

ORDINANCE NO. 20-19-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO CONSTRUCTION NOISE; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT TO ARTICLE II (NOISE) OF CHAPTER 14, OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CODE OF ORDINANCES, PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should amend Chapter 14, Article II of the Code of Ordinances to amend and create exemptions; and

WHEREAS, the City Council recognizes that noise regulation uniformity and consistency throughout the City benefits the City, it's residents and the public; and

WHEREAS, the creation of excessive noise is a condition which has existed for some time and is a hazard to the public health, welfare, safety and the quality of life of the residents and visitors of the City; and

WHEREAS, the citizens and visitors of the City of Destin have a right to the quiet enjoyment of their environment and should be protected from excessive noise that may jeopardize their health, safety or welfare; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to

be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Land Development Code that have been skipped and remain unchanged.

SECTION 3. AMENDMENT OF CHAPTER 14, ARTICLE II OF THE CODE OF ORDINANCES.

Chapter 14, Article II of the Code of Ordinances is hereby amended as follows:

Sec. 14-56. - Exemptions.

- (10) Construction or demolition activities ~~other than the placement of concrete as described in subsection (13) below,~~ for which the city has issued a development permit, provided such activity occurs between ~~7~~ 6:00 a.m. and 10:00 p.m. and 8:00 a.m. and 6:00 p.m. on Saturday and Sunday, with no construction activity noise allowed on observed Federal Holidays.
- (11) Placement of concrete associated with nonresidential development activities, for which the City of Destin has issued a development permit, when conducted between 3:00 a.m. and 10:00 p.m. If placement of concrete is planned to occur prior to 7:00 a.m., notice shall be provided to surrounding residential areas or noise sensitive zones with a minimum of forty-eight (48) hours' notice prior to commencement of this activity. A copy of the notice and distribution list shall be provided to the city manager or city manager's designee at least forty-eight (48) hours prior to commencement of this activity.

Sec. 14-63. - Exemptions in SHMU only.

The following uses and activities shall be exempt from noise level regulations:

- (c) Construction operations:
 - (1) Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by a government agency;
 - (2) Provided all equipment is operated in accordance with the manufacturers' specifications and with all standard equipment, manufacturers' mufflers and noise-reducing equipment in use and in proper operating condition;
 - (3) Provided construction operations are limited to the hours between 6:00 a.m. and ~~6:00~~ 10:00 p.m. Monday through Sunday for projects located adjacent to non-residential properties; and
 - (4) Provided construction operations are limited to the hours between 6:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday and Sunday for projects located adjacent to residential properties for which for which the city has issued a development permit.
 - (5) No construction noise activity is allowed on observed Federal Holidays.

SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES. This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 6TH DAY OF JULY 2020.

By: _____
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: June 15, 2020

Second Reading: July 6, 2020