

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 CAL DEVELOPMENT, INC., FOR BANK OF AMERICA EXTERIOR ADA UPGRADES AT 3200 FLAGLER AVENUE, KEY WEST; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, CAL Development, Inc., submitted a request for exemption to provisions of the sound control ordinance to allow weekend construction on the building exterior, including asphalt and concrete work on the parking lot, sidewalks, ramps, entrance way, toward improving ADA compliance, on Sunday September 10, 17, and 24, 2017 between the hours of 9:00 am and 5:00 pm; 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 the ADA improvements at the Bank of America Office 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 CAL Development, Inc., for the Bank of America Building ADA Improvements Project, to allow weekend asphalt and concrete construction on the parking lot, sidewalks, ramping, and entrance way between the hours of 9:00 a.m. and 5:00 pm, on Sunday, September 10, 17 and 24, 2017.

Section 2: That the work to be conducted primarily includes, but is not limited to, concrete and asphalt demolition, reconstruction and improvements, to improve ADA accessibility. The request for after-hours construction is for up to three Sundays - September 10, 17 and 24, so that concrete and asphalt work can be cured and ready for business Monday morning.

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 _____

ATTEST:

CRAIG CATES, MAYOR

CHERYL SMITH, CITY CLERK