

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2019-20

AN ORDINANCE OF THE CITY COMMISSION, PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 4, "ZONING DISTRICTS," SECTION 4-206, "BUSINESS IMPROVEMENT OVERLAY DISTRICT (BIOD)," TO AMEND PROVISIONS REGULATING HOURS OF OPERATION AND AMPLIFIED MUSIC INDOORS AND OUTDOORS FOR ESTABLISHMENTS FRONTING MIRACLE MILE AND GIRALDA PLAZA, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 4-206(B)(3) of the City's Zoning Code sets forth specific hours of operation and sound level standards for establishments located within the Business Improvement Overlay District fronting Miracle Mile and Giralda Plaza; and

WHEREAS, the City Commission adopted Resolution No. 2018-92, dated March 20, 2018, imposing a moratorium on the enforcement of the prohibition on amplified music set forth in Section 4-206(B)(3)(a) of the Zoning Code, so that the effects of amplified music on Giralda Plaza and Miracle Mile could be studied; and

WHEREAS, the moratorium was extended multiple times pursuant to Resolution Nos. 2018-136 and 2018-186 and most recently, on December 11, 2018, and the City Commission directed staff to draft a proposed ordinance revising the Zoning Code to allow for amplified music and recorded music up to certain sound levels on Giralda Plaza and Miracle Mile; and

WHEREAS, staff has met with the Business Improvement District and merchants with establishments on Miracle Mile and Giralda Plaza to develop standards that would allow amplified live music and prerecorded music or noise up to certain sound levels;

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

SECTION 1. That 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. The Official Zoning Code of the City of Coral Gables is hereby amended as follows¹:

¹ Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

ARTICLE 4 – ZONING DISTRICTS

Division 2. Overlay and Special Purpose Districts

Section 4-206. Business Improvement Overlay (BIOD) District.

B. Business Operation Standards.

3. Hours of Operation and Noise – modified regulation for establishments fronting Miracle Mile and Giralda Plaza.

a. Hours of Operation and ~~Music~~ Noise Outdoors:

i. ~~Sunday night into Monday morning through Thursday~~ Wednesday night into Friday ~~Thursday morning, the hours of operation of public outdoor portions of restaurants, lounges, and/or entertainment~~ any establishments is prohibited from 12:00 AM (midnight) to 8:00 AM; no amplified live music or prerecorded music or noise shall be played outdoors from 11:00 PM to 10:00 AM.

ii. ~~Friday Thursday night into Saturday~~ Friday morning through ~~and Saturday night into Sunday morning, the hours of operation of public outdoor portions of restaurants, lounges, and/or entertainment~~ any establishments shall be extended to 1:00 AM the following day; no amplified live music or prerecorded music or noise shall be played outdoors from 12:00 AM (midnight) to 10:00 AM.

iii. ~~Recorded music shall be prohibited outdoors at all times.~~ Prerecorded music or noise shall only be allowed outdoors if the sound level does not exceed 65 dBA, when measured with a sound level meter manufactured according to standards prescribed by the American National Standards Institute, thirty (30) feet from the real property line of the establishment generating the prerecorded music or noise. “Prerecorded music or noise” is defined for purposes of this section as any sound resulting from any loudspeaker, public address system, amplifier, or any other device which electronically or mechanically augments the volume of sound, including, by way of example, a radio, television set, bullhorn, or musical instrument, but that does not qualify as “live amplified music” as defined below.

iv. ~~Amplified music, including amplified live music, shall be prohibited outdoors at all times.~~ Live amplified music shall only be allowed outdoors if the sound level does not exceed 80 dBA for establishments located on Giralda Plaza and 85 dBA for establishments located on Miracle Mile, when measured with a sound level meter manufactured according to standards prescribed by the American National Standards Institute, thirty (30) feet from

the real property line of the establishment generating the live amplified music and; if another establishment located within thirty (30) feet is not already generating live amplified music at the same time. “Live amplified music” is defined to include vocal and instrumental music that is performed live only and may be amplified through the use of loudspeakers.

b. Hours of Operation and Music Noise Indoors:

i. The hours of operation of indoor portions of ~~bars, lounges, and/or entertainment~~ any establishments is prohibited between the hours of 2:00 AM to 7:00 Am. At Aall times, except as otherwise allowed in this section, noise and/or music generated indoors must comply with the applicable provisions of the City Code General Noise Ordinance. All alcohol sales shall require Certificate of Use for Alcohol Sales.

ii. The sound level of prerecorded music or noise and/or live amplified music originating indoors must not exceed 65dBA when measured thirty (30) feet from the real property line of the establishment generating such prerecorded music and/or live amplified music.

d. Outdoor Noise Levels. Except as otherwise allowed in this section, Nnoise levels shall be governed by the applicable provisions of the City of Coral Gables Municipal Codes. ~~All noise, including music, must comply with the City Code General Noise Ordinance.~~ Special Eexceptions to the provisions of this section or the City Code may be granted on a case by case basis as a Ttemporary or Sspecial Eevents Ppermit.

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 Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of Ordinance No. 2007-01 as amended and known as the “Zoning Code” of the City of Coral Gables, Florida; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF MARCH, A.D., 2019.

(Moved: Mena / Seconded: Quesada)

(Yeas: Mena, Quesada, Lago, Valdes-Fauli)

(Majority: (4-0) Vote)

(Absent: Keon)

(Agenda Item: F-3)

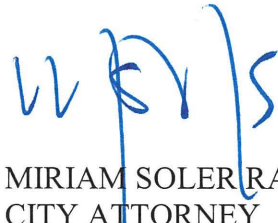
APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:


BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


MIRIAM SOLER RAMOS
CITY ATTORNEY