



NEIGHBORHOOD DEVELOPMENT SERVICES DEPARTMENT

Planning Division

STAFF REPORT

Ordinance 2017-13

(GEN-17-048)

Amendments to Chapter 46, Article II, Division 2, Noise, Section 46-40 and Section 46-42 of the Code of the City of North Port, Florida, Second Reading

To: Peter Lear, CPA, CGMA City Manager

Thru: Scott Williams, Neighborhood Development Services Director

Thru: Nicole Galehouse, Interim Planning Manager

From: Sherry Willette-Grondin, Zoning Coordinator

Date: September 22, 2017

I. GENERAL INFORMATION

Project: Petition No. GEN-17-048, Ordinance No. 2017-13, Division 2- Noise

Request: Approve Ordinance No. 2017 13 for adoption

Applicant: City of North Port

Owner(s): Not applicable

Location: City wide

II. BACKGROUND

On April 11th, 2017, during their regularly scheduled meeting, the City Commission had a discussion and possible action regarding amending the Administrative Code of the City of North Port, Florida to exempt planned developments from the noise regulations as it pertains to pumps, air-conditioning or air handling equipment. As a result of the meeting, Commission directed staff to bring back an ordinance with revisions to Chapter 46, Article II, Division 2, of the Administrative Code of the City of North Port.

Revisions were made to exempt approved planned developments from the noise regulations of Section 46-42 for maximum sound decibel levels relating to pumps, air-conditioning or air handling equipment. In addition, two new definitions were added to Section 46-40, Definitions.

The City Administrative Code currently addresses sound levels of pumps, air-conditioning or air-handling equipment for all platted lots in the City but does not take into consideration lots in planned developments which have specialized siting regulations regarding setbacks and sound levels. Planned developments generally have their own covenants and restrictions regulating noise.

The current noise regulations have measurement locations for maximum sound decibel levels that are written for a standard residential platted lot with much larger side setbacks than planned development lots, potentially causing these lots to be in violation of those maximum sound levels.

Staff finds this amendment will not adversely affect the public and the proposed amendment will serve the public health, safety and welfare of the citizens of the City of North Port, Florida.

III. REVIEW PROCESS

The City Attorney reviewed and approved Ordinance 2017-13 as to form and correctness.

IV. PUBLIC NOTICE

Ordinance No. 2017-13, GEN-17-048 was advertised in a newspaper of general circulation within the City of North Port on July 15th, 2017, and September 30, 2017 pursuant to the provisions of Section 166.041(3)(a), Florida Statutes and Section 9.01(b) of the Charter of the City of North Port (**Attachment 1**).

V. PUBLIC HEARING SCHEDULE

City Commission 1st Reading
Public Hearing

July 25, 2017
6:00 PM or as soon thereafter

City Commission 2nd Reading
Public Hearing

October 10, 2017
1:00 PM or as soon thereafter

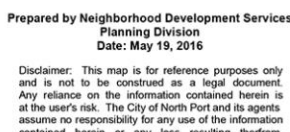
Attachment 1

These public hearings will be held in the **North Port City Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286.**

ORDINANCE NO. 2017-13
(Amendments to Chapter 46, Article II, Division 2, Section 46-40
and Section 46-42 of the Code of the City of North Port, Florida
as amended)

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE ADMINISTRATIVE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 46, ARTICLE II, DIVISION 2. NOISE, SECTION 46-40 AND SECTION 46-42 TO ADD DEFINITIONS AND PROVIDE AN EXEMPTION FOR PUMPS, AIR-CONDITIONING, AND AIR HANDLING EQUIPMENT IN PLANNED DEVELOPMENTS WITH CERTAIN SIDE SETBACKS; PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

Petition Number GEN-17-048
Ordinance No. 2017-13



All interested parties are invited to appear and be heard in respect to the proposed Ordinance 2017-13, at these public hearings in the City Hall Commission Chambers. Written comments filed with the City Commission will be heard and considered and will be made a matter of public record at these meetings. These public hearings may be continued from time to time as announced at the hearings, as may be found necessary. The file pertinent to this Ordinance is GEN-17-048 and may be inspected and obtained by the public at the Neighborhood Development Services Department, Planning Division, 4970 City Hall Boulevard, North Port, Florida 34286, during regular business hours.

Note: Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office 48 hours in advance of the meeting (SEE F.S. 286.26).

NONDISCRIMINATION: The City of North Port does not discriminate on the basis of race, color, national origin, sex, age, disability, family or religious status in administration of its programs, activities or services.

AMERICAN WITH DISABILITIES ACT OF 1990 - The North Port City Hall is wheelchair accessible. Special parking is available on the west side of City Hall and the building may be accessed from the parking area. Persons with hearing difficulties should contact the City Clerk to obtain a hearing device for use during meetings.

Patsy C. Adkins, MMC
City Clerk

PUBLIC NOTICE - CITY OF NORTH PORT

NOTICE OF INTENT TO AMEND THE CODE OF THE CITY OF NORTH PORT

PROPOSED ORDINANCE NO. 2017-13

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Section 166.041(3)(a), Florida Statutes and Section 9.01(b) of the Charter of the City of North Port, and Chapter 1, Article II, Section 1-12 of the City's Unified Land Development Code (ULDC), that the City of North Port proposes to adopt Ordinance No. 2017-13, Amendments to the City of North Port Florida Unified Land Development Code (ULDC).

A Public Hearing for the first reading of Ordinance 2017-13 was held before the North Port City Commission in Commission Chambers on **Tuesday, July 25, 2017 at 6:00 p.m.** The second and final reading will be held before the North Port City Commission in Commission Chambers on **Tuesday, October 10, 2017 at 1:00 p.m.**, to consider enactment of Ordinance No. 2017-13.

These Public Hearings will be held in the **North Port City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida, 34286.**

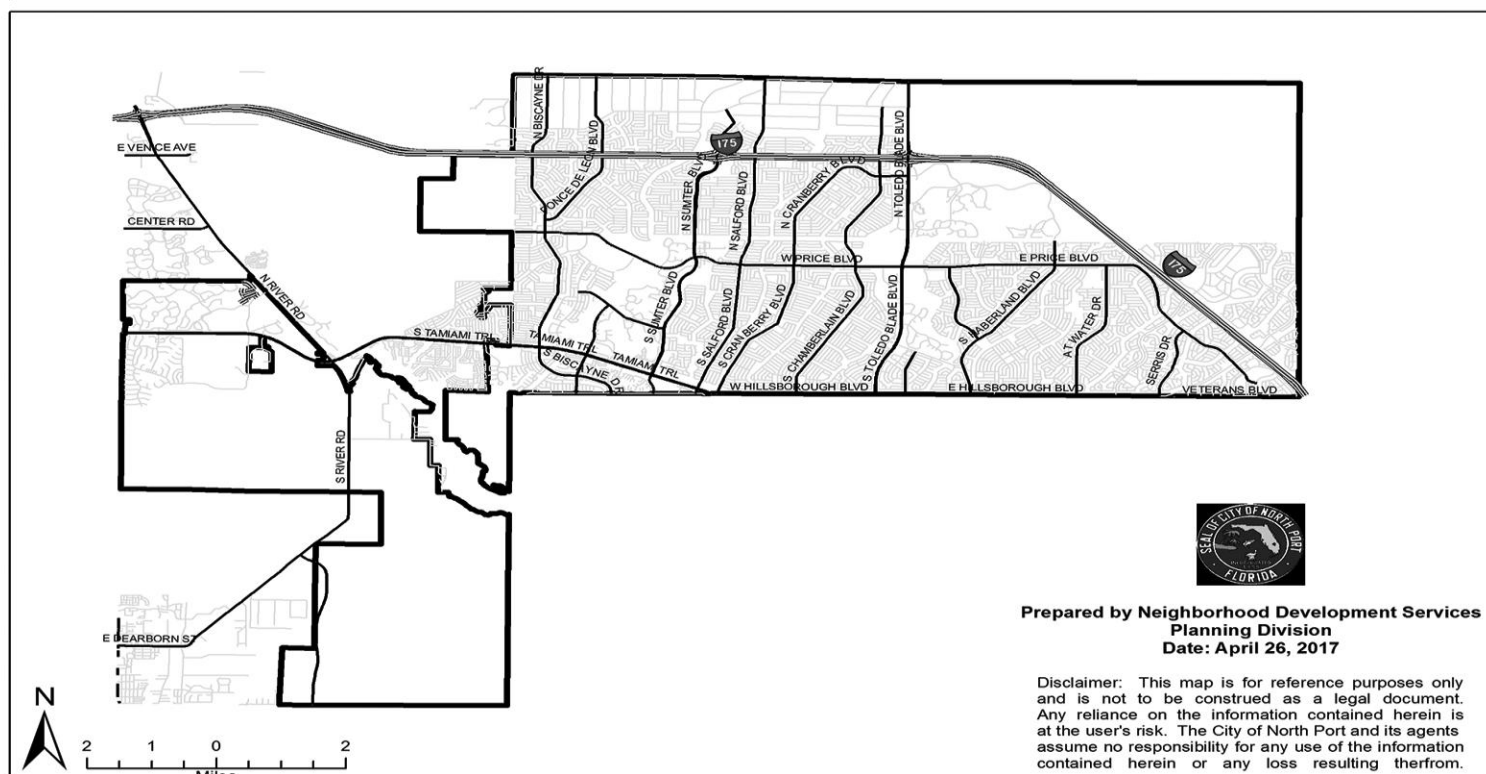
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City of North Port

Petition Number GEN-17-048
Ordinance No. 2017-13



Note: This map covers all of the incorporated areas of the City of North Port, Florida. The proposed Ordinance 2017-13, (Adoption of Amendments to the Code of the City of North Port) applies to the entire City of North Port as depicted on this map.

All interested parties are invited to appear and be heard in respect to this Ordinance at the public hearings in the City Hall Commission Chambers. Written comments filed with the Planning and Zoning Advisory Board and the City Commission will be heard and considered and will be made a matter of public record at these meetings. These public hearings may be continued from time to time as announced at the hearings, as may be found necessary. The file pertinent to Ordinance 2017-13, GEN-17-048, may be inspected by the public at the Neighborhood Development Services Department, Planning Division, and in the City of North Port City Clerk's Office, 4970 City Hall Boulevard, North Port, Florida 34286, during regular business hours.

NO STENOGRAPHIC RECORD BY A CERTIFIED COURT REPORTER IS MADE OF THESE MEETINGS. ACCORDINGLY, ANY PERSON WHO MAY SEEK TO APPEAL A DECISION INVOLVING THE MATTERS NOTICED HEREIN WILL BE RESPONSIBLE FOR MAKING A VERBATIM RECORD OF THE TESTIMONY AND EVIDENCE AT THESE MEETINGS UPON WHICH ANY APPEAL IS TO BE BASED (SEE F.S.S. 286.0105).

NOTE: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK'S OFFICE 48 HOURS IN ADVANCE OF THE MEETING (SEE F.S.S. 286.26).

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