

ORDINANCE NO. 1066-2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-013, RESIDENTIAL PLANTINGS, FENCES, AND WALLS; BY PERMITTING THE INSTALLATION AND CONSTRUCTION OF DECORATIVE GATES ON SIDE AND REAR YARD FENCES AND WALLS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City has recently experienced a demand by citizens for the installation and construction of decorative gates on side and rear yard fences and walls; and,

WHEREAS, while it appears that the proposed types of gates are both functional and attractive, there are Florida Building Code provisions that mitigate against their use; and,

WHEREAS, although the City is willing to consider the enactment of a provision to allow such gates for side and rear yard fences, any such provision must be in compliance with the Florida Building Code; and,

WHEREAS, the City Council has reviewed photos of representative types of the gates being requested and discussed the required limitations that must accompany the approval of such gates; and,

WHEREAS, the City Council has determined that it is both proper and appropriate and in the best interest of the City to enact legislation providing for the limited and restrictive use of such gates:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS:

Section 1: That Code of Ordinance Section 150-013, Residential plantings, fences, and walls, is hereby amended as follows:

150-013. Residential plantings, fences, and walls

- (A) . . . . .
- (B) Fences, and walls, and gates
  - (1) . . . . .
  - (2) . . . . .
  - (3) . . . . .
  - (4) . . . . .
  - (5) Decorative gates on side and rear yard fences and walls may be installed and constructed up to a height of nine (9) feet, so long as Miami-Dade County product approval is provided along with all appropriate and approved wind load engineering data and testing required by the Florida Building Code, Miami-Dade County and the City.
- (C) . . . . .

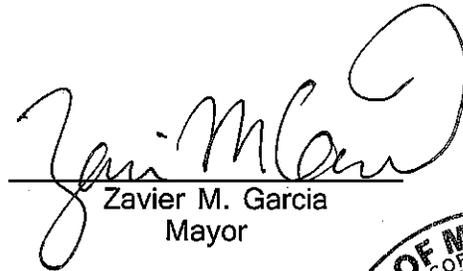
Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That this Ordinance shall take effect immediately upon adoption.

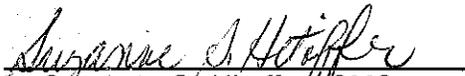
**PASSED AND ADOPTED** by the City Council of the City of Miami Springs, Florida this 24<sup>th</sup> day of February, 2014.

The motion to adopt the foregoing ordinance was offered on second reading by Councilman Lob, seconded by Vice Mayor Bain, and on roll call the following vote ensued:

Vice Mayor Bain	"aye"
Councilman Windrem	"aye"
Councilman Lob	"aye"
Councilman Petralanda	"aye"
Mayor Garcia	"aye"

  
Zavier M. Garcia  
Mayor

ATTEST:

  
Suzanne S. Hitaffer, CMC  
Acting City Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
Jan K. Seiden, Esquire  
City Attorney

First reading: 02-10-2014  
Second reading: 02-24-2014

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.