



AGENDA MEMORANDUM

Recreation Department

City Council Meeting Date: October 7, 2025

To: City Council
From: Andrea Miller, Recreation Director
Date: September 24, 2025

SUBJECT: Request from Sundial Beach Resort and Spa to consider an accommodation to Chapter 30, Article III, Sec. 30-64. - Noise disturbance, for Special Event Permit 25-124

BACKGROUND: Sundial Beach Resort and Spa is requesting City Council consideration to make an accommodation to Chapter 30, Article III, Sec. 30-64 Noise disturbance, for Special Event Permit 25-124. This is for an outdoor New Year's Eve event on the pool deck at Sundial for approximately 150 guests with a DJ from 8:00 p.m. until midnight. The request from Sundial is to extend the event end time from 10:00 p.m. until midnight on December 31, 2025.

Attached please find the request letter from Sundial Beach Resort and Spa as well as the special event permit including event details & layout.

Previously, Council granted a similar request, at a non-beachfront property, with decibel requirements as outlined in Chapter 30, Article III, Sec. 30-64 (shown below).

Sec. 30-64. Noise disturbances.		
(a) <i>Maximum permissible sound levels by receiving land use.</i> Operating, or causing or permitting to be operated, any source of sound in such a manner as to create a sound pressure level which, when measured at or outside of the real property line for the property on which such sound is created, exceeds the limits set forth for the receiving land use category (where the sound pressure level is measured) in the following table is hereby declared to be a noise disturbance in violation of this article:		
SOUND PRESSURE LEVELS BY RECEIVING LAND USE		
Receiving Land Use Category	Time	Sound Pressure Level Limit (dBA)
Residential zone, public space, or institutional zone	7:00 a.m.—10:00 p.m.	65
	10:00 p.m.—7:00 a.m.	60
Commercial zone	7:00 a.m.—10:00 p.m.	72
	10:00 p.m.—7:00 a.m.	65
(b) <i>Correction for character of sound:</i>		
(1) For any source of sound which emits a pure tone, the maximum sound pressure levels set forth in the table in subsection (a) of this section shall be reduced by 5 dBA.		
(2) For any source of impulsive sound which is of short duration with an abrupt onset, the maximum sound pressure levels set forth in the table in subsection (a) of this section shall be increased by 10 dBA from 7:00 a.m. to 10:00 p.m.		
(c) <i>Multifamily dwellings and duplexes.</i> In the case of multifamily dwellings and duplex dwelling units, it shall be unlawful to create or permit to be created any sound that exceeds a sound pressure level of 50 dBA, during the hours between 7:00 a.m. to 10:00 p.m., or 45 dBA during the hours between 10:00 p.m. and 7:00 a.m., daily, measured from a neighbor's dwelling unit within such multifamily or duplex structure.		
(d) <i>Construction noise.</i> No person shall operate or permit to be operated any power-driven construction equipment without a muffler or other noise reduction device at least as effective as that recommended by the manufacturer or provided as original equipment. Construction equipment that must be operated in or within 100 feet of a residential zone on a 24-hour per day basis (i.e., pumps, well tips, generators, etc.) shall be shielded by a barrier to reduce the noise during the hours of 5:00 p.m. to 7:00 a.m., unless the unshielded sound pressure level is less than 55 dBA, measured at the closest adjacent residential zone property line.		
(e) <i>Waivers.</i> An exception to the sound pressure level is listed in this section may be permitted by the granting of a waiver, under circumstances in which the activity creating the noise is of such importance to the public welfare, health or safety that the activity cannot be shut down, even though its sound pressure level exceeds those given in this section. Such waivers shall be granted by the city council.		
(Code 1981, § 12-4)		

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Direction to staff

Sanibel is and shall remain a barrier island sanctuary