

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 SOURCE RESTORATION & BUILDING SERVICES, INC. FOR THE CONCH REPUBLIC SEAFOOD COMPANY ROOF AND WALL CLADDING REPLACEMENT PROJECT LOCATED AT 631 GREENE STREET FOR UP TO 180 CALENDAR DAYS; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Port & Marine Services Department is requesting an exemption to provisions of the sound control ordinance to allow One Source Restoration & Building Services, Inc. to perform after-hours repairs/restoration for the Conch Republic Seafood Company (631 Greene Street) project for the City of Key West between the hours of 11:00 pm to 8:00 am Monday through Friday, and 11:00 pm to 9:00 am on Saturdays from January 1, 2022 through July 1, 2022 (180 calendar days); 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 construction contract requires the contractor to have the ability to work outside of normal business hours, and specifically states that the Conch Republic Seafood Company is a fully operational restaurant and must remain open for business. Port staff has worked with, and will continue to work with, the contractor and surrounding businesses to minimize noise disruptions at area businesses; 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 One Source Restoration & Building Services, Inc. for the Conch Republic Seafood Company (631 Greene Street) roof and wall cladding replacement project, to allow construction between the hours 11:00 pm to 8:00 a.m. Monday through Fridays and 11:00 pm to 9:00 am on Saturdays from January 1, 2022 through July 1, 2022 (180 calendar days).

Section 2: That the after-hours work to be conducted primarily includes, but is not limited to, demolition and replacement of primary and secondary steel framing elements, wall cladding and wall girt, that will include the use of impact drills, welding devices, saws and heaving equipment with back-up alarms.

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