

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON MONDAY, **FEBRUARY 12, 2024**, IN FORT PIERCE RIVERWALK CENTER, 600 NORTH INDIAN RIVER DRIVE, FORT PIERCE, FLORIDA.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Ms. Carter entered the meeting at 2:15 PM.

Present: Nichelle Clemons; Justine Carter; Uline Daniel; Alexander Edwards; Anton Kreisl; John Hening; Frank Creyaufmiller, Chairman

Staff Present: Kev Freeman, Planning Director
Vennis Gilmore, Assistant Planning Director
Ryan Alitzer, Senior Planner
Alicia Rosenthal, Planning and Development Organizer

4. **CONSIDERATION OF ABSENCES**

All members were in attendance.

5. **APPROVAL OF MINUTES**

a. Minutes from the January 8, 2024 meeting

Motion was made by Anton Kreisl, and seconded by Nichelle Clemons to approve the minutes from the January 8, 2024, meeting.

AYE: Uline Daniel, Alexander Edwards, Anton Kreisl, John Hening, Nichelle Clemons,
Chairman Frank Creyaufmiller

Passed

6. NEW BUSINESS

a. Conditional Use - Mixed-Use Family Indoor Entertainment Center - 111 Orange Avenue

Mr. Freeman provided an overview of the application and answered questions from the Board on parking and preventing an arcade from coming in. He stated the staff initiated application is for a property located within the C-4 Zoning district which does not permit Arcade Amusement Centers and Amusement Arcades by right. Mr. Freeman noted the City Commission did not want downtown proliferated with arcades, which are essentially gambling locations. Mr. Freeman said staff recognized the differentiation between amusement arcades, which give prizes and cash, and family-based entertainment, which is aimed at younger children and families, which includes video games, skeeball, bowling games, simulated sports and ancillary eating facilities. Mr. Freeman explained the Florida State Statute supports 'Family Amusement Centers' and restricts the types of games and machines therein. Mr. Freeman stated the City Commission directed staff to move forward with the Conditional Use to allow family amusement centers in order to increase foot traffic downtown. Mr. Freeman said the Future Land Use is Central Business District (CBD), which supports a mix of uses and is typical in a downtown area, and the C-4 Zoning permits mixed use and indoor entertainment. Mr. Freeman also noted that Family Entertainment Centers restricts gambling machines.

Mr. Kreisl asked how the Conditional Use is being defined. Mr. Freeman explained a code change would be introduced that allows the use without a Conditional Use. He said this was spoken about at state level along with a lot of other changes. Because the use is not listed in the code, the Conditional Use is needed specifically for this one location. Both the Planning Board and City Commission will need to narrow down the locations for Family Amusement Centers in the future. Mr. Freeman stated the Conditional Use is tied to the property and the city will keep an eye out to make sure it does not turn into an arcade. Mr. Freeman explained the Conditional Use will be mute once the existing definition in the code is amended, and a new definition is created and added to the use table.

Steve Tarr, property owner, stated the City Commission discussed this at the February 5, 2024, meeting, and it is basically a housekeeping issue to allow Family Entertainment Centers in the city. Mr. Tarr answered questions from the Board on parking. He stated there is ample parking downtown and some parking spots in the lot next to his building will be set aside for the amusement center. He recommends using the parking garage when spending at least three (3) hours at the entertainment center.

Mr. Hening asked about security in the building. Mr. Tarr stated there is video surveillance around the building and having security in the building has not been discussed. Mr. Tarr noted the Stuart Family Amusement Center location, owned by the prospective tenant, has never had to call the police.

Carlos Soto, a member of the public, asked for the occupancy of the building. Mr. Freeman stated the occupancy is set by the fire department and an inspection is needed for the building license.

Dave Strothmann, a member of the public, stated there was a Family Funplex where he lived in Colorado that was a great establishment with a bowling alley and laser tag. He highlighted there was never any trouble and it was well lit. Mr. Strothmann said he would like to see something like this in Fort Pierce.

Motion was made by Nichelle Clemons, and seconded by Anton Kreisl to forward a recommendation of approval to the City Commission with the following two conditions:

1. Only skill-based amusement games or machines are permitted as described by Florida State Statute 546.10 and shall not include; a. Any game or machine that uses mechanical slot reels, video depictions of slot machine reels or symbols, or video simulations or video representations of any other casino game, including, but not limited to, any banked or banking card game, poker, bingo, pull-tab, lotto, roulette, or craps. b. A game in which the player does not control the outcome of the game through skill or a game where the outcome is determined by factors not visible, known, or predictable to the player. c. A video poker game or any other game or machine that may be construed as a gambling device under the laws of this state. d. Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under 15 U.S.C. s. 1178.
2. Window tinting, mirrored windows, or other obscuring elements are prohibited to be installed on/at any display windows connected to the approved use

AYE: Alexander Edwards, Anton Kreisl, John Hening, Nichelle Clemons, Justine Carter, Uline Daniel, Chairman Frank Creyaufmiller

Passed

b. **Site Plan (Development and Design Review) - Viva East - 5315 Edwards Road and 5496 Altman Road**

This item was moved to 6c.

Mr. Altizer gave an overview of the application. The application is for a 206 unit rental community consisting of one, two, and three-bedroom duplexes. Viva West is the sister project to Viva East. Both communities will share access to amenities. The site plan leaves the 8.20-acre wetlands preserved, providing an additional 2.5 acres of upland ecosystems adjacent to the wetlands as a buffer, which will be preserved through a conservation easement. The proposed development is located on a parcel with a Future Land Use of Medium Density Residential (RM) and a Zoning of Medium Density Residential(R-4). The proposed 206 units is far below the allotted 10 units per acre (397 units) allowed in the zoning district. The site area is approximately 39.70 acres. Mr. Altizer answered questions from the Board on bus routes, conservation easements, and a school bus turn around.

Chairman Creyaufmiller stated he was concerned about the traffic flow at the round about. He said the walk from Viva West to use the amenities at Viva East is an unimproved area and the developer should provide a path for pedestrian and bicycle traffic. Chairman Creyaufmiller was also concerned with the number of parking spaces needed for the amenity area, since most residents from Viva West will be driving to use the amenities. He noted there is no connection to the property. Chairman Creyaufmiller suggested making the architectural elements look better instead of being bland and plain.

Mr. Altizer explained that sidewalks will be put in on Jenkins Road and Edwards Road and there will be an additional 20 parking spaces in front of the community center.

Francarlos Rivera from TEG Developers, stated at the last Planning Board meeting that the Planning Board imposed a sidewalk at both Viva West and Viva East for cross connection. He said the sidewalk is becoming complicated because of the infrastructure required and substantial stormwater improvements. He noted the sidewalk will be ripped up by St. Lucie County, and they do not have the entire right-of-way for Jenkins Road. Mr. Rivera said it will have to be a meandering path that will ultimately be changed.

He is looking for something that is not cost prohibitive as the cost of the sidewalks are substantial. Mr. Rivera explained that after the city approval process a separate review application with St. Lucie County is required to look into the Jenkins Road improvements.

Mr. Kreisl said the developer should not waste money building sidewalks that are going to impede the larger needs of the county and ultimately be ripped out. Mr. Kreisl said the crossing intersection is unsafe because there is no stop sign going north to south and there is no crosswalk. At a minimum, there should be a 3-way stop with a crosswalk. Mr. Kreisl said paying for an amenity that is a quarter mile away is an inherent problem due to the layout. He stated, even with the road improvements, it is too far for residents to walk from Viva West to Viva East. He said it is crucial to have ample parking spaces in the immediate plan because half the residents will drive to the amenities.

Mr. Rivera said he is open to adding parking, but it is substantial at Viva East. He highlighted 409 spaces are required, and they have 459 spaces and there are additional parking spaces near the amenities. Mr. Rivera answered questions from the Board on the construction timeline between the two sites, charging stations, dumpster location, number of units in Viva West, maximum occupancy of amenity center, and other communities that share amenities.

Mr. Freeman stated that Viva West was approved by the City Commission, and they were given the option of a payment in lieu of adding another sidewalk after the right-of-way is established.

Board discussion ensued on installing sidewalks, payment in lieu of building sidewalks, adding sidewalks to property the developer does not own, and how to connect the two communities safely.

Motion was made by John Hening, and seconded by Uline Daniel to forward a recommendation of approval to the City Commission with the following conditions:

1. A completion certification by a landscape architect, cost estimate, and landscape bond pursuant to City Code 123-6 shall be required before the Final Certificate of Occupancy is approved for the site.
2. A gopher tortoise survey will be required per State Statute before construction can begin.
3. Addresses will need to be submitted through the Planning Department for all units prior to building permit applications.
4. Prior to the issuance of any site clearing permits, the applicant shall provide a Tree Mitigation Survey and coordinate with the City of Ft. Pierce Arborist for the required mitigation of the City-regulated trees proposed to be removed as a result of this site's development/construction activity.
5. Payment-in-lieu to St. Lucie County in respect of the portion of sidewalk that would be required between the two developments and that portion would be related only to the cost of the sidewalk itself, not to any stormwater or infrastructure improvements that would be required.

AYE: Anton Kreisl, John Hening, Nichelle Clemons, Justine Carter, Uline Daniel,
Alexander Edwards, Chairman Frank Creyaufmiller

Passed

c. **Site Plan (Development Review and Design Review) - Regatta Luxury Apartments - SE Corner of Graham Road and S. Jenkins Road and approximately 669 feet south of Graham Road
(2418-333-0004-000-0, 2418-333-0003-000-3, 2418-333-0002-000-6, 2418-333-0001-000-9)**

This item was moved to 6d.

Mr. Gilmore gave an overview of the application and answered questions from the Board. The application is to construct a 312 unit multifamily luxury apartment development with a clubhouse, indoor gym, tot lot, barbeque and pool area, and associated site improvements. Mr. Gilmore explained the applicant is requesting approval for approximately 18 acres for a density of 17.33 dwelling units per acre. He said the developer is proposing to construct a sidewalk on their site, connecting to Samuel S. Gaines school to the south, then complete the off-site sidewalk connection gaps on the east side of Jenkins Road between the subject site and Okeechobee Road in exchange for an additional 2.33 units of density. Mr. Gilmore noted the proposed development qualifies for an Innovative Residential Development, which would provide for up to an additional 3 units of density.

Leslie Olson, Applicant Representative from District Planning Group, stated that the Comprehensive Plan Policy 1.19 allows the developer to request density for building infrastructure that is not required. Ms. Olson said sidewalks will be added and are an investment for the community. The sidewalks will provide pedestrian and bicycle connectivity to retail hubs and jobs at Okeechobee and Jenkins Road. She noted the sidewalk connectivity will go all the way to Walgreens and Starbucks on Okeechobee Road. Ms. Olson answered questions from the Board on elevators, EV charging stations, townhouse type construction, and dedicated parking spaces.

Blaine Bergstresser of KMA Engineering, stated the code requires 1.9 dedicated parking spaces per unit, and they have 22 ADA parking spaces and parking on the west side of the clubhouse. Mr. Bergstresser answered questions from the Board about whether the property would have a HOA community or rentals, dumpster location, bus stop location, and valet trash service. Mr. Bergstresser noted the bus stop would be near the entrance and there would be a round about for the bus to turn around before the gates and there would be a dedicated right turn lane.

Motion was made by Nichelle Clemons, and seconded by John Heaning to forward a recommendation of approval to the City Commission with the following conditions:

1. A completion certification by a landscape architect, cost estimate and landscape bond pursuant to City Code 123-6 shall be required before the Final Certificate of Occupancy is approved for the site.
2. Prior to the issuance of any site clearing permits, the applicant shall provide a Tree Mitigation Survey and coordinate with the City of Ft. Pierce Arborist for the required mitigation of the City regulated trees proposed to be removed as a result of this site's development/construction activity.
3. If a monument sign is proposed, please consider installing a landscaped area around the proposed monument sign base which extends a minimum distance of three (3) feet in all directions. Such landscaped area shall be completely covered by ground cover and shrubs, hedges, or similar vegetative materials.
4. A Unity of Title with the St. Lucie County Clerk of Courts and a Parcel Combination with the St. Lucie County Property Appraiser shall be completed prior to the issuance of any Building Permit.
5. After completion of the Unity of Title and Lot Combination, a General Address Request Form for the newly created Parcel ID and for each proposed building and residential

unit shall be submitted to the Planning Department.

6. All required Right-of-Way Permits must be approved and installation of the proposed southern sidewalk extension to Okeechobee Road must be completed prior to Final Certificate of Occupancy is approved for the site.
7. Add EV infrastructure and a bus stop within the complex.

AYE: John Hening, Nichelle Clemons, Justine Carter, Uline Daniel, Alexander Edwards, Anton Kreisl, Chairman Frank Creyaufmiller

Passed

d. Major Site Plan Amendment - Ocean Village Pickleball Amenity - 2400 S. Ocean Drive

This item was moved up to 6b.

A pickleball sound analysis final report for Ocean Village was handed out to each Planning Board member, as well as an ordinance from the city of Centennial, Colorado concerning pickleball and pickleball courts.

Ms. Carter recused herself from voting.

Mr. Gilmore gave an overview of the application and answered questions from the Board. The application is to construct a 9,900 square foot 5-court pickleball amenity for the Ocean Village residential development and associated site improvements. The courts will consist of asphalt surfacing with 12-foot-tall fencing, and surrounding buffer landscaping. The applicant submits that the courts are to be utilized by residents only, and additional parking is not required. If the courts are to be utilized by non-residents, then the consideration of an appropriate parking ratio should be applied. Mr. Gilmore provided background on the site plan approval on September 7, 2021, for the clubhouse and racquet courts. Following sound studies by the Property Owner's Association (POA), the decision was made to design five (5) pickleball courts in a different area in order to make every effort to minimize potential noise impacts on the closest residents. Mr. Gilmore stated that staff received several objections from residents which express concern over the type of noise and disturbance generated by activities generated by pickleball, along with obstruction of ocean views, flooding and location of courts. The City has initiated a comprehensive review of the existing noise ordinance through a consultant, who has been advised of the complaints and issues raised.

Chairman Creyaufmiller noted at the July 14, 2021, Planning Board meeting, there was considerable discussion regarding the parking for the clubhouse reconstruction and the possibility of pickleball courts. He stated the Planning Director at that time said the city did not have any authority on parking in a private community. Chairman Creyaufmiller asked staff if there are parking regulations that have to be complied with. He also asked if the clubhouse was for the use of the residents only. He stated parking is an issue with the restaurant being open to the public. Chairman Creyaufmiller asked if the community could support the financial burden.

Mr. Freeman stated that since pickleball courts are not a building but an activity, no parking ratio is allocated. He said there is a condition of approval regarding the need for parking if the pickleball courts are extended to non-residents. Mr. Freeman said the argument is for internal users only. The events encourage external users to use the location. The internal users cannot regulate the external users. He said more information is needed from the applicant for a viable study.

Ms. Carter stated she lives in Ocean Village and parking for the community is not an issue

because residents walk to places within the community. Ms. Carter wanted to know how staff will maintain noise reduction and if the pickleball courts are the right amount of space from the current resident buildings. Ms. Carter stated the pickleball courts were approved by the homeowners' association.

Mr. Kreisl stated the Sound Analysis report is good on paper but is virtually unenforceable. He said if you want to guarantee what is in the report, a study has to be done in a real world analysis. If the courts are not built the way they are supposed to operate, the courts will need to be shut down until the problems are fixed.

Ms. Clemons said she is concerned about putting the city in a bad place because there are no teeth in the sound study. If the courts are built and the sound decibel is not met, the residents need to decide how to handle it, not the city.

Mr. Edwards asked how the sound magnifies with 10 games of pickleball on five (5) courts.

Leslei Olson, applicant representative from District Planning Group, stated the homeowners' association (HOA) approved the pickleball courts.

Steve DeBack, President, Ocean Village Property Owners Association, gave an overview of the Ocean Village community. He said the gated community has 1,228 units with various amenities, including a golf course, swimming pools, bocce ball, shuffleboard courts, basketball, clubhouse, tiki bar, restaurant, beach bar, 3,500 feet of beachfront and six (6) pickleball courts. Mr. DeBack said the site plan adds five (5) pickleball courts in two (2) separate locations. He said a homeowner complained the noise from the pickleball courts would likely violate the City of Fort Pierce noise ordinance. Mr. DeBack stated there have been three (3) studies with acoustical firms to ensure pickleball courts will be as quiet as possible and meet the City of Fort Pierce sound code. He said there will be sound mitigation panels around the courts to bring the sound down to 50 decibels. He noted the pickleball courts do not flood, and they are currently working with South Florida Water Management District to improve the outflow and reduce storm water flooding. He also mentioned the site plan includes an additional retention pond. Mr. DeBack highlighted that restoring the facility, fitness, and social opportunity are criteria for real estate buyers and competitive with other lifestyle communities. Mr. DeBack said parking is not a problem with the extra pickleball courts, and they currently have 24 bicycle racks and will add more if need be. He stated public use is not allowed for any of the amenities except the restaurant or a private party that is initiated by an owner.

Dave Strothmann, member of the Board of Directors and on the pickleball committee, stated he had done extensive research on sound mitigation and sound studies for the pickleball construction committee by speaking to Bob Unitech, an engineer who specializes in sound mitigation for pickleball courts. He noted the city had approved eight (8) pickleball courts that were 26 feet from residential units and there was never a sound complaint. Mr. Strothmann passed around samples of the sound mitigation panels to the Board members. Mr. Strothmann said a 2nd sound study was done while pickleball was being played. He said they will be putting up a 12-foot fence with sound mitigation panels that directs sound to the ocean and not to the condos to the north.

Ms. Olson asked the people in the audience who were not in opposition to the pickleball courts to stand. She said the majority of residents support the pickleball courts and that is why the HOA voted to approve the courts. Ms. Olson noted eight (8) pickleball courts were approved, and they are down to five (5).

Ms. Clemons asked if the minority of residents against the pickleball courts are located closer to the courts.

Steve DeBack said he understands the sound concerns, and they are doing everything they can to make it work by using mitigation and landscaping. Mr. DeBack said the old pickleball courts will go back to being tennis courts.

Ms. Carter asked the minimum distance the pickleball courts can be built to the residences. Ms. Olson stated there is no code requirement for the distance.

Dave Strothmann explained the history of the Ocean Village tennis courts. The alterations to the tennis courts and clubhouse were not popular, and the residences did not want to spend the money, and now they are the most popular. He said the pickleball courts would do the same thing.

Steve DeBack said it is the fiduciary responsibility of the Board members not to waste the owners' money. He highlighted the pickleball courts will increase the value of the units in the community and the pickleball courts are in demand.

Carlos Soto, Ocean Village resident, encouraged the Planning Board to approve the plan because, since the pickleball courts were taken away, the residences have to go to other cities to play.

Arlene Bauer, Ocean Village resident, stated she lived right next to the pickleball courts and the players were respectful and did not start playing before 8 AM, and they did not play at night. She said she enjoyed watching the game and it is a great social activity. She noted the building that is complaining is far away from the courts and parking is not needed. She said the lawn blowers are much louder than the pickleball courts.

Kim Kitchen, Ocean Village resident, stated she made an investment in Ocean Village and she expects the Ocean Village Board members to keep the same quality of living and keep the values as strong as they can be.

Lara Carrie, Ocean Village resident, stated it is detrimental to the community not to have pickleball. She said she lives closest to the pickleball courts, and she cannot hear the pickleball sounds from inside her unit.

Marshall Aykroyd, Ocean Village resident, stated he plays pickleball once a week. He said it brings people from different spectrums together to socialize.

Susan Thew, Ocean Village resident, said a survey was sent to the residents of Ocean Village. The residents have been assessed and eight (8) courts were approved. She said a lot of residences want it and have been informed.

Ken Scarola, Ocean Village resident, stated he loves pickleball, and he wants the project to move forward, but he does not want to waste the investment because of litigation. He said he has been a professional engineer for 49 years, and he has concerns with the ordinance, concerning the height of the fences, sound study, and noise level with repetitive sounds. He said the issue is not about how many people want it or whether they don't want the pickleball courts. The problem is the half million dollar investment in pickleball courts that don't meet the ordinance, and he does not want Ocean Village to be put in legal jeopardy.

Dick Pals, Ocean Village resident, stated people play pickleball every day at JC Park where there are public restrooms and parking, and he feels it is ridiculous to approve it in a contentious area that may not meet the city ordinance. He highlighted that there is no guarantee of what will happen with the simulations compared to hearing the playing and cheering.

Steve Kitchen, an Ocean Village resident, stated the amenities at Ocean Village make it unique to other places. He said the amenities make the property more valuable and the residents have to invest and take chances to improve and grow the community.

Steve DeBack noted the pickleball sound is not louder whether there are 20 balls or one ball being played on five courts. He said it was an impulse noise with a slightly elevated sound. He said the values of the sound study is not the average but the expected loudest hits on the courts. He noted the sounds were measured on the property lines and most hits were at ambient level or below.

Mr. Kreisl said compliance testing is not a real world guarantee. He said it only takes one person to measure 70 decibels at a certain time of day. There still may be issues where the Fort Pierce Police and Code Enforcement have to be called out.

Chairman Creyaufmiller asked if the funds were already assessed and why they are building a 12-foot fence instead of the sound study recommended 14-foot fence. Mr. DeBack said they did not want to build a 14-foot fence with the wind coming off the ocean and the 12-foot fence would withstand the wind and sound mitigation.

Ms. Carter asked if the paddles and balls meet the sound ordinance.

Dave Strothmann said they could in the future mitigate the sound with certain paddles and balls. He said they have already cut down to five (5) courts from eight (8) courts to have sound mitigated.

Ms. Clemons ended with saying the residences and the Ocean Village Board are putting the responsibility on the city and Ocean Village needs to maintain the pickleball courts based on the sound ordinance.

Motion was made by Nichelle Clemons, and seconded by Alexander Edwards to forward a recommendation of approval with the following conditions:

1. All activities at the pickleball courts shall comply with the City's noise regulations at all times.
2. Should the use of the courts hereby approved be extended to non-residents, then prior to such use an appropriate parking study shall be submitted to the Planning Department for assessment of an appropriate parking ratio. Should the parking analysis prove the requirement, then additional parking shall be permitted and built prior to non-residents being granted access.
3. The noise attenuation panels and associated support fencing shall be maintained and remain in place at all times that the courts are in use.

AYE: Nichelle Clemons, Uline Daniel, Alexander Edwards, Anton Kreisl, John Heaning, Chairman Frank Creyaufmiller

Other: Justine Carter (ABSTAIN)

Passed

7. **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

8. DIRECTOR'S REPORT

There was no director's report.

9. BOARD COMMENTS

Mr. Kreisl said he is generally disappointed with the volume of applications that are exclusively dedicated to the rental market, which is transient and not long term. He wants the city to try and figure out ways to fix the problem. He said not enough homes will drive younger people out of the city or burden them with perpetual renting. He suggested steering developers to ownership options such as apartments that can be owned and helping residents build equity.

Mr. Freeman explained the city is under the constraints of what the market needs and the market is moving to apartment complexes. Mr. Freeman noted changes to the code are in the works to support homeownership and rentals that will correct the tipping point to allow people to purchase their own home. He highlighted that under state statute in certain areas, smaller lot sizes are being allowed to support urban single family use.

10. ADJOURNMENT

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME CARTER, Justin Whitney	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Planning Committee
MAILING ADDRESS 2400 S. Ocean Drive, #3935, Surfside, FL	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Fort Pierce, FL 34949	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 2/12/24	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JUSTINE CARTER, hereby disclose that on February 12th, 20 24:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I own property in Ocean Village which may affect my property value.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2/12/24
Date Filed

Justine Carter
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



Pickleball Sound Analysis Final Report

For

Ocean Village POA, Fort Pierce, FL

December 8, 2023

Robery M Unetich

Executive Summary:

PSM LLC has studied the proposed pickleball court site plans for Ocean Village. We have considered a number of sound barrier designs and other pickleball sound mitigation methods to minimize the likely impact of pickleball sound at homes close to this site. Our recommendation is that these courts should have a minimum of **fourteen ft. high mass-loaded-vinyl (mlv) barriers along the north and the west court fences and 12 ft high sound absorbing barriers along the south fence** (to minimize reflected sound traveling to the north) and a 12 ft. wide barrier on the north-east side corner. It is not necessary to have chain link mesh reach above the 10 ft height and 10 or 12 ft chain link is generally available as are long heavy duty pipes for barrier support.

In addition, we recommend the use of paddles and tournament approved paddles that meet the requirements of our firm's latest Blue List of Recommended Paddles and the newly released requirements of USA Pickleball **Noise Reduced** tournament approved paddles.

We also recommend that ½ inch thick polyethylene, Nomex or aluminum core and fiberglass, graphite or composite face paddles not be permitted on these courts, since those models tend to be loud and to have a pitch above 1,000 Hz. This includes paddle models such as the Onix Z5, the Engage Encore, the Pro-lite Champion and the Paddletek Element and other models.

If these recommendations are adopted, we believe that sound levels at all nearby homes, including condos to the north, will be below 50 dBA for the vast majority of all hits and that other player sounds will also be attenuated to near or below background noise levels.

To be effective, the barrier materials must be of sufficient weight and properly sized and installed. We recommend that the mlv weigh at least ½ pound per square ft. We will provide additional guidance about sizing and mounting these recommended barriers. We are confident that if all of these steps are taken, pickleball sound at this site will be within the requirements stated above.

We also have a set of suggestions about the fence design, such as installing diagonal corners to strengthen the fence.

Report Summary: This report is a follow-on report to the report delivered to Ocean Village on March 25 of 2022 and of a draft report delivered to Ocean Village on November 13 of this year.. Therefore, it does not provide the usual description of pickleball sound and how we measure it. The report does, however, predict pickleball sound levels with and without specific combinations of sound barrier designs.

It also adds updated information about quieter pickleball equipment, a topic that is evolving rapidly because of the increase in attention pickleball sound is receiving nationwide. A benefit of this evolution is that the sound levels of many of the new paddles entering the market are lower and this trend can be expected to continue.

In addition, this report includes on site noise data taken by a PSM LLC engineer on the morning of November 10, 2023 and the afternoon of November 21, 2023, where background noise was measured and recorded at six locations in order to qualify the typical average background noise level in the vicinity of the planned courts. The original report measured an average noise level of 48 dBA but the new noise appendix is a more comprehensive analysis of noise levels at this location and it deduces from the data that the average noise level for the two visits this year was 47.4 dBA. The complete site visit report is included as Appendix A

The design of the barriers recommended includes a consideration of noise ordinances, ANSI recommendations and the field experience of PSM LLC. The predictions of sound levels are experience based. The software used for analysis of barrier designs, **Noise Tools**, does a calculation of diffraction losses, reflected sound path echos and the insertion loss of barrier materials.

The initial drawing below is a site plan superimposed on a Google Earth satellite view. Local photos taken by PSM staff enable us to consider the heights and elevations of the building surrounding the proposed pickleball site. The software is using satellite photos obtained from Google Earth and elevation information of roof heights to predict sound levels resulting from a sound source placed to simulate players on the courts.

The Sections that follow include:

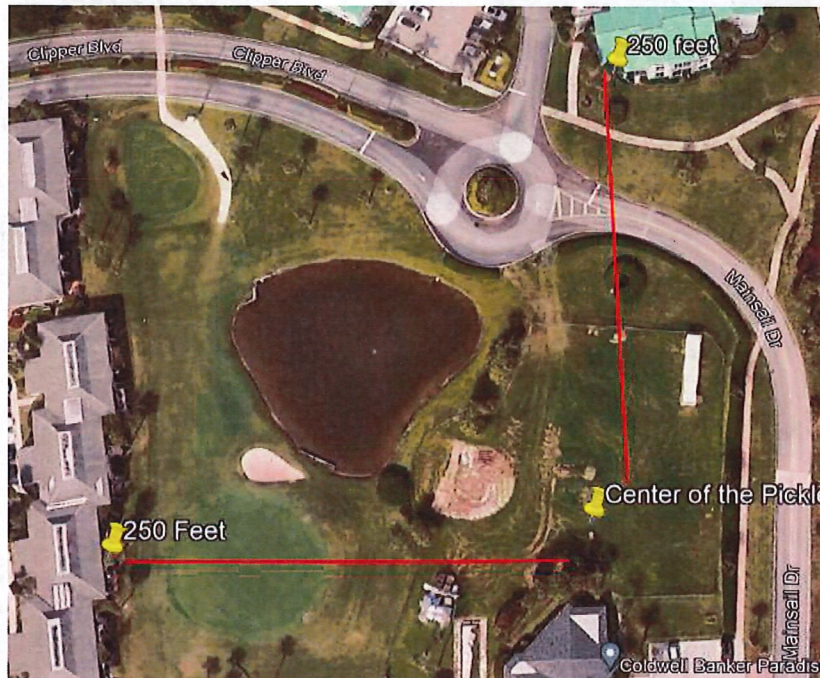
1. A Site Description
2. A review of local noise ordinances and the ANSI Recommendations
3. A plot of predicted sound levels with no barriers and with ordinary pickleball paddles
4. A plot of predicted sound levels with no barriers and with quieter paddles meeting the requirements of the PSM LLC Blue List and USAor better, which is attached as an Appendix
5. Several plots of predicted sound levels with different height barriers on four sides of the courts
6. Our Conclusions and Recommendations
7. The Blue List of Recommended Paddles
8. Appendix A: A Report on Background Noise Levels

Site Description

The Latest Court Layout Drawing



Satellite View with distances to close homes from the center of the court area:



The distances to homes from players in the center of the court location are about 250 ft. It is about 70 ft less for players on the west side of the courts, making it about 180 ft. The north fence is about 220 feet from the fence to homes.

The ground surface between the courts and the homes is primarily grass, which has a lower reflection coefficient than asphalt or concrete and ground reflection is included in the computer analysis.

Adding Barriers and Quieter Paddles

While pickleball sound levels can reach 70 dBA at 100 feet from players over a hard surface, a barrier will reduce the ground reflection component by 3 dB and because of the inverse square law of energy distribution, levels will decrease by 6 dB when the distance doubles

Tests show that the enforced use of **tournament approved quieter paddles**, will reduce sound levels by 4 decibels. Using these factors we can calculate the predicted levels at the nearby homes with no barriers in place in the following plot



If we add barriers to three sides we will both attenuate the main path levels and attenuate the reflected path sounds. This next design plot adds three 12 ft high (3.7 meter) barrier sections along the north and west fences and a 12 ft high sound absorbing barrier along the south fence:



As seen above, sound levels are now close to but not under our established goal of under 50 dBA LAFmax at all residences.

It would be possible to reduce the levels by 2.5 decibels by requiring and enforcing the use of a quieter pickleball, such as the Onix Fuse, and this in fact one option. If that selection was made this would be the resulting sound level plot:

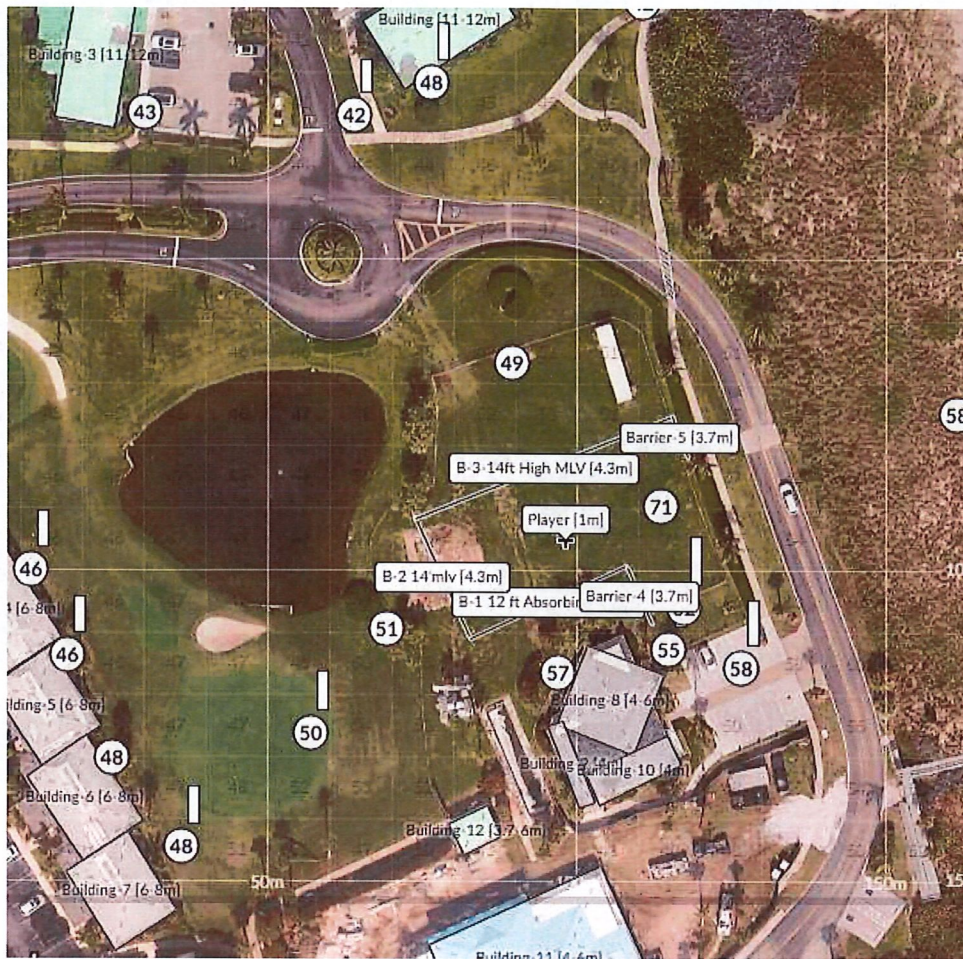


These levels are at the identified goal of 50 dBA or lower but it requires the enforced use of a ball such as the Onix Fuse.

Many pickleball players strongly prefer using the more popular tournament approved balls, the Franklin-X or Dura Fast 40. Rather than add a difficult to enforcement requirement on all players, we modeled the idea of increasing barrier heights and using the Franklin-X ball in the next soundscape plot.

We also added a 12 ft high by 12 ft. length of barrier covered fence in the north-east corner to reduce sound diffraction around that corner. It is called barrier # 5 in the plot.

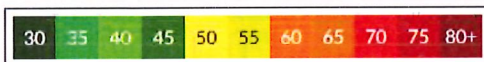
This alternative design retains the use of the Franklin-X ball and it raises the barrier heights to 14 ft in two directions, west and north. We then obtained this plot:



The 14 ft high barrier does not need to be fully covered by chain link mesh. Heavy duty support posts, which are readily available, can support a 14 ft high pipe frame. We recommend that a structural engineer be involved in the fence design.

The next plots also incorporate two diagonal fence sections in the north-west corners and north-east corners to strengthen the fencing.

Using the color graphics of Noise Tools Software, we see this soundscape in the following plot. This plot uses this color legend below for sound levels in dBA LAFmax metric.



The player in the above has been positioned (on Court 3, assuming a left to right court numbering method) to create the highest distant sound level.

Sound levels are now below the target level of 50 dBA at all homes including on all floors. A 15 ft high barrier could be considered as an option.

The next plot assumes that the north barrier height is increased to 15 ft above the court surface. While this remains an option, the plot illustrates that the added reduction is modest.



If Ocean Village selects a fencing company that can install a fence of these varying heights, with the diagonal corners recommended and with sufficient wind loading capability, PSM LLC recommends the 14 ft high fence design be implemented.

Fort Pierce Noise Ordinances:

Noise is limited in ARTICLE II of the Fort Pierce Code of Ordinances. The followings sections, shown in italics, define the noise limits:

Sec. 26-37. - Purpose.

- a) *Excessive, unnecessary or unusually loud noise is a detriment to the public health, comfort, convenience, safety, welfare and prosperity of city residents.*
- (b)
- b) *It is in the public interest that the regulations contained in this article be adopted as public policy to promote the public health, comfort, safety, welfare and repose of the city and its inhabitants.*

Sec. 26-38. - Terminology, standards, and definitions.

a) Definitions

b) Classification of use occupancy. For purposes of defining the use occupancy, all premises containing habitually occupied sleeping quarters shall be considered residential use. All premises containing transient commercial sleeping quarters shall be considered commercial use. All premises containing businesses where sales, professional or other commercial uses are legally permitted shall be considered commercial use. All premises where manufacturing is legally permitted shall be considered industrial use. In cases of multiple use, the more restrictive use category shall prevail. Hospitals, nursing homes, schools, libraries, churches and all institutional uses shall be considered residential uses. Any area not otherwise classified shall conform to commercial standards.

(c)

- c) *Maximum permissible sound levels by use occupancy. It shall be unlawful to project a sound or noise, from one property into another property within the boundary of the use occupancy, which exceeds either the limiting noise spectra set forth in Table I below or exceeds the ambient noise level by more than three decibels when measured as specified under the noise enforcement practices as adopted by the city commission by ordinance.*

(1)

Sound or noise projecting from one use occupancy into another use occupancy with a different noise level limit shall not exceed the limits of the use occupancy into which the noise is projected.

(2)

The limits hereinabove referred to shall be in accordance with Table 1 in [section 26-40](#).

Sec. 26-40. - Sound level limitations.

No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in Table 1 when measured from the real property line of the nearest receiving property, using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance.

Table 1. Sound Level Limits by Receiving Property

Receiving Property Category	Time	Sound Level Limit (dBA)	Sound Level Limit (dBC)	Sound Level Limit (dBZ)
Residential	Monday through Saturday, 7:00 a.m.—11:00 p.m.	60	60	60
Residential	Sunday, 7:00 a.m.—1:00 p.m.	See subsection (1) of this section.	See subsection (1) of this section.	See subsection (1) of this section.
Residential	Sunday through Saturday, 11:00 p.m.—7:00 a.m.	See subsection (1) of this section.	See subsection (1) of this section.	See subsection (1) of this section.
Commercial	At all times	65	65	65
Industrial	At all times	70	70	70

(1) It shall be unlawful for any person to make, continue or cause to be made or continued within that portion of the city which has been designated as a residential or mixed use area of the city, between the hours of 11:00 p.m. and 7:00 a.m. of each day, and on Sunday from 7:00 a.m. to 1:00 p.m. any unreasonably loud, excessive, unnecessary, or unusual noise in such manner that noise produced, or the vibration made, by the same would be obvious, or cause discomfort and annoyance to an ordinary, reasonable prudent person at a distance greater than 50 feet from the real property line of the nearest receiving property. A sound level meter or sound level reading shall not be necessary for the enforcement of this subsection.

2) If the noise is an impulsive sound, the fast response setting shall be used and the daytime (7:00 a.m. to 11:00 p.m.) limits of Table 1 shall be increased by ten dBA, dBC, or dBZ.

Analysis of the Ordinances:

We defer to others the meaning of *b) Classification of use occupancy*. Maximum permissible sound levels “*by use occupancy*”, which limits sound levels to within 3 decibels of background noise levels. While “*Use Occupancy*” may be a legal term, it is, in our view, not well defined in Article II of this code. In addition, this definition of background noise:

We have calculated an **Average Background Noise level** based upon our measurements.

The Sound Level Limits in Table 1 adjustment when impulse noise is being measured:

Table 1 of the ordinance establishes 60 dBA as the normal sound level limit except for impulse noise, which, according to Section 26-40 2), has a limit of 70 dBA as measured in the fast mode with a sound level meter. This is the ANSI defined mode our sound level predictions and measurements employ.

The above teaches us that the actual impulse noise level limit in Fort Pierce is 70 dBA.

Conclusions:

Unless sound mitigation is employed, sound levels will exceed the ANSI recommendations and the recommendations of PSM LLC even if quieter gear is employed. It is necessary to add sound barriers to bring the noise levels down to about the background noise level.

Recommendations:

PSM LLC recommends that Ocean Village Install 14 ft high mass-loaded vinyl barriers along the north and west sides of the proposed courts along the north and a 12 ft high absorbing barrier along the south side and enforce the use of quieter paddles. These steps will reduce frequent pickleball sound levels to or below 50 dBA outside of local residences at all floors of the buildings.

We recommend the diagonal corners sections for the fencing in three locations, which will enhance fence strength and reduce sound reflections.

The sound barriers along the north and west fence should not have gates or any openings that would permit sound to pass unobstructed. The fences do not need to have chain link material above the 10 ft height, if that assists in building the fencing. The south fence shields the building from pickleball sound and it avoids reflecting sound to the north because of its absorbing characteristics but it can have one or two gates for entry into the playing area.

PSM LLC is available to recommend vendors and mounting methods for these barriers. Ocean Village will need to develop a hurricane plan to protect the sound barriers and buildings as much as practical during hurricane conditions.

Suggestions:

Diagonal fence corners with triangular piping to change elevations are suggested to strengthen the fence . Tall hedges may be added to improve the appearance of the sound barriers.

We suggest waterproof baseboards along the bottom of the fences for attachment to the sound barriers and to keep the sound barriers from absorbing water or preventing water drainage from the court.

We suggest break away tie wraps or bungy cords along the top of the sound barriers to increase the ability to survive high wind conditions and to facilitate quick removal and reinstallation.

PSM LLC is available to assist in obtaining multiple quotes on sound barrier material.

The following pages are the most recent list of quieter paddles published by PSM LLC. A revised list with additional paddles will be released in January of next year.

The Pickleball Paddle Blue List

Quieter Pickleball Paddles

List updated: November 23, 2023

Introduction: The following paddles have been selected and qualified for 'Blue List' status through a testing procedure that uses a combination of metrics in addition to loudness (sound pressure). This includes measuring the 'pitch' and duration of the sound produced when a pickleball is struck by a paddle.

These metrics were selected after reviewing with players and non-players the characteristics of a typical pickleball hit including input from some who consider impulse sounds of this type to be annoying.

The resulting criteria were established by PSM LLC in 2022 as a means of recommending paddles to communities and pickleball clubs that are attempting to mitigate the sound of pickleball.

Test Procedure: PSM LLC is a pickleball acoustics consulting firm. We have built a tall (16 feet) echo free (or anechoic) ball drop chamber for testing pickleballs and paddles. A calibrated microphone is mounted in this chamber and a computer outside the chamber analyzes the microphone output using REW and Audacity software.

Criteria: The paddles listed have a sound pressure level (SPL) below that generated by a selected standard ½ inch thick fiberglass faced paddle, currently the Gamma 412 model. In addition, these paddles have their spectral energy density below 900 Hz and a decay time of the primary vibration mode to less than 10% of its initial peak value under 5 milliseconds.

Using This List: PSM LLC updates the list as it tests and identifies additional paddles that meet the criteria.

Updating This List: To arrange additional paddle or pickleball testing, contact PSM LLC via email at bob@pickleballsound.com.

For an updated version of [The Blue List](#), see the PSM LLC website (pickleballsound.com) as well as the Pickleball Sound Mitigation Facebook group page. [The Pickleball Paddle Blue List](#) is copyright free.

Paddle Guidance: Tests have shown paddles at least 16 mm thick with carbon fiber surfaces and deemed to be "Control" models by paddle suppliers are generally quieter and have a lower main pitch sound. There are numerous models now on the market that meet this criteria that PSM LLC has not tested so they are not on The Blue List.

THE PICKLEBALL PADDLE BLUE LIST
PICKLEBALL SOUND MITIGATION LLC
www.pickleballsound.com

(paddles listed alphabetically by vendor name)

<u>Paddle Vendor</u>	<u>Paddle Model Name</u>	<u>Notes</u>
CRBN	1 and 1x	
CRBN	2	
Diadem	Vice	1
Diadem	Warrior	
E6	16s	
Electrum	E Pro II	
Focus	Silencer	
Franklin	Pro Series 16 mm	
Gamma	Obsidian 16	
Gearbox	CX11	
Gearbox	CX14	
Gearbox	GX5 and GX6	
Joola	Ben Johns 16 mm	
Joola	Simone Jardim 16 mm	
Joola	Radius	
Master Athletics	Q1	1
One More	Vibe	
One More	Pro Custom	
Owl Sport	Owl	2
Pickleball Rocks	The Dude	
Pickleball Rocks	Pink Widow	
Pro Drive	DRIVE	
Pro Kennex	Pro Speed	
Pro Kennex	Ovation	
Pro Pickleball	Infinity Widebody 16 MM	
Selkirk	Amped Epic	
Selkirk	Vanguard Invikta	
TMPR	Tantrum and TC-16	
Versix	Pro XL	
Wild Monkeys	Grizzly	
Wowly	Surge XL	
Wolfe	Bite	

Note 1: Not USA Pickleball Approved

Note 2: USA Pickleball Approved in the Quiet Category

Appendix A

Background Noise Site Visit Sound Analysis Report

For

Ocean Village, Fort Pierce, FL

November 30, 2023

Robert M Unetich

Executive Summary:

The PSM LLC November 13 Pickleball Sound Assessment Report relied upon background noise level data from a trip to Ocean Village on March 17, 2022, to establish a baseline background noise level. In that first trip, low wind conditions existed and an average noise level of 48 dBA was recorded along Mainsail Drive.

The early data did not include data from higher elevations or when there was no wind at all or when a strong breeze was present, so PSM LLC requested that we be permitted to collect additional data at the site. An additional purpose of the new site visits was to acquire more accurate building and ground surface elevation information.

Recognizing that sound levels can vary considerably, a trip was made by a PSM LLC engineer on the mornings of November 10th and an afternoon trip was made on November 21 to collect additional sets of field data at a variety of locations including locations previously not studied.

Noise level data from those trips is included in this report. In general, the ambient noise level, measured using a variety of acoustics metrics, confirms that 48 dBA is about the average noise level at residences but it was determined that the ambient noise levels at the six locations tested varied from 46.6 dBA to 50 dBA.

The November 13 Report provided recommendations to install a set of different height mass-loaded-vinyl sound barriers and for Ocean Village to require the use of quieter paddles in order to reduce pickleball sound levels close to or below the average background noise level

If these recommendations are adopted, we believe that sound levels at all nearby homes including condos to the north, will be below 50 dBA for the vast majority of all hits and that other player sounds will also be attenuated to near or below background noise levels.

Field Data:

This plot illustrates the six locations where noise data was collected, numbered 1 through 6:



	Venue:	Ocean Village, Ft. Pierce, FL				
	Date:	Wednesday, November 01, 2023				
	Microphone:	Dayton Audio UMM-6				
	Microphone	Readings				
Time	Location	LAFmax	LAFmin	LZpeak	LAeq	Comments
8:26 AM	1					In front of admin building
8:21 AM	2					In front of building to the west
8:08 AM	3A					In front of building to the west and a little further north - ground level
8:14 AM	3B					In front of same building as 3A above - 2nd floor balcony
8:01 AM	4					On road north of the courts; quite windy
7:47 AM	5					In front of 3-story condos to the north of the courts
7:41 AM	6					At base of the dune to the northeast of the courts

The November 10 site visit collected photos of buildings and it recorded the noise measurements taken with a calibrated sound level meter. The following page includes the data taken on that trip.



PSM LLC
Pickleball Sound
Mitigation

Pickleball Field Test Data Rev 9

Date: 11/10/2023 Start Time: 7:30 AM End Time: 8:30 AM

Site Name: Ocean Village
City: Ft. Pierce State: FL

1811 Woodlands Circle
Pittsburgh, PA 15241
412-780-4575

pickleballsound.com

bob@pickleballsound.com

Engineer Dereck Prince

Client David Strothmann

Test Gear: REW Software Version: Computer: _____
Microphone: Mic Height: Above Surface: 5.0 ft
OR: Sound level Meter: Model Sper Scientific 840018C Calibrated on: 03-NOV-2023

Court Name/Description: _____ ASL: _____ Number of courts in use: _____
Number of players hitting; _____ # Men: _____ # Balls in Play: _____ Ball used Franklin-X or _____
Paddle Model Used by Hard Hitter facing microphone: Paddletek Element or _____
Receiving Location Addresses: A: _____ B: _____
C: _____ D: _____ Wind Speed: 0.0 mph

DATA: Readings are LAS in dBA Readings Taken At approx. 10-second intervals

Microphone	Location	Relative to	Loud Hitter	Facing Mic	in Feet	
	1	2	3	4	5	6
Conditions	Little wind	Little wind	Little wind	Little wind	Little wind	Little wind
Distance						
LAFmax						
1	42.2	44.5	45.0	44.7	42.0	39.2
2	40.5	44.0	48.0	43.1	42.2	38.3
3	43.0	44.3	45.6	43.5	42.3	39.0
4	42.7	43.6	44.0	41.6	42.4	39.9
5	41.6	45.2	43.7	41.5	41.3	39.3
6	42.0	43.5	44.7	41.8	43.2	40.1
7	42.3	44.4	44.3	41.8	44.4	39.5
8	41.7	47.7	42.7	42.2	43.0	38.5
9	42.4	47.5	41.9	42.6	41.8	39.4
10	40.0	44.3	42.1	42.1	42.0	39.6
11	41.5	45.1	41.9	42.5	44.3	39.7
Data Points						
Median:	42.0	44.4	44.0	42.2	42.3	39.4
Max:	43.0	47.7	48.0	44.7	44.4	40.1
LAFmin:						
LAeq:						

The median sound levels ranged from 39.4 to 44.4 dBA. The air was very calm at 0.0 mph. An additional trip was arranged for an afternoon later in the month and the following page is the data collected on that trip. On this trip, two sets of data were collected with two measurement tools, a Sper Type 2 calibrated sound level meter and a Dayton Audio calibrated microphone connected to a laptop software program that could calculate additional sound metrics. The entire set of data is shown below.



PSM LLC
Pickleball Sound
Mitigation

Pickleball Field Test Data Rev 9

Date: 11/21/2023 Start Time: 6:10 PM End Time: 7:15 PM

Site Name: Ocean Village
City: Ft. Pierce State: FL

1811 Woodlands Circle
Pittsburgh, PA 15241
412-780-4575

pickleballsound.com

bob@pickleballsound.com

Engineer Dereck Prince

Client David Strothmann

Test Gear: REW Software Version: 5.20.13 Computer: Windows 11

Microphone: UMM-6 Mic Height: Above Surface: 5.0 ft

OR: Sound level Meter: Model Sper Scientific 840018C Calibrated on: 03-NOV-2023

Court Name/Description: _____ ASL: _____ Number of courts in use: _____
 Number of players hitting; _____ # Men: _____ # Balls In Play: _____ Ball used Franklin-X or _____
 Paddle Model Used by Hard Hitter facing microphone: _____ Paddletek Element or _____
 Receiving Location Addresses: A: 100 Mainsail Dr., Fort Pierce, FL B: _____
 C: _____ D: _____ Wind Speed: 6.0 mph (avg.)

DATA: Readings are LAS in dBA Readings Taken At approx. 10-second intervals

Microphone	Location	Relative to	Loud Hitter	Facing Mic	In Feet		
Location #	1	2	3	4	5	6	Dune
Conditions	Slightly windy	Slightly windy	Slightly windy	Slightly windy	Slightly windy	Slightly windy	Slightly windy
Distance							
LASmax	58.0	56.6	65.4	61.9	55.9	55.2	61.7
1	58.5	48.3	52.7	51.9	53.6	49.2	57.1
2	50.8	48.1	53.0	48.4	50.4	50.2	59.2
3	52.3	48.0	52.9	52.5	51.4	47.0	55.3
4	53.7	47.5	52.7	50.1	49.6	49.6	55.5
5	52.3	46.7	54.3	50.0	51.0	47.4	56.3
6	52.5	48.3	53.5	51.8	51.4	48.9	57.9
7	49.8	49.3	55.7	53.5	51.3	48.3	56.7
8	51.1	47.7	53.5	51.6	52.4	48.6	56.8
9	49.0	50.3	54.2	52.1	50.2	47.1	61.8
10	50.7	50.6	55.1	53.6	52.0	48.2	54.3
11	50.2	48.3	51.2	54.2	49.5	48.1	59.4
Data Points							
Median:	51.1	48.3	53.5	51.9	51.3	48.3	56.8
Max:	58.5	50.6	55.7	54.2	53.6	50.2	61.8
LASmin:	51.2	49.4	55.5	51.8	51.5	49.7	53.4
LAeq:	55.7	53.0	57.9	56.7	54.2	52.8	58.6

The median values of sound levels measured varied from 48.3 dBA to 55.5 dBA on this afternoon with a light breeze. The next page will average the median numbers and it will do a more complex conversion of dBA levels to actual air pressure levels, which are then averaged before again being converted to dBA readings, to take into account that averaging sound pressure is actually the average of all sound pressures, not the average of logarithm derived representations.

	Location 1 Median	2	3	4	5	6	Top of Dune
Nov 10	42.0	44.4	44.0	44.2	42.3	39.4	
Nov 21	51.1	48.3	53.5	51.9	51.3	48.3	56.8
Simple average	46.6	46.4	48.8	48.1	46.8	43.9	
True Pressure Average in dBA	47.7	46.6	50.0	48.9	47.9	44.9	

If we now take the true average of all 6 pressure and then convert to decibels we get:

47.4 dBA

This figure, **47.4 dBA** is the actual average sound level of six locations over two sets of wind conditions. This figure is close to the average noise level of **48 dBA** measured on March 17, 2022.

Considering noise level data collected by PSM LLC at other sites across Florida, this represents a rather typical overall average noise level, indicating that this portion of Ocean Village is not especially noisy at ground level, considering that it is near the shore. The data taken on the dune of 56.8 dBA, which was as much as 8 decibels higher (louder) than the lowest sound level recorded, suggesting that the dunes assist in blocking sound from the east at lower elevations.

The data on the dune also suggests that the background noise level may be higher at higher elevations.

Analysis

We can now relate the background noise levels to the pickleball sound levels predicted in the November 13 report.

Conclusion:

The predicted noise levels at locations 1 through 6 are near or below the background noise levels measured if the recommended sound mitigation is installed.

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2023-O-10

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO AMENDING CHAPTER 12 OF THE MUNICIPAL
CODE (LAND DEVELOPMENT CODE) CONCERNING RECREATION AND
AMUSEMENT, PICKLEBALL, AND PICKLEBALL COURTS, AND
DECLARING AN EMERGENCY**

WHEREAS, the City of Centennial is a home rule municipal corporation created and organized pursuant to Article 20 of the Colorado Constitution and the Charter of the City of Centennial; and

WHEREAS, by virtue of Article 20 of the Colorado Constitution, and as further authorized by state law, including, but not limited to, Sections 31-15-401 and 31-23-301 of the Colorado Revised Statutes, the City of Centennial has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its citizens; and

WHEREAS, pursuant to Section 31-23-301 of the Colorado Revised Statutes, such police powers include the power to regulate the location of land uses and activities conducted on land within the community; and

WHEREAS, the City Council adopted comprehensive zoning and development regulations codified in Chapter 12 of the Centennial Municipal Code, which regulations are known as the Centennial Land Development Code ("LDC"); and

WHEREAS, the City is aware of the growing popularity and demand in Centennial and across the nation for outdoor pickleball court facilities, that some sources cite pickleball as the nation's fastest growing sport, and that pickleball provides opportunities for people to exercise, recreate, and socialize; and

WHEREAS, it is the City's express vision that "neighborhoods matter" and the City seeks to ensure that our neighborhoods and our residents enjoy a reasonable quality of life, health, and safety; and

WHEREAS, noise pollution is a recognized and scientifically established public health and safety concern which presents a growing danger to the health and welfare of the population of the United States; and

WHEREAS, according to available information and research, outdoor pickleball is known to create a notable change in the acoustic environment of the area surrounding pickleball courts that is different in comparison to other forms of outdoor recreational activities such as tennis; and

WHEREAS, according to acoustical engineers, the sound produced by a pickleball paddle impacting a pickleball is classified as an “impulsive sound” that is near the most sensitive frequency range of human hearing; and

WHEREAS, impulsive sounds are known to create greater annoyance than other forms of sound because they are similar to sounds that contain important information about our environment that alert people to events occurring nearby that may necessitate a response to such as footsteps, a door opening, or speech; and

WHEREAS, research shows that continuous impulsive sound such as the noise produced by a pickleball paddle making impact with a pickleball make it difficult to relax, concentrate, or sleep soundly without disturbance as each impact heard draws attention and creates distraction; and

WHEREAS, it is established that high amplitude acoustical pressures may cause hearing impairment as well as other types of injury to the body and that low level noise may have adverse long term psychological effects; and

WHEREAS, low level noise exposure that disturbs sleep and concentration are known to produce a range of diagnosable illnesses and disorders; and

WHEREAS, the City’s current regulations neither comprehensively address the character and impacts of outdoor pickleball courts nor require appropriate mitigation or attenuation measures to manage noise impacts when outdoor courts are located near residential uses; and

WHEREAS, the legislative history of the matters addressed by this Ordinance include:

A. A study commissioned by and prepared specifically for the City of Centennial by a recognized pickleball noise consultant and professional engineer; and

B. Readily available media reports concerning pickleball noise and noise from other forms of recreational activities, professional articles, consultant and engineering studies prepared for other local governments, World Health Organization (WHO) reports, and standards and specifications available from the American National Standards Institute (ANSI), the International Organization for Standardization (ISO), and ASTM International (formerly known as the American Society for Testing and Material); and

C. Letters, electronic mail messages, and other forms of correspondence received by City administrative staff, Planning and Zoning Commissioners, and City Council members pertaining to pickleball generally and pickleball noise; and

D. Information known to the City’s administrative staff and the members of the City Council obtained from: (i) personal observation of pickleball and other recreational activities, (ii) participation in pickleball and other forms of recreational activities; (iii) discussion with

constituents, stakeholders, and interest groups; and (iv) feedback from businesses engaged in or interested in the conduct of commercial pickleball operations; and

WHEREAS, local governments throughout the United States, including the City & County of Denver and other Front Range communities, have experienced conflicts and received complaints by residents concerning pickleball court noise within certain proximities to residential properties; and

WHEREAS, due to the experience and complaints regarding pickleball noise, many local governments have researched and have established location and noise abatement requirements for outdoor pickleball courts to best address pickleball court compatibility with residential areas, most often where pickleball courts are within 500 to 600 feet of residential uses; and

WHEREAS, pickleball is played on both permanent outdoor courts (bearing permanent striping and/or nets) as well as temporary outdoor courts (bearing striping with tape or chalk and/or portable nets) and, although the noise emanating from both permanent and temporary outdoor courts may be the same or similar, temporary outdoor courts are generally observed as having less frequent or less consistent use and are less commonly used for organized or programed play than that experienced by permanent outdoor courts; and

WHEREAS, the City Council desires to reasonably accommodate the need for pickleball courts with an understanding that neighboring residential properties may be consistently impacted on a daily basis by pickleball noise; which noise is in conflict with the quiet enjoyment of residential property that residents deserve and expect; and

WHEREAS, regulations designed to address the impact of pickleball noise on residential properties must reasonably balance the facts that: (i) a single pickleball player may play pickleball at a court for a short duration of time during a single day; (ii) a pickleball court may be used continuously by numerous pickleball players during a day; and (iii) a pickleball court may be scheduled for a tournament or other organized event that can result in continual or uninterrupted pickleball activities and noise; and

WHEREAS, the City Council finds that some types of pickleball courts present a greatly reduced potential for consistent or continual objectionable noise (such as a temporary court erected on a driveway or a single court created in a residential backyard which will not customarily be in continuous use) and that some pickleball courts present a greater and real potential for noise impacts (such as several courts operated in the same location or courts available and used for organized tournaments and events); and

WHEREAS, there is a present need to review, evaluate, and consider updates and amendments of the regulations to ensure that the City's regulations best address compatibility between pickleball activity conducted on pickleball courts and residential uses to protect the public health, safety, and welfare; and

WHEREAS, the City Council finds that striking a reasonable and appropriate balance between the noise associated with pickleball courts and the impacts of such noise on neighboring residential properties can be best accomplished by a process for the issuance of a permit for the creation of certain types of pickleball courts and the consideration of reasonable location requirements and potential noise mitigation or attenuation measure for outdoor pickleball courts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:

Section 1. The foregoing recitals are affirmed and incorporated by this reference as legislative findings of the City Council.

Section 2. The City Council legislatively finds and declares that Pickleball conducted on an Outdoor Pickleball Court is an activity conducted on property and not an independent and recognized land use.

Section 3. Division 16-2, entitled *General Definitions*, shall be amended by adding the following new definition in the appropriate alphabetical order:

Ball Diamond means a location permanently designed or intended for use for baseball, softball, kickball, or other similar activity that customarily includes bases spaced to form a diamond. A ball diamond may, but not always, include a backstop, area for player assembly (dugout), and bleachers.

Pickleball means an activity where participants utilize a racket or paddle to strike and volley a hollow plastic ball over a net. Pickleball may be played indoors or outdoors.

Pickleball Court means any location designed for Pickleball, regardless of whether the court is permanent or temporary, indoors or outdoors, privately or publicly owned or operated or operated with or without compensation. A court is designed for Pickleball where the location includes court lines or markings suitable or customary for formal or organized Pickleball play. A Pickleball Court does not include:

- a. Pickleball played or conducted in an informal or impromptu manner on a surface that is not otherwise a Temporary Outdoor Pickleball Court or a Permanent Outdoor Pickleball Court and which does not bear lines or markings and a net that are suitable or customary for formal or organized Pickleball play.
- b. *Reserved.*

Pickleball Court, Permanent (also *Permanent Pickleball Court*) means a Pickleball Court that bears lines or markings suitable or customary for formal or

organized Pickleball play and which are either: (i) permanent in nature (most often painted); or (ii) easily removable (oftentimes by use of tape or chalk) and which all removable lines or markings are not removed from the Pickleball Court on a daily basis.

Pickleball Court, Temporary (also *Temporary Pickleball Court*) means a Pickleball Court that bears lines or markings suitable or customary for formal or organized Pickleball and which are easily removable (oftentimes made by tape or chalk) and completely removed on a daily basis.

Pickleball Court, Indoor (also *Indoor Pickleball Court*) means a Pickleball Court that is completely enclosed within a lawfully erected building with a permanent roof.

Pickleball Court, Outdoor (also *Outdoor Pickleball Court*) means a Pickleball Court, whether a Permanent Pickleball Court or a Temporary Pickleball Court, that is not completely enclosed within a lawfully erected building with a roof.

Section 4. Division 16-2, entitled *General Definitions*, shall be amended by the repeal and replacement of the following three definitions to be inserted in appropriate alphabetical order:

Commercial Amusement, Outdoor means uses or activities that provide commercial amusement outdoors (except sexually oriented businesses), including, but not limited to:

1. Outdoor arenas, amphitheaters, or stadiums (including, but not limited to, any type of location or facility designed or used for purposes such as concerts, theatrics, rodeo, racing, or any type or form of sport or entertainment);
2. Amusement parks or theme parks;
3. Fairgrounds;
4. Miniature golf establishments;
5. Golf driving ranges;
6. Water slides;
7. Batting cages; and
8. Shooting ranges.

Recreation, Indoor means uses or activities that provide recreation opportunities indoors for the public or residents of a subdivision or development, which are not commercial in nature. Specifically excluded from the definition are health and exercise clubs and commercial amusement uses. The phrase “recreation, indoor” includes:

1. Community recreation center;

Other Rural Services														
Alcoholic Beverage Sales	-	-	T	T	-	-	L	L	L	L	L	-	-	Sec. 12-2-408
Bed and Breakfast	P	-	T	T	-	-	P	P	-	-	-	-	-	NA
Commercial Lodging	-	-	-	-	-	-	L	L	L	L	-	-	-	Sec. 12-2-408
Commercial Retail	-	-	T	T	-	-	p ¹	p ¹	p ¹	L ¹	L ¹	-	-	Sec. 12-2-408
24-Hour Commercial Retail	-	-	-	-	-	-	C	C	C	C	C	-	-	
Heavy Retail	-	-	-	-	-	-	L	-	-	-	L	-	-	
Kennel	P	-	-	-	-	-	L	-	-	-	P	-	-	
Gasoline Station / Convenience	-	-	-	-	-	-	L	-	-	L	L	-	-	Sec. 12-2-408, Sec. 12-4-203
Mixed-Use	-	-	T	T	-	-	L	P	P	-	-	-	-	Sec. 12-2-408
Office	-	-	T	T	-	-	P	P	p ²	P	L	-	-	Sec. 12-2-408, Sec. 12-14-902
Restaurant; No Drive-In or Drive-Through	-	-	T	T	-	-	P	P	P	P	L	-	-	Sec. 12-2-408
Restaurant; Drive-In	-	-	-	-	-	-	L	-	-	L	L	-	-	
Restaurant; Drive-Through	-	-	-	-	-	-	L	L	-	L	L	-	-	
24-Hour Restaurant, No Drive-In or Drive-Through	-	-	-	-	-	-	C	C	C	C	C	-	-	
24-Hour Restaurant, Drive-In	-	-	-	-	-	-	C	-	-	C	C	-	-	
24-Hour Restaurant, Drive-Through	-	-	-	-	-	-	C	-	-	C	C	-	-	
Services, Commercial and Personal	-	-	T	T	-	-	P	P	P	P	-	-	-	NA
Vehicle Rental	-	-	-	-	-	-	L	L	L	L	L	-	-	Sec. 12-2-408
Vehicle Sales	-	-	-	-	-	-	L	-	-	L	L	-	-	

Vehicle Service/Repair	-	-	-	-	-	-	L	-	-	L	L	-	-	
Vehicle Wash	-	-	-	-	-	-	L	-	-	L	L	-	-	Sec. 12-4-204; Sec. 12-2-408
Veterinarian (Dogs, Cats, Exotic Pets)	P	-	T	T	-	-	P	P	-	P	-	-	-	NA
Recreation and Amusement Uses														
Commercial Amusement, Indoor	-	-	T	T	-	-	P	P	P	P	L	-	-	Sec. 12-2-409
Commercial Amusement, Outdoor ³	-	-	-	-	-	-	L	-	-	C	-	-	L	
Recreation, Indoor	-	L	T/L	T/L	L	L	P	P	P	P	L	L	P	
Recreation, Outdoor ³	P	P	P	P	C	C	L	L	L	P	-	L	P	
Sexually Oriented Businesses	-	-	-	-	-	-	-	-	-	-	L	-	-	Sec. 12-2-410
<p>TABLE NOTE:</p> <p>¹ Convenience stores are a limited use ("L"). See Section 12-2-408, Commercial Uses, for standards.</p> <p>² Office is a limited use ("L") in UC zoned areas not governed by an approved Regulating Plan. See Section 12-2-408 and Section 12-14-902.</p> <p>³ Pickleball Courts as defined by this LDC shall also follow the standards and requirements of Section 12-2-409(G).</p>														

Section 7. Table 12-14-203 of the LDC, entitled *Administrative Development Orders*, shall be amended to add a new additional row detailing a new administrative development order and standards as follows:

Table 12-14-203 Administrative Development Orders					
Development Order	Required For	Timing	Exceptions	Issued By	Standards ¹
Outdoor Pickleball Court Permit	All existing and new courts meeting the definition of <i>Pickleball, Permanent</i>	Prior to construction.	N/A	Director	Compliance with all applicable standards of Section 12-2-409 and 12-14-509; conditions of approval;

	Outdoor as defined by this LDC unless otherwise exempted in accordance with Section 12-2-409 or Section 12-14-509.				and, of applicable LDC Standards
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Section 8. Section 12-2-409, entitled *Recreation and Amusement Uses*, shall be amended to add a new subsection (F) titled *Pickleball, Indoor*, to read in full as follows:

F. *Pickleball, Indoor.* An Indoor Pickleball Court is exempt from the requirements of Section 12-2-409(G), (H), and (I) and 12-14-509, however, such court may be subject to other requirements or regulations of the LDC such as regulations applicable to *Commercial Amusement, Indoor* or *Recreation, Indoor*.

Section 9. Section 12-2-409, entitled *Recreation and Amusement Uses*, shall be amended to add a new subsection (G), titled *Pickleball, Outdoor Generally*, to read in full as follows:

G. *Pickleball, Outdoor Generally*

1. *Applicability.*

a. This subsection (G) applies to both Permanent Outdoor Pickleball Courts and Temporary Outdoor Pickleball Courts.

b. This subsection (G) does not apply to a Temporary Outdoor Pickleball Court or a Permanent Outdoor Pickleball Court that is located greater than 600 feet from a lot or parcel that is residentially zoned or residentially used provided, however, that all other applicable provisions of the LDC and the Centennial Municipal Code shall apply to such court.

2. *Violations.* It shall be unlawful and a violation of this Section 12-2-409 for any person:

a. To establish, construct, develop, redevelop, expand, or to convert any existing facility to an Outdoor Pickleball

Court, without an Outdoor Pickleball Court permit when required and issued in accordance with Section 12-2-409 and Section 12-14-509.

- b. To undertake, construct, create, or operate an Outdoor Pickleball Court in a manner that fails to conform to any applicable requirement or standard of this Section 12-2-409, Section 12-14-509, or any condition of approval imposed by the Director on the Outdoor Pickleball Court.
- c. It shall be unlawful for any person to make a Pickleball Court available for use for Pickleball which court is subject to an order of the Director to temporarily cease use, or for a person to engage or participate in Pickleball upon an Outdoor Pickleball Court that is subject to an order of the Director to temporarily cease use.

All violations shall be subject to the general penalty provision of Section 1-4-10 of the Centennial Municipal Code in addition to any other remedies that may be available by law.

- 3. *Administrative Temporary Order Authorized.* The Director may order the temporary cessation of the use of an Outdoor Pickleball Court for Pickleball when the Director determines, based on an investigation and information deemed reasonable by the Director, that the Outdoor Pickleball Court fails to meet applicable requirements of this Section 12-2-409(G), (H), or (I), Section 12-14-509, or the criteria for approval of a permit, including any condition of permit approval. Such order for temporary cessation of use shall extend until such time that the Outdoor Pickleball Court is brought into compliance with the Pickleball Court Permit and the Director rescinds the order for temporary cessation.
- 4. *Prohibited Location.* No Outdoor Pickleball Court may be located within 250 feet of a lot or parcel that is residentially zoned or residentially used, except as may be authorized in accordance with Section 12-2-409(H).
- 5. *Pickleball Noise Standard.* An Outdoor Pickleball Court, or any collection of adjacent Outdoor Pickleball Courts, shall not produce noise in excess of 47 decibels measured at the nearest adjacent property lines for properties zoned for residential use or used for residential purposes. Such measurement shall conform to the methodology required by Section 12-2-409(G)(9).

6. *Hours of Operation.* An Outdoor Pickleball Court shall only be made available for use and may only be used for Pickleball between the hours of 8:00 a.m. and 8:00 p.m. It is unlawful to allow the use of or to use an Outdoor Pickleball Court for Pickleball after 8:00 p.m.
7. *Lighting.* If the Outdoor Pickleball Court is illuminated pursuant to a City-approved application, all illumination of the court shall be limited to the hours between 8:00 a.m. and 8:00 p.m. It is unlawful to illuminate an Outdoor Pickleball Court after 8:00 p.m.
8. *Variations.* Requirements for the creation and operation of Outdoor Pickleball Courts are not eligible for variances pursuant to Section 12-14-801.
9. *Measurements.*
 1. For purposes of this Section 12-2-409 and Section 12-14-509, when measuring the distance between an Outdoor Pickleball Court and a residentially zoned or residentially used lot, measurements shall be made as follows:
 - a. By the use of a straight line using a two-dimensional scaled drawing without consideration of topography or intervening structures or vegetation; and
 - b. Extending the straight line from a point on the exterior pickleball court line that is closest to the residentially used or residentially zoned property to the lot line of the residentially used or residentially zoned property.
 2. For purposes of this Section 12-2-409 and Section 12-14-509, when evaluating or measuring the decibel level of noise in both a Noise Impact Assessment and for purposes of enforcement, the noise evaluation or measurement at a lot line shall be made:
 - a. At the grade level of the nearest lot lines of any adjacent lots zoned for residential use or used for residential purposes and, in addition;
 - b. Where the Director finds that there presently exist, or may likely exist in the future, residential structures

of two stories or greater height on any adjacent lots zoned for residential use or used for residential purposes, the Director may establish points for measurement at appropriate heights perpendicular to the grade level of the lot lines to best assess noise impacts.

H. *Pickleball, Permanent Outdoor*

1. *Applicability.*

- a. This subsection (H) applies to a Permanent Outdoor Pickleball Court as defined by Article 16 of this LDC located within 600 feet from a lot or parcel that is residentially zoned or residentially used.
- b. This subsection (H) does not apply to a Permanent Outdoor Pickleball Court that is located greater than 600 feet from a lot or parcel that is residentially zoned or residentially used provided, however, that all other applicable provisions of the LDC and the Centennial Municipal Code shall apply to such court.

2. *Application and Permit Required.* To be recognized as a lawful Permanent Outdoor Pickleball Court, the court shall require City approval of an application proposing the creation and operation of a pickleball court in accordance with Section 12-14-509, unless such Permanent Outdoor Pickleball Court is granted a limited exception in accordance with Section 12-2-409(H)(3).

3. *Limited Exception for Pre-Existing Permanent Outdoor Pickleball Court.*

- a. *Qualifications for Exemption.* The Director is authorized to administratively grant a limited exception to the requirement to obtain a permit pursuant to subsection (2) where:

The owner of a Permanent Outdoor Pickleball Court demonstrates by evidence deemed conclusive to the Director that the court was physically established as a Permanent Outdoor Pickleball Court and was opened and operated when weather permitted prior to March 21, 2023 (Ordinance No. 2023-O-03).

- b. Effect of Limited Exception.
 - i. A Permanent Outdoor Pickleball Court granted a limited exception may continue the activity of Pickleball on the court provided, however, that the activity and operation of such court shall remain in compliance with the requirements for an Outdoor Pickleball Court set forth in Section 12-2-409(G), excluding the locational limitation of (G)(4) and (H)(4).
 - ii. No expansion, addition, change, modification or enlargement (other than routine maintenance) of a Permanent Outdoor Pickleball Court granted a limited exception shall be permitted unless an Outdoor Pickleball Court permit is approved by the City in accordance with Sections 12-2-409(G) and Section 12-14-509.

4. *Minimum Standards for Permanent Outdoor Pickleball Courts.*

Table 12-2-409 (H) Pickleball, Permanent Outdoor		
Required Setbacks from Residential Zoning and Uses	Permanent Outdoor Pickleball Courts	Noise Mitigation
Within 250 feet	Prohibited	Not Applicable
250 feet up to 600 feet	Permitted, Subject to Issuance of City Permit pursuant to Section 12-14-509	Noise Mitigation Required Pursuant to Noise Impact Assessment
Greater than 600 feet	Permitted	No Noise Mitigation Required

- a. *Permanent Outdoor Pickleball Courts within 250 feet of Residential Zoning or Uses.* Permanent Outdoor Pickleball Courts are not permitted within 250 feet of a lot or parcel that is residentially zoned or residentially used.
- b. *Permanent Outdoor Pickleball Courts located between 250 and 600 feet of Residential Zoning or Uses.* Permanent Outdoor Pickleball Courts located between 250 feet and 600 feet of a lot or parcel that is residentially zoned or residentially used shall be required to follow the minimum standards of this subsection (H) and utilize all mitigation techniques recommended by a Noise Impact Assessment.

c. Permanent Outdoor Pickleball Courts located more than 600 feet from Property zoned for Residential use or used for a Residential Purpose. Permanent Outdoor Pickleball Courts that are located more than 600 feet from residential zoned property or residentially used property are not required to obtain an Outdoor Pickleball Court Permit or utilize noise mitigation techniques, though mitigation techniques are encouraged as the court will be subject to other provisions of the Centennial Municipal Code including general noise provisions.

5. *Noise Barriers.* If a noise barrier is recommended to be installed pursuant to a Noise Impact Assessment to address anticipated or projected noise impact, the barrier shall meet the following minimum standards:

- a. Noise barriers for Permanent Outdoor Pickleball Courts shall be a sound wall or fence cover.
- b. Noise barriers shall have a minimum Sound Transmission Class (STC) of 20 as defined by the ASTM.
- c. Noise barriers shall not have any penetrations that exceed 1 percent (1%) of the surface area of the noise barrier.
- d. Sections of a noise barrier shall not provide for a space or gap between the bottom of the barrier and the court surface or ground level or between adjacent barrier sections.
- e. Noise barriers shall be a minimum 10 feet in vertical height as measured from the court surface or ground level.

(I) *Pickleball, Temporary Outdoor*

1. *Applicability.* This subsection (I) applies to a Temporary Outdoor Pickleball Court as defined by Article 16 of this LDC.
2. Reserved.
3. Reserved.

4. *Minimum Standards for Temporary Outdoor Pickleball Courts.*

Table 12-2-409 (I) Pickleball, Temporary Outdoor		
Required Setbacks from Residential Zoning and Uses	Temporary Outdoor Pickleball Courts	Noise Mitigation
Within 350 feet	Prohibited	Not Applicable
350 feet up to 600 feet	<i>Reserved</i>	<i>Reserved</i>
Greater than 600 feet	Allowed	No Noise Mitigation Required

- a. *Temporary Outdoor Pickleball Courts within 350 feet of Residential Zoning or Uses. Temporary Outdoor Pickleball Courts are not permitted within 350 feet of a lot or parcel that is residentially zoned or residentially used.*
- b. *Temporary Outdoor Pickleball Courts located between 350 and 600 feet of Residential Zoning or Uses. Reserved.*
- c. *Temporary Outdoor Pickleball Courts located more than 600 feet from Property zoned for Residential use or used for a Residential Purpose. Reserved.*

Section 10. Section 12-14-509, entitled *Outdoor Pickleball Court Permit*, is added to read in full as follows:

Sec. 12-14-509. Permanent Outdoor Pickleball Court Permit.

- A. *Intent and Purpose.* This Section creates a process for the issuance of a Pickleball Court Permit for a Permanent Outdoor Pickleball Court. Through the Permanent Outdoor Pickleball Court Permit process, the City will conduct a review of certain limited elements of a proposed new outdoor court, or the redevelopment, expansion, or conversion of an existing outdoor court or a facility previously used for other activities (e.g., tennis court). The principal purpose of this Section is to ensure that the Permanent Outdoor Pickleball Court will not unreasonably and adversely impact the health, safety, and welfare of adjacent residential properties or the City.
- B. *Applicability and Enforcement.*
1. This Section 12-14-509 applies to a Permanent Outdoor Pickleball Court as defined by Article 16 of the LDC and as regulated by Section 12-2-409.
 - a. Any creation or development of a new Permanent Outdoor Pickleball Court;
 - b. Any redevelopment or expansion of an existing Permanent Outdoor Pickleball Court; and
 - c. Any conversion of an existing court or other facility to provide for a Permanent Outdoor Pickleball Court (e.g., converting a tennis court to a Permanent Outdoor Pickleball Court or converting a Temporary Outdoor Pickleball Court to a Permanent Outdoor Pickleball Court).
 2. Nothing in this Section 12-14-509 shall exempt or waive any requirement for zoning, site plan, subdivision approval, or other approvals or permits which may be required by state law or this LDC.
 3. Nothing in this Section 12-14-509 shall exempt or waive any requirement of a Permanent Outdoor Pickleball Court to meet requirements imposed by, or obtain approvals from, special districts, authorities, or other providers of public services

including, but not limited to, water, sanitary sewer, and stormwater services.

C. *Meetings.*

1. *Pre-submittal Meeting Encouraged.* Applicants seeking a Permanent Outdoor Pickleball Court Permit are encouraged to contact the Director as early in the court planning process as possible for the purpose of conducting a pre-submittal meeting. Such meeting enables the applicant to explore the purpose, scope and timing of the process.
2. *Community Meeting.* The Director shall require a community meeting for a Permanent Outdoor Pickleball Court Permit application when the Director determines that potential impacts of the proposed Outdoor Pickleball Court will significantly affect residential properties directly adjacent to the proposed Outdoor Pickleball Court site. When the Director requires a community meeting, the community meeting shall be held prior to a decision on a Permanent Outdoor Pickleball Court Permit application and shall be subject to the notice and conduct requirements of Section 12-14-305, *Community Meeting* of this LDC.

D. *Application.*

1. *Application.* An application for a Permanent Outdoor Pickleball Court Permit shall be submitted to the Director and shall contain the following information and may be submitted as a part of an applicable land use planning or permitting process (e.g., site plan, site plan amendment, building permit, or other form of application for land use):
 - a. A completed application for a Permanent Outdoor Pickleball Court Permit.
 - b. Payment of all fees and charges for the application.
 - c. *Noise Impact Assessment.* A Noise Impact Assessment performed by a professional acoustical engineer shall confirm that the decibel levels of the proposed Outdoor Pickleball Court(s) will not exceed 47 decibels at all surrounding property lines for properties zoned for residential use or used for residential purposes and shall also take into account the impacts of environmental factors such as topography and elevation, sight lines to residential

buildings, reflective surfaces, and other built environmental conditions. Averaging techniques such as equivalent-continuous and maximum fast exponential time weighted sound pressure levels (LAeq and LAm_{ax}) are not permitted for the Noise Impact Assessment. Measurement procedures based on the adjusted sound exposure level according to ANSI S12.9 (Quantities And Procedures For Description And Measurement Of Environmental Sound), Part 4 (Noise Assessment and Prediction of Long-Term Community Response) shall be used to assess the noise impact assessment of Pickleball.

- d. A site plan exhibit that establishes the layout and location of the following features on the parcel proposed for development, redevelopment, expansion, or conversion of a Permanent Outdoor Pickleball Court:
 - i. Lot lines/proposed parcel size.
 - ii. Setbacks including distance from edge of court to nearest property zoned residential or used for residential purposes.
 - iii. Enclosure specifications (height and type) and types of materials including any proposed fencing, noise barrier, and access points including gates.
 - iv. Surface materials.
 - v. Streets external and internal to the site, points of access to the site from public streets.
 - vi. Location, type, and fixture of all sources of lighting details including proposed hours of illumination.
 - vii. A list of proposed rules for the Outdoor Pickleball Court including hours of operation.
 - viii. A plan for techniques, infrastructure, improvements, and/or noise barriers to mitigate or prevent noise from the Outdoor Pickleball Court from exceeding the noise standard set forth in Section 12-2-409(G). Such plan shall incorporate recommendations or requirements provided by the accepted Noise Impact

Assessment prepared in accordance with Section 12-14-509(D)(1)(c).

- ix. Operational methods and practices to ensure compliance with Section 12-2-409(G) including methods and practices to ensure compliance with hours of operation and limitation on illumination.
- x. Information on how the proposed Outdoor Pickleball Court will be managed, maintained, and programmed together with the designation of the responsible party for management, maintenance and programming.

E. *City Authority.*

- 1. The City may, at its discretion and cost, refer a Noise Impact Assessment and any other materials associated with the application to a City-selected consultant for review of the contents, conclusions, and recommendations related to the management or mitigation of noise anticipated from the proposed Permanent Outdoor Pickleball Court. Such review may identify errors, deficiencies, or necessary corrections in the assessment and provide or recommend alternative materials, measures, or actions for the proposed Permanent Outdoor Pickleball Court.
- 2. The City may, at its discretion and cost, commission the preparation of one or more additional Noise Impact Assessment(s) by a City-selected consultant for use in the review of the proposed Permanent Outdoor Pickleball Court.

F. *Review and Criteria for Approval.*

- 1. Upon receipt of a completed application and materials and information required by this Section 12-14-509, the Director shall undertake an administrative review of the application.
- 2. The Director may impose reasonable conditions upon the approval of the permit deemed necessary to address and manage anticipated noise associated with the proposed Outdoor Pickleball Court and to ensure compliance with Section 12-2-409 and this Section 12-14-509.

3. An application for a Permanent Outdoor Pickleball Court shall be approved only upon a finding by the Director that the proposed court meets, or will meet, all of the following criteria:
 - a. Meets all requirements of Section 12-2-409(G) and (H); and
 - b. Meets all applicable requirements of the LDC; and
 - c. Meets all applicable requirements of the Centennial Municipal Code; and
 - d. Will conform to the recommendations and requirements of an applicable and City-accepted Noise Impact Assessment or, where more than one Noise Impact Assessment is available and accepted by the City, will meet the most stringent requirements or recommendations of an assessment; and
 - e. Will be operated in accordance with any conditions of approval of the application; and
 - f. Based on review of all available Noise Impact Assessments deemed complete and accurate by the City, and any City reviews of assessments, the Pickleball Court is not anticipated to produce noise in excess of 47 decibels at the nearest adjacent property lines for properties zoned for residential use or used for residential purposes; and
 - g. Following creation, the Outdoor Pickleball Court will not produce noise in excess of 47 decibels at the nearest adjacent property lines for properties zoned for residential use or used for residential purposes; and
 - h. Will be subject to immediate cessation of use for Pickleball when a determination is made by the City that the permitted Outdoor Pickleball Court fails to meet the criteria for approval, including any conditions of approval.
- G. *Presumption Concerning Pickleball Noise for a Permitted Court.* A presumption shall exist that a Permanent Outdoor Pickleball Court which is operated in full compliance with a City-issued Outdoor Pickleball Court Permit, does not produce noise in excess of the requirements of Section 12-2-409(G)(5). Such presumption shall be rebuttable upon the presentation of credible evidence to the Director which demonstrates the

operation of the Outdoor Pickleball Court exceeds the noise limitation of Section 12-2-409(G)(5).

- H. *Appeal to City Council.* The applicant for a Permanent Outdoor Pickleball Court Permit may appeal an administrative determination of the Director to the City Council by notifying the Director within fifteen (15) days following the date of issuance of the Director's decision. Such appeal shall be timely made in writing identifying with specificity the Director's decision and the basis and support justifying the appeal. Upon receipt of a notice of appeal, the Director shall schedule the public hearing before the City Council and such hearing shall be conducted at the earliest opportunity on a regular or special agenda of the City Council. The hearing shall be considered as a quasi-judicial matter at which the sole and exclusive issue will be whether the Director's decision, based on the information available to the Director, was arbitrary or capricious and without basis or support in the record reviewed by the Director.

Section 11. Section 12-6-702(E), entitled *Outdoor Recreation*, shall be repealed and replaced to read in full as follows:

- E. *Outdoor Recreation.* Because of the unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, tennis and pickleball courts, and other similar outdoor recreation uses and recreational facilities, are exempted from conformance with the requirements of this Division, except:
1. Lighting for areas where the outdoor recreation is conducted shall not exceed 125 percent of the values cited in the current Illuminating Engineering Society of North America (IESNA) recommended practice for that sport, level of play and class of facility approved by the City;
 2. The maximum permitted mounting height is 80 feet;
 3. The maximum permitted illumination at the property line is 2 footcandles; and
 4. Limits on hours of illumination require that exterior lighting shall be extinguished no later than 11:00 p.m. unless a different requirement is established for a particular use or activity.

Section 12. **Emergency Declared.** The City Council hereby legislatively declares that the adoption of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Absent adoption of this Ordinance as an Emergency Ordinance, the City Council

finds that an immediate, real, and unreasonable risk to public health and safety is presented by noise associated with certain types of pickleball courts. Moreover, the enactment of this Ordinance as an emergency measure will: (a) avoid economic waste created by the expenditure of financial and other resources in the creation of pickleball courts that are later determined to be in violation of regulations governing unreasonable noise and which may be required to cease operation; (b) prevent an the unnecessary and avoidable expenditure of taxpayer funds and City resources in responding to noise complaints and prosecuting noise violations; and (c) provide for public convenience through the more prompt creation of pickleball courts operated with fewer complaints and conflicts with adjacent property owners.

Section 13. Effective Date. Upon passage by a supermajority of City Council members in office, as required by Section 7.6 of the Centennial Home Rule Charter ($\frac{3}{4}$ of all members in office or 7 or more votes of the 9-member Council), this Ordinance shall become effective immediately upon adoption.

Section 14. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated pursuant to the City's home rule authority and under the general police power of the City of Centennial, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that this Ordinance bears a rational relation to the proper legislative objective sought to be obtained.

Section 15. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 5th DAY OF September 2023.

CITY OF CENTENNIAL

By: 
Stephanie Piko, Mayor

Approved as to Form:


For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of Sept. 5th, 2023 and ordered published one time by title only in

The Centennial Citizen newspaper on Sept. 7th, 2023, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: 

City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE CENTENNIAL CITIZEN* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 19th DAY OF September, 2023, BY A VOTE OF 9 IN FAVOR AND 0 AGAINST.

CITY OF CENTENNIAL

By: 

Stephanie Piko, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of September 19, 2023, and ordered published by title only, one time by *The Centennial Citizen* newspaper on Sept 21, 2023 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: 

City Clerk or Deputy City Clerk



2024 Mid-Year Seminar

April 18-21, 2024 | Washington, D.C.

TENTATIVE and Subject to Change

Thursday, April 18th, 2024

Last Updated: 01/08/24

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 4:30PM	Blue Pre-Function	Registration		
8:30AM to 12:00PM	Governor's Room	Board of Directors Meeting		
10:15AM to 10:45AM	Blue Pre-Function	Welcome to IMLA Coffee Break	Join IMLA President and Executive Director for welcoming remarks and helpful tips for new and long-time attendees alike.	
10:45AM to 11:45AM	Blue Room	AI The Future of Humanity or the End of Civilization	AI is more than a movie starring Haley Joel Osment from 2001, it's a force that has the potential to drastically change the practice of municipal law. This session would examine the various ways A.I. can impact local government. Or, as AI put it: The presentation will explore how artificial intelligence (AI) is transforming the legal profession and the justice system, by providing examples of current and emerging applications of AI in law, as well as discussing the ethical, legal, and social implications of AI in law.	Darren Shulman, Shari L. Klevens & Alanna Clair
10:45AM to 11:45AM	Hampton Room	Section 1983 TBA		
11:45AM to 12:45PM		Lunch on Your Own		
12:55PM to 1:55PM	Blue Room	Section 1983 Update: What You Need to Know in 2024	This presentation will provide a case law update on Section 1983 cases in the last year and what to expect in 2024. The presentation will also serve as an overview of Circuit and Supreme Court cases covering hot-button issues in today's legal landscape. From COVID-19 mandates to wrongful conviction, the Section 1983 Update will cover what municipal lawyers and lawyers who represent municipalities should know and expect when facing Section 1983 cases in 2024.	Staci Miller
12:55PM to 1:55PM	Hampton Room	Probable Cause—Actual, Arguable, or Absent—and Claims for False Arrest	Plaintiffs whose charges are dropped will frequently bring claims of false arrest under Section 1983. If the officer had probable cause for the arrest, then a false arrest claim will be dismissed even if the underlying criminal charge was dropped. If the officer's assertion of probable cause doesn't withstand reasonable scrutiny under existing law, then the false arrest claim under 1983 likely will go forward. What about cases where the officer reasonable perceived that the facts supported probable cause at the time of the arrest, but the facts known later show that there was no probable cause? That would sound like a simple application of qualified immunity protecting the actions of the officer based on the information known to him at the time. (And I would argue it that way.) But there's more to it than that. Some circuits recognize "arguable" probable cause, while others do not. That gray area is what makes this a potentially interesting topic. When it is determined after the fact that there was no probable cause, what is needed to show that there was "arguable" probable cause at the time of the arrest? And what circuits will consider that?	Robert Higason

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
2:05PM to 3:05PM	Hampton Room	Land Use TBA		
2:05PM to 3:05PM	Blue Room	Qualified Immunity: Trial tips on submitting interrogatories to the jury for purposes of qualified immunity and genuinely disputed facts in police shootings	This session will focus on two very interesting police shooting cases that our litigators recently took to trial (Banks v. Hawkins and Partridge v. Ellison). In Banks, the jury was hung and factual interrogatories were subsequently submitted to the jury. The judge then granted qualified immunity based on the interrogatories. The session will discuss the trial techniques for a police shooting case and submitting interrogatories to the jury. The Partridge shooting case is set to go to a jury trial at the end of January. The session will discuss the two appeals to the Eighth Circuit and the Courts' discussion on a genuine issue of material fact that was "created" by an expert forensic pathologist. It will also discuss the results of the trial and trial techniques, to include the submission of interrogatories to the jury, the use of expert witnesses, and qualified immunity.	Jenna Adams, Sara Monaghan & Gabrielle Gibson
3:05PM to 3:20PM	Blue Pre-Function	Coffee Break		
3:20PM to 4:50PM	Blue Room	Supreme Court Update	The Supreme Court's docket is packed with cases of relevance to local governments including on issues related to when the First Amendment applies to public officials' use of social media; a possible expansion of Title VII liability; an important takings / exactions case; further defining the contours of the Second Amendment; and whether the Court should overrule <i>Chevron</i> . Hear from Supreme Court experts on how these cases impact local governments and what we can expect from the Court going forward.	Hashim Mooppan, Amy Howe & Gregory Garre
4:50PM to 5:20PM	Blue Room	Amicus Awards / Scholarship Announcement	Help us celebrate the pro bono authors that help make IMLA's Amicus Program such a success! IMLA will also announce the winner of the IMLA Charles W. Thompson, Jr. Scholarship.	Moderator: Amanda Karras
5:30PM to 7:00PM	Empire Ballroom Patio	Welcome Reception	Kick off the 2024 Mid Year Seminar with the Welcome Reception taking place at the Omni Shoreham. Enjoy light hors d'oeuvres, drinks and networking! A badge is required for entry and the dress is business casual. We hope to see you there!	
			Badge is required for entry! Guest tickets are available for purchase	

Friday, April 19th, 2024

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 5:00PM	Blue Pre-Function	Registration		
7:45AM to 8:45AM	Empire Ballroom	State/Provincial Breakfast	Advance registration is required. The State/Provincial Breakfast will give attendees an opportunity to sit down with fellow attendees from their area. If you already registered and would like to add the breakfast, please email trina@imla.org .	
9:00AM to 10:00AM	Hampton Room	Section 1983 TBA		
9:00AM to 10:00AM	Blue Room	Developing a Policy to Implement the Pregnant Workers Fairness Act	This presentation would provide an overview of the Pregnant Workers Fairness Act and EEOC implementing regulations and address how to draft and implement a policy effectuating the Act's requirements.	Anne Marie Tosco & Robin Cross
10:10AM to 11:10AM	Blue Room	First Amendment and Section 1983	This presentation will discuss the most common scenarios in which the First Amendment is used against cities using 42USC 1983. It will discuss cases and representative cases. It will also discuss how to defend against First Amendment based 1983 lawsuits. In addition, example motions will be attached to the paper to provide tools to municipal attorneys in evaluating and defending 1983 lawsuits that are based, at least in part, on the First Amendment.	Miles Risley & David Delaney

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
10:10AM to 11:10AM	Hampton Room	Pickleball is Fun! But Regulating? Not So Much	Pickleball is reportedly the fastest growing sport in the US. It is also the most controversial in terms of noise impacts on neighboring residential homes. Balancing the demand for pickleball court opportunities with the recognized harm to human health and impairment of the quiet enjoyment of residential property is exceedingly challenging. The City of Centennial's experience, and the City's 2023 pickleball regulations, present the United States' most thoroughly evaluated and comprehensive approach to address the widely recognized health and safety concern associated with Pickleball noise and the vociferous national demand for more pickleball courts.	Robert Widner
11:10AM to 11:25AM	Blue Pre-Function	Coffee Break		
11:25AM to 12:25PM	Hampton Room	Telecom TBA		
11:25AM to 12:25PM	Blue Room	Section 1983: Cross Examination: Practice Pointers	This presentation will provide strategies and practical tips for handling cross examination of witnesses during a Civil Rights trial. The presentation will also discuss how to protect your client on cross and/or if called as a witness by the other side.	Patricia Miller & Melanie Speight
12:25PM to 2:00PM		Lunch on your own		
1:00PM to 1:45PM	Empire Ballroom	State/Provincial Chair & Regional Vice President Lunch Meeting	Grab your own lunch and head to the ballroom to meet with other Chairs and RVPs for a thoughtful round-table discussion.	
2:00PM to 3:30PM	Hamton Room	International Comparative Law Panel		
2:00PM to 3:30PM	Blue Room	Section 1983 TBA		
3:45PM to 4:45PM	Blue Room	Section 1983 TBA		
3:45PM to 4:45PM	Hampton Room	State League Meeting		

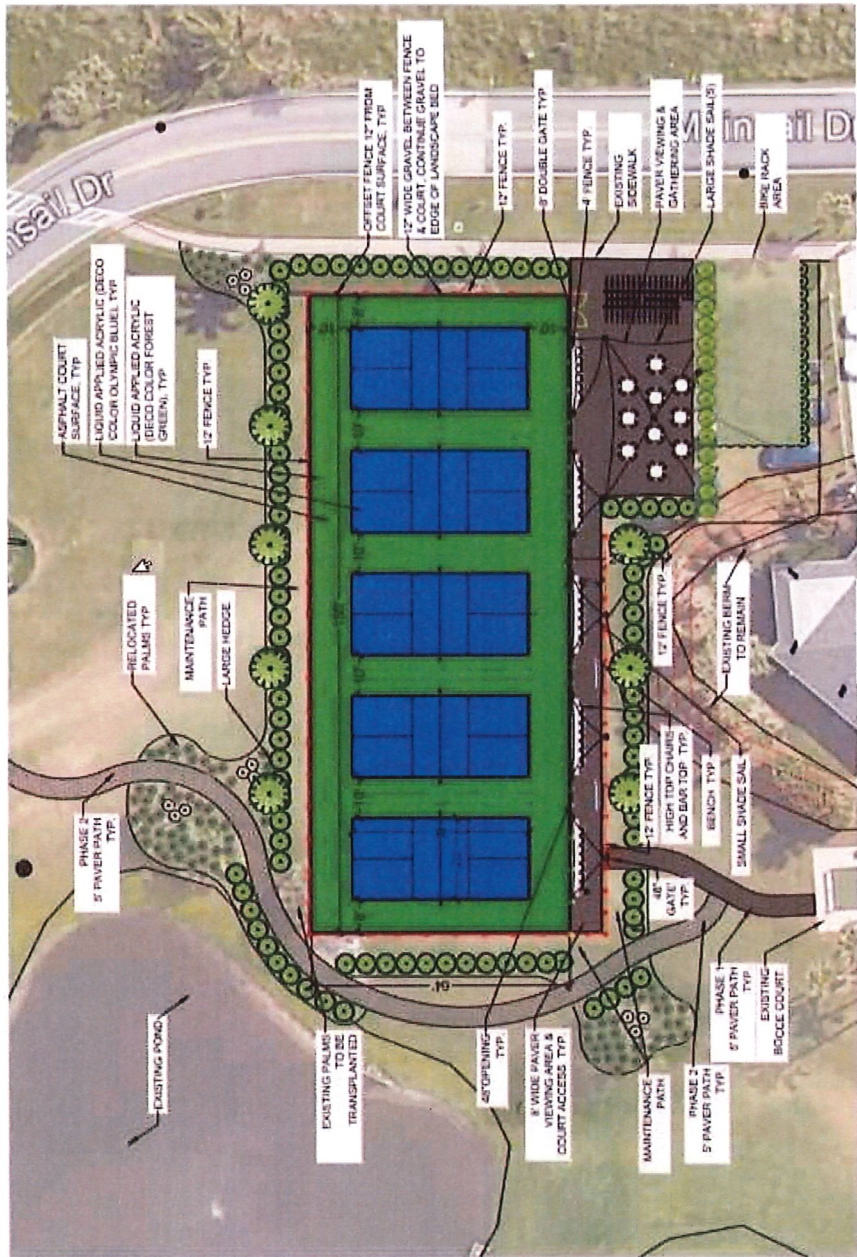
Saturday, April 20th, 2024

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKER
7:30AM to 1:00PM	Blue Pre-Function	Registration		
7:45AM to 8:45AM	Empire Ballroom	WONK Breakfast	Advance registration is required. For the WONK breakfast you will sign up for a table based on subject matter and sit down with the subject matter expert to enjoy a meal and discuss areas of interest. You can register for this breakfast online. If you already registered and would like to add the breakfast, please email trina@jmla.org .	
9:00AM to 10:30AM	Blue Room	Section 1983 TBA		
9:00AM to 10:30AM	Hampton Room	PFAS - Class Actions, CERCLA, and More!	An overview of PFAS drinking water class action cases, EPA's hazardous substance listing, and what municipalities can expect as PFAS takes center stage.	Samantha Gamboa
10:30AM to 10:45AM	Blue Pre-Function	Coffee Break		
10:45AM to 11:45AM	Hampton Room	Section 1983 TBA		
10:45AM to 11:45AM	Blue Room	TBA		
11:55AM to 12:55PM	Hampton Room	Section 1983 TBA		

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKER
11:55AM to 12:55PM	Blue Room	Culture Wars Come Home: When Local Government Decision-making Becomes A Platform for Culture Wars and How to Work Through It	Franklin, Tennessee is a thriving community of 90,000 people south of Nashville that prides itself on being a welcoming place to live, work and play. But Franklin is not immune from the outside forces of culture wars which have increasingly shaped our national and state discourse and posed a direct challenge to our shared concepts of civility, decency, and unity. This session will focus on how appointed and elected officials stayed true to their own North Star – and the ICMA Code of Ethics – in the face of a constant and difficult political and social media environment. Come hear how 2023 was one of Franklin's most challenging years, complete with bitter cultural and social debates, ethics and legal challenges, the presence of extremist organizations and national and international news coverage, and how the City and City staff persevered through those challenges to be stronger, more resilient, and more united than ever before. Attendees to this session will learn about how to keep your staff motivated to perform their responsibilities in the face of constant negativity and duress, how to persevere through difficult political times successfully, what lessons we learned in Franklin that officials should keep in mind in a similar situation and how to build and sustain your city and organization by using extreme political challenges as a springboard to reinforce existing community strengths and build a better future.	Shauna Billingsley
11:55AM to 12:55PM	Hampton Room	Section 1983 TBA		
2:00PM to 4:00PM	Smithsonian Zoo	Smithsonian Zoo Trip	A trip to the Zoo (right up the street from the Omni) with fellow attendees!	
4:05 start time	Nationals Park	Washington Nationals Game	Join the IMLA block at the Nationals game versus the Houston Astros. Attendees will purchase their own tickets in IMLA's ticket block. That link will be sent to attendees, please email Caroline if you need it to purchase tickets.	

Sunday, April 21st, 2024

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
8:00AM to 12:00PM	Blue Pre-Function	Registration		
8:10AM to 8:35AM	Blue Pre-Function	Coffee Break / Passport Drawing	Participating exhibitors will provide prizes as attendees visit all exhibitor booths to be eligible for the prize drawing.	
8:35AM to 9:35AM	Blue Room	TBA		
9:45AM to 10:45AM	Blue Room	Case Law Update	This is a fast paced presentation that will provide summaries of cases touching on all aspects of local government law from all the circuits.	Doug Haney
10:45AM to 11:00AM	Blue Pre-Function	Coffee Break		
11:00AM to 12:00PM	Blue Room	Quality Legal Representation from the Client's Perspective		Moderator: Alan Bojorquez



ASPHALT COURT SURFACE TYP
 LIQUID APPLIED ACRYLIC DECO COLOR OLYMPIC BLUE TYP
 LIQUID APPLIED ACRYLIC DECO COLOR FOREST GREEN TYP

RELOCATED PALMS TYP
 MAINTENANCE PATH
 LARGE HEDGE

PHASE 2
 5' PAVER PATH TYP

EXISTING POND

EXISTING PALMS TO BE TRANSPLANTED

STOPPING TYP

4' WIDE PAVER VIEWING AREA & COURT ACCESS TYP

MAINTENANCE PATH

PHASE 2
 5' PAVER PATH TYP

PHASE 1
 5' PAVER PATH TYP
 EXISTING BOCCIE COURT

OFFSET FENCE 12' FROM COURT SURFACE TYP

12' WIDE GRAVEL BETWEEN FENCE & COURT, CONTAINING GRAVEL TO EDGE OF LANDSCAPE BED

12' FENCE TYP

3' DOUBLE GATE TYP

4' FENCE TYP

EXISTING SIDEWALK

PAVER VIEWING & GATHERING AREA

LARGE SHADE SAIL

BIKE RACK AREA

12' FENCE TYP

EXISTING BERMA TO REMAIN

12' FENCE TYP
 HIGH TOP CHAIRS AND BAR TOP TYP

BENCH TYP

SMALL SHADE SAIL

48' GATE TYP

PHASE 1
 5' PAVER PATH TYP

EXISTING BOCCIE COURT

From: [Kevin Freeman](#)
To: [Vennis Gilmore](#)
Cc: [Alicia Rosenthal](#)
Subject: FW: Concerned owner directly near Ocean Village Pickleball site plan
Date: Monday, February 12, 2024 9:52:10 AM
Attachments: [image001.png](#)

Hi Alicia, can you share this with PB members this morning..

Thanks.

Kev Freeman | Planning Director | City of Fort Pierce

Planning Department

Phone: 772.467.3730

100 North U.S. 1 Fort Pierce, FL 34950

[Website](#) | [Facebook](#) | [Survey](#)



From: Linda Hudson <LHudson@cityoffortpierce.com>
Sent: Sunday, February 11, 2024 6:06 PM
To: Allen Reinwasser <allensellsyourhome@gmail.com>
Cc: Nick Mimms <nmimms@cityoffortpierce.com>; Kevin Freeman <kfreeman@cityoffortpierce.com>
Subject: Re: Concerned owner directly near Ocean Village Pickleball site plan

Thanks for sending me this email. This is on planning board agenda tomorrow. It's important they have all pertinent information. I appreciate you taking the time to write this detailed email. You might want to make sure Mr. Freeman shares this with planning board members.

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From: Allen Reinwasser <allensellsyourhome@gmail.com>
Sent: Sunday, February 11, 2024 5:58:27 PM
To: Kevin Freeman <kfreeman@cityoffortpierce.com>; Michael Broderick <mbroderick@cityoffortpierce.com>; Linda Hudson <LHudson@cityoffortpierce.com>; Nick Mimms <nmimms@cityoffortpierce.com>; Jeremiah Johnson <jjohnson@cityoffortpierce.com>; Curtis Johnson <cjohnson@cityoffortpierce.com>; Arnold Gaines <againes@cityoffortpierce.com>
Cc: Latina Brown <latinabrown1968@gmail.com>

Subject: Concerned owner directly near Ocean Village Pickleball site plan

City of Fort Pierce

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Dear Kevin,

We are owners in Ocean Village 2400 South Ocean Drive in Fort Pierce. Our unit looks directly out onto what today is a beautiful green space, golf course and the dunes. We wake up to the sound of the ocean, that is why we bought here and the joy of my life in Fort Pierce. We have included pictures of our view as well as the correct measurements of the proposed courts to the property line.

I have read the application and want to make sure that you and your staff are aware of major omissions and falsehoods in this application:

The acoustic study done in November 2023 by OV BOD is questionable:

1) The 250ft is wrong. The study measured point A from the Capstan building walls, to point B the center of the courts to artificially make it look as though it's farther than it is. **I personally measured from the property line (the sidewalk in front of Capstan 100) to the closest edge of the proposed courts using palm trees as landmarks and came up with 164 foot (plus or minus 5 ft).** The Fort Pierce ordinance specifically says it should be measured from the property line and I have reviewed other cities that measure from the court edge.

2) The board is promising owners a 50db limit and using this also to convince the city to accept their plan. **In the event the proposed sound mitigation does not mitigate to 50db, especially with 75 plus people at the courts every morning, who is to police this level** when the city's "impulse noise" level is 70db? This becomes a lie to the

owners just to get support for the inadequate plan.

3) I do not see sound mitigation mats on the city plans. Where are they? In the event of a hurricane, what is the protocol for removal? If removed I assume the courts will be closed during that time as well? IF they are not designed to be removed, then why does the fence design not look like it is designed to withstand hurricane winds with 12-14 foot mats on them...essentially walls?

LAST, I have been told that the city has received several nuisance complaints from the pickleball courts at Jaycee Park and may have to consider shutting those down. Why would the city allow for more courts to be built within a HIMed density residential area?

I implore you to deny this application and to not review any potential reapplication until the new noise ordinance is approved- that will hopefully not allow such courts less than 250 from residences like ours.

Regards!

Latina Brown

810-444-1379

Allen Reinwasser

248-568-6899

2400 S Ocean Dr, C121

Fort Pierce, FL 34949