

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A TEMPORARY EXEMPTION TO CERTAIN PROVISIONS OF THE SOUND CONTROL ORDINANCE, PURSUANT TO SECTION 26-199 OF THE CODE OF ORDINANCES, FOR ONE CALL CONSTRUCTION, FOR OVERNIGHT CONSTRUCTION/REPAIRS ON WEEKDAYS FROM DECEMBER 11, 2017 THROUGH JANUARY 12, 2018 BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M. TO THE HARD ROCK CAFE AT 313 DUVAL STREET, KEY WEST; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, One Call Construction, Inc., submitted a request for exemption to provisions of the sound control ordinance to allow overnight construction on the building interior, as described in the attached letter dated 11/21/17; and

WHEREAS, pursuant to Section 26-199 of the Code of Ordinances, notices were sent to property owners located within a 100-foot radius of the proposed waiver, and properly advertised at least five days prior to the date of the city commission decision to grant this temporary waiver of the sound control ordinance; and

WHEREAS, pursuant to section 26-199 of the Code of Ordinances the City Commission considered (1) the character and degree of injury to, or interference with the health, welfare and reasonable use of adjacent properties, (2) the social and economic value of the activity for which the temporary waiver is sought, and (3) the ability of the applicant to apply best practical noise control measures; and

WHEREAS, the City Commission finds that authorizing a temporary waiver of certain sound control regulations, with conditions, will expedite repairs and improvements to the Hard Rock Cafe building, . and thereby benefit residents and visitors to the City of Key West.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That pursuant to section 26-199, a temporary waiver of certain sound control regulations contained in Section 26-193(3) of the code of ordinances, is hereby granted to On Call Construction, Inc., for the Hard Rock Café at 313 Duval Street, to allow overnight construction between the hours of 10:00 p.m. and 6:00 a.m., Monday through Friday, from December 11, 2017 through January 12th, 2018.

Section 2: That the work to be conducted includes, but is not limited to, interior repairs and renovation in the kitchen area, as detailed in the attached letter from On Call Construction dated 11/21/17.

Section 3: That, pursuant to Section 26-199, this temporary waiver may be revoked by the city manager or designee if there is (1) violation of one or more conditions of the temporary waiver; (2) material misrepresentation of fact in the temporary waiver application; or (3) material change in any of the circumstances relied upon by the city commission in granting the temporary waiver.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2017.

Authenticated by the Presiding Officer and Clerk of the
Commission on _____ day of _____, 2017.

Filed with the Clerk on _____, 2017.

Mayor Craig Cates _____
Vice Mayor Clayton Lopez _____
Commissioner Sam Kaufman _____
Commissioner Richard Payne _____
Commissioner Margaret Romero _____
Commissioner Billy Wardlow _____
Commissioner Jimmy Weekley _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK