

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2017-02

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING SECTION 105-26 OF THE CITY OF CORAL GABLES CODE TO PROHIBIT CERTAIN EXTERIOR CONSTRUCTION ON SATURDAYS (ALONG WITH SUNDAYS AND HOLIDAYS) IN RESIDENTIAL ZONES OR WITHIN 100 FEET OF RESIDENTIAL ZONES, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, ENFORCEABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 105-26 of the City of Coral Gables Code currently permits construction on Saturdays between the hours of 9 a.m. and 5 p.m.; and

WHEREAS, Section 105-26 of the City Code prohibits all construction on Sundays and holidays, as established in section 1-2 of the City Code, in all areas of the City; 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 105-26 to prohibit certain exterior construction on Saturdays in residential zones or within 100 feet of residential zones;

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 105-26 of the Code of the City of Coral Gables, Florida, is hereby created to read as follows:

Sec. 105-26. – Construction and dredging, at night, on weekend days and holidays.

(a) *Construction prohibited.* Construction (i.e. pile driving operations, demolition, excavations, concrete pours, etc.) is prohibited on weekends and holidays as set forth in 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 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 Saturday before the hour of 9:00 a.m. and after the hour of 5:00 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: (1) work being performed by a property owner/resident under an owner-builder permit, (2) work being performed by a property owner/resident that does not require a permit, and (3) power/pressure cleaning of sidewalks, driveways or roofs. 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 of the City Code (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 (1) the property line for typical construction projects (i.e. single family homes, single building sites) or (2) 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

(b) *Dredging, land filling.* Dredging and 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. 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 any holiday (as set forth in subsection (a)). 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 number 1.24.

(c) *Special permits authorized.* The prohibitions of subsections (a) and (b) of this section shall not pertain to such cases where a special permit shall have been applied for and granted by the building and zoning 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 (d) of this section.

(d) *Procedure for special permits.* 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 building and zoning department of the city, giving such information as the building and zoning department requires to identify the locations of such work, the hours outside of the regular hours of inspection during which applicant proposes to work, and in addition thereto shall request and make arrangements with the building and zoning

department for any special inspection of such work that may be necessary and shall compensate the building and zoning 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 building and zoning 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. 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.

(e) *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 of the City Code (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.* Any construction, alteration or repair, being performed by the City, whether interior or exterior, is expressly exempt from this section. The city manager may issue special permits for exterior construction on Saturdays, within 100 feet of residential zones, on Sundays and holidays for specific projects, as necessary. 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. 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.

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. Within 30 days of the adoption of this Ordinance, the City shall place signs in all relevant departments advising of the Ordinance and shall include the Ordinance's language in all relevant permits. Further, the City shall place an educational piece

in eNews or another similar publication, educating the City's residents of the Ordinance.

SECTION 8. This Ordinance shall become effective upon adoption however, for the first three (3) months or until April 15, 2017, whichever comes later, the City shall engage in an educational campaign. Beginning on April 16, 2017 or at the conclusion of the initial three (3) month educational period, the Code Enforcement Division shall begin issuing warnings to violators for another three (3) month period. Beginning on July 16, 2017 or at the conclusion of the three (3) month warning period, whichever comes later, the Code Enforcement Division shall begin issuing tickets to violators.

PASSED AND ADOPTED THIS TENTH DAY OF JANUARY, A.D. 2017.

(Moved: Lago / Seconded: Quesada)

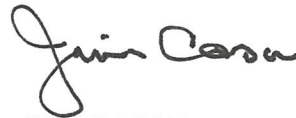
(Yeas: Lago, Quesada, Cason)

(Majority: (3-2) Vote)

(Nays: Slesnick, Keon)

(Agenda Item: E-4)

APPROVED:



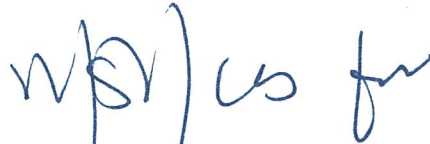
JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY