

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING SECTION 105-28 OF THE CITY OF CORAL GABLES CODE TO CLARIFY PROHIBITIONS ON CONSTRUCTION AT NIGHT AND ON WEEKENDS AND HOLIDAYS AND CRITERIA FOR ISSUANCE OF SPECIAL PERMITS, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, ENFORCEABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 105-28 of the City of Coral Gables Code contains prohibitions on construction at night and on weekends and holidays; and

WHEREAS, Section 105-28 provides that the City Manager may issue a special permit for construction during times when otherwise prohibited; and

WHEREAS, exterior construction can produce significant noise and cause a disturbance to neighboring properties; and

WHEREAS, residents of the City are entitled to the peaceful enjoyment of their homes, especially on the weekends; and

WHEREAS, the City Commission wishes to amend Section 105-28 to clarify duplicative provisions and set forth criteria and parameters for the issuance of special permits for construction at night or on weekends.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Section 105-28 of the Code of the City of Coral Gables, Florida, is amended as follows:1

Sec. 105-28. Construction and dredging at night, on weekend days and holidays.

(a) Violations of this section shall be punishable as provided in section 1-7.

(b) *Construction prohibited.* ~~Construction (I.e., pile driving operations, demolition, excavations, concrete pours, etc.) is prohibited on weekends and holidays as set forth in~~

1 Additions are indicated in underline and deletions are indicated in ~~striketrough~~.

~~this section.~~ No construction, alteration or general repair of any building, structure, or other item for which a permit to construct, alter or repair is required by any ordinance of the city shall be done ~~in the city~~

(1) Monday through Friday before the hour of 7:30 a.m. or after 6:00 p.m. ~~on any Monday, Tuesday, Wednesday, Thursday or Friday. No construction work shall be performed on any~~

(2) Saturday before the hour of 9:00 a.m. ~~and~~ or after the hour of 5:30 p.m. No exterior construction shall be performed on any Saturday, at any time, in the city's residential zones or within 100 feet of said zones, except:

- i. Work being performed by a property owner/resident under an owner-builder permit;
- ii. Work being performed by a property owner/resident that does not require a permit; and
- iii. Power/pressure cleaning of sidewalks, driveways or roofs.

(3) On any Sunday or any federal holiday as established by the federal government and on the date observed by the federal government as established by section 1-2 (which includes December 24th irrespective of when it is observed by the city).

~~No construction, alteration or repair of any building, structure or other item shall be done on any holiday as established by the federal government and on the date observed by the federal government and as established by section 1-2 (which includes December 24th, irrespective of when it is observed by the city). No construction, alteration or repair of any such item shall be done on any Sunday.~~ The 100 feet shall be measured as the distance between the nearest property line for property zoned for residential use and either the property line for typical construction projects (i.e., single family homes, multi-family buildings, mixed use buildings with residential units, single building sites) or the construction boundary (quasi property line), as determined by the building official, for large sites or staged work. ~~Any deviation from the terms hereof shall be evidenced by a special permit, in writing, issued and signed by the city manager, pursuant to administrative regulation number 1.24. Further, no music or programming that exceeds 60 dB or 10 dB over ambient noise at the property line of a construction site is permitted.~~

(c) *Dredging, land filling.* ~~No dredging and/or land filling operations shall not be carried out in the city between the hours of 6:00 p.m. of one day and 7:30 a.m. of the next day before 7:30 a.m. or after 6:00 p.m. Monday through Friday. No dredging or land filling operations shall be carried out in the city's residential zones or within 100 feet of the city's residential zones on any weekend day or holiday (as set forth in subsection (b) of this section). However, if upon investigation the city manager should find that the carrying out of such land filling and dredging operation will not interfere with or disturb nearby residents, the city manager is hereby given instructions and the authority in his/her discretion to waive this provision dealing with such dredging and land filling operations, but any such deviation from the terms hereof shall be evidenced by a special permit, in writing, issued and signed by the city manager or his/her designee, pursuant to administrative regulation 1.24.~~

(d) *Special permits authorized.* The City manager or his/her designee may issue a special permit in writing for any deviation from the terms of subsections (b) or (c) of this section.

The prohibitions of subsections (ba) and (cb) of this section shall not pertain to such cases where a special permit shall have been applied for and granted by the development services department of the city, providing for special inspection by the proper department authorized by ordinance to inspect the particular work to be done. Provisions covering applications and permits are set forth in subsection (ed) of this section.

(1) Special permits generally not applicable to weekend days or holidays. Generally, special permits, provided for in this section, shall not be issued for exterior construction on any Saturday in residential zones of the city or within 100 feet of residential zones of the city, or on any Sunday or any holiday as established by the federal government and on the date observed by the federal government and as established by section 1-2 (which includes December 24th, irrespective of when it is observed by the city). Any deviation from the terms hereof shall be evidenced by a special permit, in writing, issued and signed by the city manager, which shall prohibit any noise that exceeds (a) 55 decibels when measured from the property line of an adjacent affected single-family residential or duplex property; (b) 60 decibels when measured from the property line of an adjacent affected multi-family residential property; or (c) 65 decibels when measured from the property line of an affected mixed use property.

(e) *Procedure for special permits.*

(1) Any person desiring a special permit for the purpose of doing construction, alterations or repair covered by the terms of this section shall make application to the development services department of the city, giving such information as

- i. the development services department requires to identify the locations of such work, and
- ii. the hours outside of the regular hours of inspection during which applicant proposes to work.

(2) In making a determination to issue a special permit, the city manager may consider the following:

- i. Whether the construction would be less objectionable at night than during daylight hours;
- ii. The character of the neighborhood in the vicinity of the work site;
- iii. The potential for great economic hardship;
- iv. If the work is in the interest of the general public;
- v. Whether there are any reasonable alternatives;
- vi. Whether there is a previously unforeseen effect on health, safety or welfare of the public; and
- vii. Any history of complaints regarding compliance with the limitation on hours of construction.

(3) In addition, ~~there~~ applicant shall request and make arrangements with the development services department for any special inspection of such work that may be necessary and shall compensate the development services department at the usual rate of pay for such overtime inspection, in advance of issuance of such special permit. ~~In addition to the special permit issued by the development~~

~~services department, any such deviation from the terms stated in subsections (a) or (b) of this section shall be evidenced by a special permit, in writing, issued and signed by the city manager, pursuant to administrative regulation number 1.24.~~

(4) All special permits shall be issued upon a showing that the public peace will not be disturbed and that public safety will not be endangered.

(5) The city manager may impose reasonable limits on the duration of each special permit issued under this section.

~~(f) *Special permits generally not applicable to weekend days or holidays.* Generally, special permits, provided for in this section, shall not be issued for exterior construction on any Saturday in residential zones of the city or within 100 feet of residential zones of the city, or on any Sunday or any holiday as established by the federal government and on the date observed by the federal government and as established by section 1-2 (which includes December 24th, irrespective of when it is observed by the city). Any deviation from the terms hereof shall be evidenced by a special permit, in writing, issued and signed by the city manager, pursuant to administrative regulation number 1.24.~~

(f) *Exceptions.*

(1) Any construction, alteration or repair, being performed by the city, whether interior or exterior, is expressly exempt from this section.

(2) The city manager may issue special permits for exterior construction on Saturdays, within 100 feet of residential zones, on Sundays and Holiday for specific projects, as necessary.

(3) The city manager may also allow for exterior construction on Saturdays, that is not already exempt in any other part of this section, in residential zones, for exceptional circumstances.

(4) Notwithstanding the foregoing, emergency work affecting life and/or safety on Saturdays, Sundays or holidays, shall be permitted in accordance with the requirements of the current Florida Building Code.

(g) *Music at construction sites.* No music or programing that exceeds 60 dB or 10 dB over ambient noise at the property line of a construction site is permitted.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. If the City Code’s Tables of Contents, Supplemental History Table,

or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS ___ DAY OF JULY, A.D., 2023.

(Moved: ____/ Seconded: ____)

(Yeas:)

(Unanimous:)

(Non-Agenda Item)

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CRISTINA M. SUÁREZ
CITY ATTORNEY