



DOWNTOWN SOUND ATTENUATION LDC AMENDMENT

SUMMARY

<p>Owner N/A</p> <p>Applicant City of Orlando</p> <p>Project Planner Jason Burton, AICP</p>	<p>Request: Amendment to the Land Development Code, adding Section 62.507 creating special standards within the Downtown Entertainment Area in regards to sound attenuation, and providing for an administrative review for outdoor speakers.</p>	<p>Location: Downtown Entertainment Area</p> <p>Staff's Recommendation: Approval of the request.</p> <p>Public Comment Staff posted this item on the city's website and placed a classified ad in the Orlando Sentinel. The concepts were also presented to the CRA/DDB's Nighttime Economy Committee in March 2022.</p>
<p>Updated: May 9, 2022</p>		

Overview.

The City of Orlando has begun a process to better control behavior in the Downtown area that is peripheral to the robust bar and nightclub scene. The ultimate goal of Downtown Orlando is to become the premiere urban neighborhood of Central Florida, built upon a “live, learn, work and play” model that makes our region competitive with other metropolitan areas. In order to realize these goals, the City Planning staff is bringing forward three key amendments to the Land Development Code with a related Growth Management Plan amendment. These amendments seek to refine the nighttime operations of the Downtown in order to increase safety, ensure compatibility of uses, and reduce nuisances. These three subjects include:

- Parking Facilities,
- Sound/Noise Attenuation (the subject of this staff report), and
- After-Midnight uses.

Like many cities, Downtown Orlando’s thriving Downtown Entertainment Area works to strike a balance between the economic vitality of businesses, a hospitable location for visitors, and providing a livable place for residents as Central Florida’s premier urban neighborhood.

Analysis

Since June 2021, the City of Orlando has enforced a moratorium on speakers in the public rights-of-way, which is due to expire August 31, 2022. During the moratorium, the Downtown Development Board/CRA initiated funding for a code enforcement detail that began to actively enforce the city’s current noise ordinance for speakers on private properties (Chapter 42 of the Municipal Code). As a result, the overall noise level in Downtown Orlando has lessened inside the Entertainment District Area, and we are now ready to refine the relevant codes and provide a specific outdoor loudspeaker permit process for private property within our Land Development Code.

In addition to outdoor speakers on private properties, sidewalk cafes have been allowed to have outdoor speakers within the public right-of-way. They are intended to be ambient speakers that are accessory to patrons in the sidewalk café area. There are also provisions in the Noise Ordinance for encroachment agreements for other permanently installed speakers within rights-of-way (e.g. potentially in places like Wall Street). The Noise Ordinance also provides a process for the Chief of Police to approve outdoor speakers on private property for occasional use (special events, no greater than once a quarter). Further, special events may occur on public properties and rights-of-way with an “18A permit” - which refers to the Municipal Code section for such permits. These events are sometimes coupled with the above outdoor speaker permit. These various permits are not intended to exempt properties use restrictions contained in the Land Development Code, nor provide Noise Ordinance exemptions.

This proposal seeks to implement a Land Use permitting process for outdoor loudspeakers on private property within the Downtown Entertainment Area. This recommendation is coupled with updates to the Noise Ordinance that clarifies its provisions to allow for even enforcement, while actually increasing the allowed decibels to a manageable level within the Downtown Entertainment Area only. These new proposed levels are analogous with similar entertainment area limits on noise in comparable cities. Additionally, in order to provide proactive management of potential sources of noise, such as outdoor speakers, a noise report requirement is proposed.

Noise Ordinance:

Outside of the Land Development Code, the city staff propose refinements to the Noise Ordinance (Chapter 42 of the Municipal Code). The goal is to reduce the overall amount of noise in the Downtown Entertainment Area, creating a safe and hospitable environment for both patrons of the establishments and residential uses that are within the area. It's important to understand the basics of these changes and how they relate to the new Land Development Code changes that are proposed for outdoor speakers.

Increase allowable decibels in the Downtown Entertainment Area. A proposed increase to the maximum allowable decibel level to 85 dBA/90dBC between the hours of 7AM and 11:59 on weekdays, and 7AM and 1:59AM on the weekends. The current levels are 75dbA/80dBC.

While it may sound counterintuitive, it is recommended that the allowable decibels in the Downtown Entertainment Area be increased to a realistic level that can be actually enforced. The most objectionable sounds emanate at levels above the proposed 85dBA/90dBC level, while most complaint driven noise enforcement occurs at over the 95 decibel level. Additionally, most comparable cities have this allowable level of noise within similar entertainment districts. The following is a summary of relevant cities and how they comparatively enforce sound in similar entertainment district situations (from most to least restrictive):

Charleston	No outdoor speakers/must close all doors and windows at 11:00 PM
Atlanta	Cannot be audible at 300 feet (100 feet after midnight)
Tampa	85 dBA (at property line)
Austin	85 dBA (at property line)
Orlando (proposed)	85dBA/90dBC (at property line or 50-ft from the source, whichever closer)
Nashville	85 dBA (at property line, live music is exempt, not DJ's)
Ft. Lauderdale	85 dBA/95 dBC (70 dBA/80dBC after 1:00 AM)
Miami (Wynwood)	80 dBA (25 feet from the property line)
Pittsburgh	75 dBA or 3 dBA above ambient level
San Francisco	8 dBA/dBC above ambient level
New Orleans	10 dBA above ambient level

Elimination of Ambient Level Ceiling. Currently, the Noise Ordinance {Section 42.03(3)} provides a provision that when the ambient noise level exceeds the allowable stated level, then the ambient level becomes the allowable exterior noise level. This provision is proposed for deletion, as within an entertainment or commercial district, neighboring speakers may be turned up continuously to create a new ceiling on the noise level. This creates a provision in the Downtown Entertainment Area that causes confusion in its enforcement and is counterproductive in controlling the overall noise level within a district that may have multiple outdoor and indoor speakers that are in non-compliance.

Sidewalk Café Speakers. Currently, sidewalk café speakers are allowed on the city's public rights-of-way. Only those locations that have a sidewalk café permit are allowed to have such speakers. It is proposed that sidewalk café speakers only be allowed to operate until midnight, limited in size to 4" or less, and be ambient-type speakers only. This will limit noise generating activities on the city controlled rights-of-way and lessen the street party atmosphere of the Downtown Entertainment District in the late-night hours.

ANALYSIS CONTINUED...

When unmitigated, noise contributes to confusion when communicating with citizens, establishment management, and amongst police officers during critical times after midnight. Additionally, café speakers in the rights-of-way should not be freestanding, but attached permanently and appropriately to the building through proper historic preservation review or appearance review (whichever is applicable). This will limit the size of the speakers as well as their visual obtrusiveness to the historic resources that are found throughout the Downtown Entertainment Area. It also prevents an establishment from placing large, nightclub-type speakers on the City's controlled rights-of-way, which is an inappropriate use of the City's rights-of-way.

Indoor Speaker Orientation. The current noise ordinance requires that interior speakers be oriented away from entrances and openings of buildings in order to mitigate for noise emanating from a building; yet, there is no regulation that best defines which speakers must be oriented in such a manner. It is proposed that all speakers within 20-ft from such openings to a building be oriented toward the interior, pointed opposite and away from openings. This will better define the requirements and reduce noise escaping to the exterior of buildings and the rights-of-way.

Clarification to Sound Measurement. The current noise ordinance requires measurements "50 feet from the source of the noise or from the real property line" when taking measurements of the maximum decibels allowed to be generated. The intent is to measure whichever is closer; however, multiple parties may read this clause and conclude that a measurement is to be taken 50-ft away from the property line as well as 50-ft from the source of the noise.

The City attorney is drafting changes to clarify that the measurement may be taken at the closer location to the source of the noise (the speaker), as the intent of the noise ordinance is to control the amount of noise emanating from the private property. The 50-ft measurement requirement will also be kept, as it is intended to control the amount of noise emanating from speakers that are not on private property (such as in the public rights-of-way approved as part of an encroachment agreement), or those speakers that maybe outdoors on a given private property in order to control the amount of noise generated from outdoor speakers.

Special Event Speaker Permits. The Police Department has a process to approve outdoor loudspeakers for special events within the Noise Ordinance; this would include outdoor concerts at the Dr. Phillips Center, street festivals such as Florida Music Fest, and outdoor concerts at venues. It is proposed that outdoor loudspeakers comply with the Noise Ordinance for such events, unless there is a specific request to be exempted. Only the City Council would have the ability to exempt a special event from the Noise Ordinance, following a recommendation from the Police Department internally coordinated with affected City departments. A Council policy is proposed that no such outdoor speakers be allowed through such permits to be operated between the hours of midnight and 7:00 AM weekends (Friday and Saturday nights), and 10:00 PM and 7:00 AM weekdays (other weeknights) within the Downtown Entertainment Area.

Land Development Code:

The use of outdoor speakers is especially challenging, as they require additional mitigation and analysis to meet the requirements of the code such as not to disturb the environs of a mixed-use Downtown. The allowed levels Downtown are already above that of standard development (for residential and mixed-use development elsewhere), yet require additional controls to ensure compliance. As such, it is proposed that a discretionary land use permit be provided for administrative review in order for private properties to utilize outdoor speakers within the Downtown Entertainment Area. Both new and existing outdoor speakers will need to go through the process in order to ensure compliance with the Noise Ordinance. An amortization schedule over a six month period is proposed for any existing outdoor speakers that wish to continue to operate within the Downtown Entertainment Area.

ANALYSIS CONTINUED...

The reasons for prescribing a new process are warranted, considering the level of ambient noise that currently exists in the Downtown Entertainment Area. Staff has taken sound level readings at specific corners over a typical three-day weekend period within the core of the Downtown Entertainment Area - from Friday, February 25, to Sunday, February 27, 2022. These ambient levels demonstrate that even with a moratorium on outdoor speakers within the City’s rights-of-way, the ambient levels of overall noise emanating from private properties are over the allowable limits just for their ambient level, let alone in relation to a specific source of noise.

See the chart below which shows the A-weight and C-weighted decibel scale readings for each night at specific times, with non-compliant levels underlined per today’s standard of 75dBA/80dBC. A-weighting scales are appropriate for measuring mid-range and ambient levels; C-weighting measure all frequencies equally (including low and high frequencies of music) —much like the human ear.

Downtown Entertainment Area Ambient Noise Levels, dBA/dBC

Time	10:00 PM			Midnight			3:00 AM		
	FRI	SAT	SUN	FRI	SAT	SUN	FRI	SAT	SUN
Orange Ave & Washington St	<u>76.2/80.3</u>	<u>69.8/86.0</u>	<u>70.2/88.0</u>	<u>74.3/93.5</u>	<u>78.2/91.6</u>	<u>67.1/81.6</u>	62.8/75.2	63.8/75.2	59.7/73.1
Orange Ave & Central Blvd	<u>65.0/84.6</u>	<u>71.8/81.7</u>	<u>70.5/89.2</u>	<u>73.3/87.0</u>	<u>74.4/88.8</u>	<u>69.8/82.1</u>	68.6/74.2	68.5/79.1	66.2/71.1
Orange Ave & Pine St	<u>75.4/95.5</u>	<u>71.8/81.7</u>	<u>71.8/83.7</u>	<u>76.0/88.5</u>	<u>74.4/88.8</u>	<u>73.0/84.1</u>	<u>68.1/87.4</u>	68.5/79.1	71.5/77.2
Magnolia Ave & Pine St	<u>71.4/87.0</u>	<u>68.1/85.5</u>	<u>65.0/81.8</u>	<u>77.3/91.8</u>	<u>74.2/87.5</u>	<u>66.2/84.3</u>	64.5/79.2	58.3/78.5	68.0/54.7

The above chart shows that the amount of existing ambient noise within the Downtown Entertainment Area at these specific corners is always over the limit of 75dBA/80dBC at 10:00pm and midnight on each night of the weekend of February 25-27, 2022. There is good reason to control individual sources of noise—especially outdoor speakers— since even the ambient level is not meeting the current prescribed levels of the Noise Ordinance. In order to control this overall level of noise, outdoor speakers need to be adequately controlled by the following means:

Noise Report Requirements. All outdoor speakers on private property will be required to submit for a Planning Official determination approving the use of outdoor speakers within the Downtown Entertainment Area. Each application will need to be accompanied by a noise report prepared by a qualified independent acoustical engineer (not an audio technician, but an acoustical consultant that is qualified to prepare an environment noise assessment). The noise report will need to test, or model, the outdoor speakers for compliance with the noise ordinance, including any noise attenuation or other mitigation needed to comply with the ordinance. This may include re-orienting the speakers, limiting their output, installation of a greater array of smaller speakers, installation of acoustical treatments which absorb or block the noise, and other appropriate measures that comply with the limits established by the noise ordinance.

The Noise Ordinance also provides a process for the permanent installation of outdoor speakers within the rights-of-way and public properties through an encroachment agreement. In that case, a similar Planning Official Determination will be required, accompanied by a noise report that contains the same information as the above for private properties.

Amortization of Existing Outdoor Speakers. Existing outdoor speakers will need to disclose to the Planning Official within 90 days of the effective date of the proposed ordinance of their intent to keep operating by making an application for determination or cease operations (by October 1, 2022), The required noise report, Planning Official determination and required mitigation must be put into place by January 1, 2023, 180 days from the effective date of the ordinance.

Noise Report for New Developments. At the discretion of the Planning Official, master plans and other discretionary land use permits for residential and hotel development within the Downtown Entertainment Area may need to provide acoustical treatments to mitigate for ambient noise to meet acceptable residential standards (typically 55 dBA/60 dBC interior for residential properties). A noise report with suggested acoustical treatments may be required to accompany an application for new development, which may suggest improvements, such as double paned windows and other acoustical treatments, that create an acceptable environment for such development.

Current Property Rights for Outdoor Speakers.

It should be noted that the current Land Development Code limits certain uses in the Downtown, yet many bars, nightclubs and restaurants have morphed over the years due to inconsistent enforcement activities. As such, the staff believes that there maybe use compliance issues in relation to the use of outdoor speakers, outdoor nightclubs, and other special events that subvert the intent of the city's Land Development Code.

Nightclubs as Indoor Recreation Use. The City's Land Development Code classifies nightclubs as an intensive indoor recreation use. The intent is that such activities occur indoors, and not outdoors. A nightclub can be any business that provides any of the following: a business that provides entertainment; a business that charges a cover; a business that plays music above 85 decibels at any sound source, or; a business that has assembly occupancies.

Considering the above, it is implied in the current Land Development Code that nightclubs are intense indoor recreation uses that are prohibited from having outdoor spaces that would disturb the surrounding environs of a mixed-use Downtown. However, within Downtown Orlando, several after-midnight uses have evolved over the years to include significant outdoor components. The goal is to allow (or appropriately limit) these outdoor areas approved as accessory uses to eating and drinking establishments which operate after midnight (to be reviewed during the Special Use Permit process proposed in an accompanying staff report); however, the use of any outdoor speakers in those accessory outdoor spaces will be regulated by the proposed noise report and Land Development Code outdoor speaker permit process to ensure that they meet the Noise Ordinance.

Growth Management Plan Analysis.

Simultaneously with these three code amendments regarding Downtown parking facilities, sound attenuation, and after-midnight uses, a City initiated Growth Management Plan amendment is proposed to our Future Land Use Element. The intent is to specifically bolster the effort of creating the premier urban neighborhood in Central Florida, by regulating these particular subjects for better use compatibility, diminution of nuisances, and promoting the management of uses, noise and parking.

Therefore, the following policy is proposed to be added to Future Land Use Goal 5 (Downtown Orlando—Planning for the Future) Objective 5.1:

Policy 5.1.2 The City of Orlando shall manage late-night uses, sound attenuation and parking facilities to bolster Downtown as the premier urban neighborhood of Central Florida, diminish nuisances, and promote use compatibility. The techniques for the management of these issues shall be provided by regulations within the Land Development Code.

This new policy specifically creates the concept of furthering the management of these issues, provides a specific requirement for the land development code amendment proposed, and relates to the other policies that control the development of Downtown Orlando. With the proposed Growth Management Plan Amendment, the proposed amendments are compatible and specifically consistent with the goals, objectives and policies of the Growth Management Plan.

The proposed GMP amendment is being processed as a text amendment in accordance with the requirements of Chapter 163.3184(3), Florida Statutes.

Specific Findings for LDC Amendments.

At minimum, the City staff report to the Municipal Planning Board (MPB) is required to provide concepts sufficiently developed to give the MPB adequate information to make a Growth Management Plan consistency determination; whether the proposed amendment is consistent with the public health, safety and welfare; whether the proposal will likely result in compatible or incompatible land uses; and results in orderly and logical development patterns.

The amendment is crafted to address all of the above findings to create more compatible land uses within the Downtown with logical requirements that will begin to address the issues that the City is experiencing with outdoor speakers in the Downtown Entertainment Area and overall noise levels. These rules are needed in order to improve the overall safety of the public and result in more compatible uses within the Downtown Entertainment Area.

CONCLUSION

The City has an interest in creating the best urban environment in Central Florida in Downtown Orlando. The priority is to create an urban living environment that balances several interests, including both residential and nighttime economy uses that make our Downtown regionally competitive with other metropolitan areas. Noise and sound attenuation is a sensitive issue that requires further control by our Land Development Code in order to create an adequate regulatory environment that proactively encourages compliance. The recommendation from staff accomplishes this goal, and furthers the safe and effective management of uses in the downtown.

FINDINGS

In review of the proposed LDC amendment, it is found that:

1. The proposed Land Development Code amendment is consistent with the State Comprehensive Plan (Chapter 187, Florida Statutes).
2. The proposed Land Development Code amendment is consistent with the East Central Florida Strategic Regional Policy Plan.
3. The proposed Land Development Code amendment is consistent with the provisions of Chapter 163, Part II, Florida Statutes.
4. The proposed Land Development Code amendment is consistent with the objectives and policies of the City's adopted Growth Management Plan (GMP).

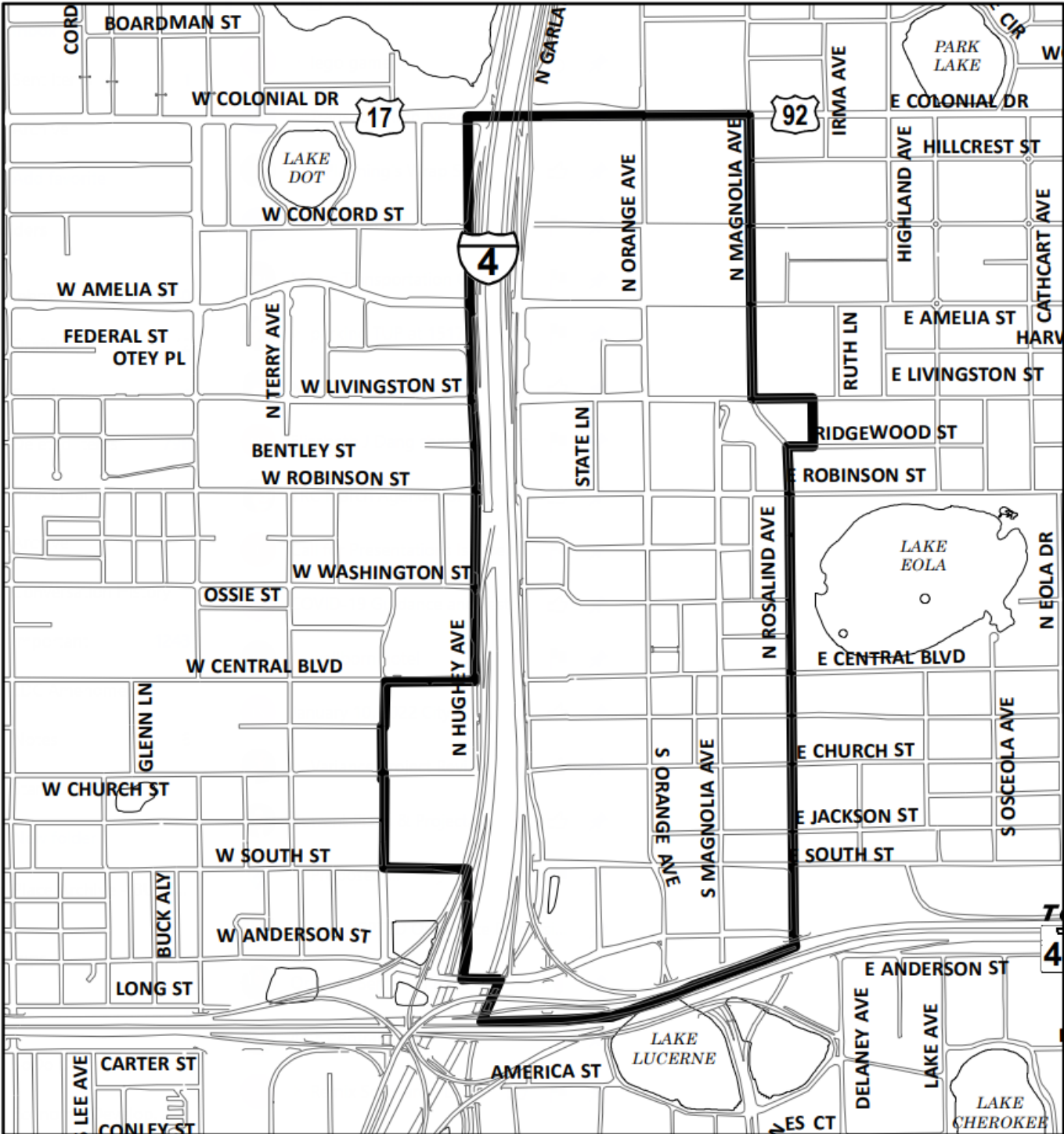
RECOMMENDATION

Staff recommends approval of the proposed amendment to the Orlando Land Development Code.

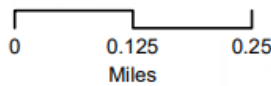
POTENTIAL NEXT STEPS

1. Drafting of the Final Ordinance by City Attorney
2. Acceptance of Municipal Planning Board minutes by City Council—June 20, 2022
3. Potential First Reading of Ordinance—June 20, 2022
4. Potential Second Reading of Ordinance/Adoption—July 18, 2022


Figure 1 Downtown Entertainment Area



LEGEND



PROPOSED LDC2022-10010

 Downtown Entertainment District



DRAFT CODE LANGUAGE—LDC

Below is a draft section of the Land Development Code (LDC) regarding sound attenuation within the Downtown Entertainment Area. Separately, the City attorney will prepare updates to the Noise Ordinance based on the other principals contained within this report.

Sec. 62.507 Sound Attenuation in the Downtown Entertainment Area.

In order to control noise within the Downtown Entertainment Area, the following requirements regarding sound attenuation shall be enforced.

- a) *Outdoor Speakers.* All outdoor speakers are required to submit for a Planning Official Determination approving their use within the Downtown Entertainment Area (see Chapter 42, Figure 1):
 - a. Each application for an outdoor speaker on private property shall be accompanied by a noise report prepared by a qualified independent acoustical engineer. The noise report shall test, or model, the outdoor speakers for compliance with the noise ordinance, including any noise attenuation or other mitigation needed to comply with the ordinance. This may include reorienting the speakers, limiting their output, installation of an array of smaller speakers, installation of acoustical treatments which absorb or block the noise, and other appropriate measures that comply with the limits established by the noise ordinance.
 - b. All outdoor speakers approved by the City as part of an Encroachment Agreement on the public rights-of-way shall also submit a noise report similar to the above.
 - c. The Planning Official may limit the manner in which an outdoor speaker is used, including restricting the time and activity that may take place to minimize noise and vibration effects.
 - d. All existing outdoor speakers as of July 1, 2022 will need to disclose to the Planning Official by October 1, 2022 of their intent to keep operating by making an application for the above or cease operations. The required noise report, Planning Official determination and required mitigation must be completed by January 1, 2023.
 - e. All speakers within approved Sidewalk Café areas shall not operate between the hours of midnight and 7:00 AM. Sidewalk Café speakers shall be less than 4", ambient-type speakers, and permanently installed through the appropriate Historic Preservation or Appearance Review Board review. The Planning Official may appropriately limit the use of speakers within any Sidewalk Café area.

- b) *New Development.* At the discretion of the Planning Official, master plans and other discretionary land use permits for residential and hotel development within the Downtown Entertainment Area may need to provide acoustical treatments to mitigate for ambient noise to meet acceptable residential standards. A noise report with suggested acoustical treatments may be required to accompany an application for new development, which may suggest improvements, such as double paned windows and other acoustical treatments, that create an acceptable environment for such development.

DRAFT CODE LANGUAGE—NOISE ORDINANCE

Below is an initial draft section of the Noise Ordinance. While this section is not subject to Municipal Planning Board review, it is important to understand the update in the context in relation to the proposed Land Development Code amendments, and the holistic approach being taken to better regulate noise within the Downtown Entertainment Area.

Section 42.03. Noises to Which Standards Apply.

~~(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.~~

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

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.

TABLE INSET:

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.

Downtown Entertainment Area	7 AM—11:59 PM 75 85dBA/ 80 90dBC	12 AM—7AM 70dBA/75dBC	Weekdays
	7 AM—1:59 AM 75 85dBA/ 80 90dBC	2 AM—7 AM 70dBA/75dBC	Weekends

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.

Section 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 ~~50 feet from the source of the noise or from the real property line of the property generating said noise~~ or measured 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). The City reserves the right to use the most restrictive or closest method of measurement.
- (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 ~~50 feet from the source of the noise or from the real property line of the property generating said noise~~ or measured 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). The City reserves the right to use the most restrictive or closest method of measurement.

Section 42.05. Additional Prohibited Acts.

(3) *In the Downtown Entertainment Area:*

b. Any such machine, instrument, speaker, or device being used inside of a building, structure, room, chamber, or other similarly defined area ~~shall not in any way face or direct the sound toward any that is located within 20 feet from an~~ open entrance or exit, or any window or other similar opening in the building, structure, room, chamber, or other similarly defined area. shall be oriented toward the interior and pointed opposite and away from such openings.

Section 42.07. Use of Mechanical Loud Speakers or Amplifiers Out of Doors

(1) Unless exempt pursuant to subsection 42.07(6), it is hereby made unlawful to use any mechanical loud speaker or other sound amplification device on a truck or other moving vehicle or out of doors on public or private property except under a permit issued by ~~the Chief of Police or the City's Permitting Services Division~~ the City of Orlando.

(4) Each permit application shall include the name, address, and telephone number of the permit applicant. The applicant shall submit a plan showing the proposed location and orientation of the loud speaker(s) or sound amplification device(s) to be used, the street address and specific location at that address for the proposed use, the hours of operation of the loud speaker(s) or sound amplification device(s), ~~and~~ a description of the loud speaker(s) or sound amplification device(s) including its decibel level, and such other information pursuant to City Code section 62.507 as applicable.

If the loud speaker(s) or sound amplification device(s) is being used out of doors temporarily for a ~~particular~~ special event, the permit application must be submitted to the Chief of Police at least ~~three~~ sixty business days, excluding holidays, in advance of the installation of the equipment and must be accompanied by a ~~\$20.00 processing permit fee set by resolution of the City Council.~~ Such usage must comply with this Chapter unless a request for an exemption is submitted. City Council may approve such request following a recommendation from the Chief of Police, or his or her designee. If the use of such speaker or device out of doors will be continual, the permit application must be submitted to the ~~Permitting Services Division~~ Planning Official pursuant to City Code section 62.507 prior to the installation of the equipment.

(5) The Chief of Police or ~~the Permitting Services Division~~ Planning Official shall ~~issue~~ approve a permit application provided that the proposed use and speaker or device:

(b) Will not interfere with any governmental function or with any event previously permitted pursuant to Chapter 18A, Orlando City Code, or with any event scheduled through the Families, Parks and Recreation Department if the proposed use of the speaker or device is temporary for a ~~particular~~ special event; and

(c) Is not for a location within 1,000 feet of an activity or another location previously permitted under this section for the same date and time if the proposed use of the speaker or device is temporary for a ~~particular~~ special event; and

(e) Will not operate between the hours of midnight and 7:00 am weekends (Friday and Saturday nights) and 10:00 pm and 7:00 pm weekdays for special events within the Downtown Entertainment Area.

If the use of the loud speaker sound amplification device is not temporary for a ~~particular~~ special event, but instead is continual, the permit shall be valid for a period of 12 months from the date of issuance, at which time the City may renew the permit for the next 12-month period under the same conditions provided the renewal fee is paid and the number, type, and location of the speaker(s) or device(s) has not changed.

(8) Except for loud speakers and sound amplification devices installed by the City, such speakers and devices that are permitted for continual use out of doors under subsection (1) shall not be located within the public rights-of-way, including the air space above such public rights-of-way, unless such use is for a permitted sidewalk café or for space that is part of an encroachment agreement with the City. In that instance, such speakers and devices shall comply with the standards set forth in City Code section 62.507 and shall not face or direct the sound upward toward airspace or toward any adjacent businesses, streets, alleys, rights-of-way, or property. Instead, such speakers or devices, whether permanently mounted or affixed to the exterior of the building or structure ~~or freestanding~~, shall be set in such a way that the sound is directed downward and inward toward patrons and complies with the sound levels and standards set forth in section 42.02 through 42.05 herein. ~~If the speakers or devices are freestanding, they shall not be elevated more than five feet off of the ground.~~

MAP INSET: Figure 1