINE (100 FEET WIDE);
THENCE RUN N20°51'33"W ALONG SAID SOUTHWESTERLY LINE FOR 125.36 FEET TO A POINT ON THE SOUTH LINE OF LOT A56 OF "FLORIDA GULF LAND COMPANY'S SUBDIVISION," AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY;
THENCE RUN S88°27'02"W ALONG THE SOUTH LINES OF LOTS A56, A55, A54 AND A53, SAID SUBDIVISION, FOR 1257.39 FEET TO THE SOUTHWEST CORNER OF SAID LOT A53, OF SAID SUBDIVISION;
THENCE RUN N00°43'04"W ALONG THE WEST LINE OF SAID LOT A53 FOR 1,180 FEET MORE OR LESS TO THE WATERS OF THE ESTERO RIVER;
THENCE RUN NORTHEASTERLY, NORTHERLY, NORTHEASTERLY, EASTERLY, SOUTHEASTERLY AND EASTERLY ALONG SAID WATERS FOR 5,396 FEET MORE OR LESS TO AN INTERSECTION WITH THE WEST LINE OF THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 29;
THENCE RUN S00°11'00"E ALONG SAID WEST LINE FOR 880 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 32;
THENCE RUN N80°49'47"E ALONG SAID NORTH LINE OF SAID SECTION 32 FOR 671.22 FEET TO THE NORTHEAST CORNER OF SAID SECTION 32;
THENCE RUN N88°15'27"E ALONG THE NORTH LINE OF SAID SECTION 33 FOR 395.00 FEET;
THENCE RUN S00°30'33"E FOR 2,647.83 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 33;
THENCE RUN N88°52'58"E ALONG SAID NORTH LINE FOR 887.15 FEET;
THENCE RUN S00°31'21"E FOR 578.29 FEET;
THENCE RUN N88°50'29"E FOR 1,738.60 FEET TO THE WEST RIGHT-OF-WAY LINE OF TAMiami TRAIL [US 41/SR 45 (200 FEET WIDE)];
THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE S05°18'58"W FOR 201.28 FEET;
THENCE RUN S88°50'28"W FOR 1,719.07 FEET;
THENCE RUN S00°31'21"E FOR 1,840.23 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WILLIAMS ROAD (60 FEET WIDE);
THENCE RUN S89°00'54"W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 1,382.17 FEET TO THE WEST LINE OF SAID SECTION 33;
THENCE RUN S89°00'18"W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 2,644.88 FEET
TO THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 32;
THENCE RUN N0°56'02"W ALONG SAID WEST LINE FOR 2,814.20 FEET TO THE
POINT OF BEGINNING.
CONTAINING 561.9 ACRES OF LAND, MORE OR LESS.

THIS LEGAL DESCRIPTION IS INCLUSIVE OF THE FORMERLY LESSED OUT CEMETERY PARCEL, AND THE FORMERLY EXCLUDED TRIANGLE PARCEL.

Prepared by: City Attorney

ORDINANCE NO. 2025-23

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 34, ENVIRONMENT, ARTICLE II, NOISE CONTROL, BY AMENDING SECTION 34-32, MAXIMUM PERMISSIBLE SOUND LEVELS BY LAND USE, AND SECTION 34-34, EXEMPTIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Venice ("City") has encountered situations where water pumps and aerators in ponds and other inland bodies of water serve a necessary purpose but fluctuate between compliant and noncompliant sound levels; and

WHEREAS, the City desires to amend its Code to clarify its noise control ordinance and to allow for the use of water pumps and aerators in a manner that complies with the City's noise control ordinance; and

WHEREAS, the Venice City Council finds and determines that the provisions of this Ordinance are in the best interest and furtherance of the health, safety, and welfare of the City, its citizens and taxpayers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 34, Environment, Article II, Noise Control, Section 34-32, Maximum permissible sound levels by land use, of the City's Code of Ordinances, is hereby amended as follows:

Sec. 34-32. – Maximum permissible sound levels by land use.

(a) *Continuous sound.* The maximum decibel levels from any activity (unless exempted by section 34-34) shall not exceed for a sustained period of time of at least five (5) minutes, at any point on the receiving property's real property line, the sound level limits listed in Table I below.

TABLE I

Receiving Property Use	Time	Sound Level Limit (dB(A))
Residential and Government/Public Space	7:00 a.m. to 10:00 p.m. on weekdays	60
	10:00 a.m. to 10:00 p.m. on weekends and holidays	60
	10:00 p.m. to 7:00 a.m. on weekdays	55
	10:00 p.m. to 10:00 a.m. on weekends and holidays	55

Commercial/ Office	7:00 a.m. to 10:00 p.m.	65
	10:00 p.m. to 7:00 a.m.	60
Industrial	All times	80

(b) *Impulse sound.* Impulse sounds shall be measured in accordance with section 34-35. The sound level limits set forth in Table I shall be increased by six decibels during the time period between 7:00 a.m. and 8:00 p.m.

SECTION 3. Chapter 34, Environment, Article II, Noise Control, Section 34-34 Exemptions, of the City's Code of Ordinances, is hereby amended as follows:

Sec. 34-34. - Exemptions.

The maximum decibel levels of section 34-32 shall not apply to:

- (1) The unamplified human voice.
- (2) The interstate railways, locomotives and cars.
- (3) Nonstationary farming equipment.
- (4) Airports, landing fields, and aircrafts.
- (5) The construction, maintenance, or repair of any public utility, right-of-way, property, or structure, including the operation of public street sweepers.
- (6) Church bells and carillons.
- (7) The Sarasota County public gun range during operating hours.
- (8) Law enforcement and fire department activities and training.
- (9) Solid waste and recycling operations and collection in residential areas from 7:00 a.m. to 7:00 p.m. and in non-residential areas between 5:00 a.m. and 7:00 p.m. During a declared state of emergency, solid waste and recycling operations are fully exempt from the requirements of section 34-32.
- (10) Motor vehicles operating within public and private streets when functioning with all manufacturer's mufflers and noise reducing equipment in use and in proper operating condition.
- (11) Any special event or recreational activity permitted by the city, county, or school district.
- (12) Generators, pumps, or other equipment used during power outages, floods, or other emergencies. Such equipment must be functioning with all manufacturers' mufflers and sound reduction equipment installed and in proper operating condition at all times.

(13) Dewatering pumps for projects with an approved city construction permit provided such equipment is placed as far away from existing residential properties as possible, is posted with a 24-hour contact name and phone number, and is functioning with all manufacturers' mufflers and sound reduction equipment installed and in proper operating condition at all times.

(14) Operating, playing or permitting the operation or playing of any radio, television, musical instruments or similar device between the hours of 7:00 a.m. and 10:00 p.m.

(15) Operating or permitting to be operated any loudspeaker, musical instrument, sound reproduction device or similar equipment in any place of public entertainment, including restaurants and bars, between the hours of 7:00 a.m. and 10:00 p.m. During all other times, the sound produced shall not be able to be heard in any residential area.

(16) Utilizing power equipment and tools to perform golf course maintenance between the hours of 5:00 a.m. and 9:00 p.m.

(17) Heating and cooling devices, water pumps used for aeration or circulation in bodies of water, chillers, and residential pool and spa equipment, provided the equipment is in proper working order.

(18) Operating or causing the operation of any equipment or tools used in construction, drilling, repair, alteration or demolition work between the hours of 6:00 a.m. and 9:00 p.m. on weekdays, or between 9:00 a.m. and 9:00 p.m. on weekends or holidays. This subsection shall not apply to the use of domestic power tools as specified in subsection (19) of this section.

(19) Operating or permitting the operation of any domestic power tool, powered lawn or garden tool, or similar tool between the hours of 7:00 a.m. to 10:00 p.m. on weekdays, and between the hours of 8:00 a.m. to 10:00 p.m. on Saturdays and legal holidays, and between the hours of 9:00 a.m. to 10:00 p.m. on Sundays. All such equipment shall be properly muffled and maintained in working order so as not to create unusually loud, excessive and unnecessary noise.

SECTION 4. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 6. This ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 24TH DAY OF JUNE 2025.

First Reading: June 10, 2025

Second Reading: June 24, 2025

Adoption: June 24, 2025

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 24th day of June 2025, a quorum being present.

WITNESS my hand and the official seal of said City this 24th day of June 2025.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney