



Legislation Details (With Text)

**File #:** 17-1361      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 9/25/2017      **In control:** City Commission Regular Meeting

**On agenda:** 10/10/2017      **Final action:** 10/10/2017

**Title:** Ordinance No. 2017-13, second reading, Petition No.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 to exempt planned developments from the noise regulations as it pertains to pumps, air conditioning or air handling equipment.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance 2017-13, 2. GEN-17-048, Staff report

Date	Ver.	Action By	Action	Result
10/10/2017	1	City Commission Regular Meeting	motion to approve	Pass

**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** Peter D. Lear, CPA, CGMA, City Manager

**TITLE:** Ordinance 2017-13, Petition No. GEN-17-048, second reading, 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 to exempt planned developments from the noise regulations as it pertains to pumps, air conditioning or air handling equipment.

**Recommended Action**

Approve Ordinance 2017-13, Petition No. GEN-17-048, amending the Code of the City of North Port, Florida to add exemptions from the noise regulations as it pertains to pumps, air-conditioning or air handling equipment located in planned developments for adoption.

**Background Information**

On April 11<sup>th</sup>, 2017, during their regularly scheduled meeting, the City Commission directed staff to bring back an ordinance with revisions to Chapter 46, Article II, Division 2, of the Code of the City of North Port, Florida.

These revisions exempted 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.

Under the present noise regulations, properties located in planned developments are potentially in violation of exceeding those maximum sound decibel levels that were written for a standard residential platted lot with much larger setbacks than planned developments lots.

Staff is requesting that Commission amend the Code of the City of North Port, Florida, Chapter 46, Article II, Division 2, Noise (13) by adding the following language as subsection a. that would exempt planned developments from the current regulations.

- a. The following is exempted from the noise regulations of Sec.46-42 (13) of this chapter: Any pumps, air-conditioning or air handling equipment located in an approved planned development where the side setback is less than seven and one-half (7 1/2) feet from the real property line.

In addition, amending Sec. 46-40 Definitions to add the two (2) following definitions:

Planned Development. A development that is designed and developed as a cohesive, integrated unit under single ownership or unified control which permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities and utilities and protection of environmental and natural resources.

Side Setback. A setback between any structure and the side lot line extending from the required front setback to the required rear setback and being the minimum horizontal distance between a side lot line and the side of the structure.

The City Attorney has reviewed and approved Ordinance No. 2017-13 as to form and correctness.

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.

### **Strategic Plan**

Financially Responsible City Providing Quality Municipal Services

### **Financial Impact**

Not Applicable

### **Procurement**

Not Applicable

Attachments:

1. Ordinance No. 2017-13
2. GEN-17-048, Staff Report

**Prepared by:** Sherry Willette-Grondin

**Department Director:** Scott Williams

