



Legislation Text

File #: 17-0923, **Version:** 1

TO: Honorable Mayor & Members of the North Port Commission

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

TITLE: Discussion and possible action regarding amending the Code of the City of North Port, Florida, Chapter 46, Article II, Division 2. Noise. (13) to exempt approved planned developments from the noise regulations as it pertains to pumps, air-conditioning or air handling equipment.

Recommended Action

The Commission would consider amending the Code of the City of North Port, Florida to add exemptions from the noise regulations for pumps, air-conditioning or air handling equipment located in an approved planned development.

Background Information

The City of North Port has general prohibitions concerning noise as described in the Code of the City of North Port, Florida, Chapter 46, Article II, Division 2. Noise. The current noise regulations address the sound levels for pumps, air-conditioning, or air-handling equipment for all platted lots in the City. However, the code does not address those approved planned developments which have their own siting regulations regarding setbacks and the size of lots for development. In addition, planned developments typically have their own covenants and restrictions and/or home owner association rules regulating noise.

Planned developments such as the West Villages, Cypress Fall, Cedar Grove, and Talon Bay typically have setbacks considerably less than the minimum 7 ½ foot side setback which is common for a side setback for a standard 80' by 120' lot. Lot sizes for planned developments are also considerably smaller than the standard platted lot.

Under the present noise regulations, properties located in planned developments are potentially in violation of exceeding the sound levels for pumps, air-conditioning or air handling equipment due to the proximity of homes in relation to one another.

Staff is requesting that Commission would consider amending 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 sitting, 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.

Strategic Plan

Goals: Financially Responsible City Providing Quality Municipal Services

Financial Impact

Not Applicable

Procurement

Not Applicable

Attachments:

1. Code of the City of North Port, Florida, Chapter 46, Article II, Division 2. Noise, draft amendments in legislative strike through/underline format.

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