

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 DL PORTER CONSTRUCTORS, INC. FOR 201 WILLIAM STREET SPALLING AND STRUCTURAL REPAIR FOR UP TO 180 CALENDAR DAYS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Port & Marine Services Department is requesting an exemption to provisions of the sound control ordinance to allow DL Porters Constructors, Inc. to perform after-hours repairs for the 201 William Street project for the City of Key West between the hours of 4:00 am to 8:00 am and 7:00 pm to 10:00 pm Monday through Friday, and 4:00 am to 9:00 am and 5:00 pm up to 10:00 pm on Saturdays from July 1, 2021 through January 5, 2022; 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, 201 William Street is part of the Key West Bight, and port staff has worked with, and will continue to work with the contractor and surrounding businesses to minimize noise disruptions at business entrances and seating areas, and to sequence demolition activities around consumption areas and other tenant activities such as day-trip check-ins; and

WHEREAS, the City Commission finds that authorizing a temporary waiver of certain sound control regulations will mitigate disruptions to local businesses, 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 Port & Marine Services Department for DL Porter Constructors for the 201 William Street Spalling and Structural Repair Project, to allow construction between the hours 4:00 am to 8:00 a.m. and 7:00 p.m. to 10:00 p.m. Monday through Friday, and 4:00 a.m. to 9:00 a.m. and 5:00 p.m. to 10:00 p.m. on Saturday from July 1, 2021 through January 5, 2022.

Section 2: That the after-hours work to be conducted primarily includes, but is not limited to, demolition and replacement of concrete columns and concrete tie beam, that will include the use of jackhammers and concrete saws to remove the damaged structural members. The entire project may last up to 180 calendar days.

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 _____, 2021.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2021.

Filed with the Clerk on _____, 2021.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK