

**ORDINANCE NO. 2015-4**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-100 “SINGLE-FAMILY AND TWO-FAMILY DISTRICTS” OF THE VILLAGE CODE OF ORDINANCES RELATING TO POOL FENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Key Biscayne (the “Village”) has adopted Zoning and Land Development Regulations in order to promote the health, safety, order, convenience, comfort, and general welfare of the public, and to promote and preserve the character and ecological quality of the Village as articulated in the Village’s Comprehensive Plan; and

**WHEREAS**, the Village Council desires to amend the Land Development Regulations relating to pool fences in the single-family and two-family districts; and

**WHEREAS**, the Village Council, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and recommends approval; and

**WHEREAS**, the Village Council finds that the adoption of this Ordinance is in the best interest of the residents of the Village.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS<sup>1</sup>:**

**Section 1.** The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

**Section 2.** **Section 30-100 of the Village Code Amended.** That Section 30-100 of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

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<sup>1</sup> Coding, underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text. The underlined words are additions between 1<sup>st</sup> and 2<sup>nd</sup> reading, ~~struck through~~ words are deletions.

**Sec. 30-100. Single Family and Two-Family districts.**

\* \* \*

(f) *Permitted encroachments in Required Yards.*

\* \* \*

(3) Decks, pools, and screen enclosures.

\* \* \*

(e) fences.

- (l) Any yard that has a swimming pool shall be surrounded by a wall or fence installed in accordance with Section 30-100(f)(6) of the Village Code. ~~be surrounded by a perimeter cbs wall, metal picket fence, or wood fence that is a minimum of four feet in height. With respect to the waterfront zone, this provision shall apply to the front and side yards, but not the rear property line adjacent to the waterfront. This provision shall not apply to the rear property line of waterfront lots. This provision may also be satisfied if a metal or wood fence is located on a pool deck where the fence completely surrounds the pool.~~
- (ii) A safety pool cover is not an acceptable alternative under Section 515.127, Florida Statutes. the following residential swimming pool safety features shall be required: (1) All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm that has a minimum sound pressure rating of 85 dBA at 10 feet; or (2) a permanent pool barrier that meets the requirements of Section 515.29, Florida Statutes. ~~A perimeter cbs wall, metal picket fence, or wood fence is not required if a permanent pool barrier is installed.~~
- (iii) Except for pools located in any yard that faces a street, the provisions of subsection (f) above shall not apply, if a permanent pool barrier is installed;
- (iiiv) Gates. All openings shall be equipped with gates that have a spring lock type, so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safe lock and shall be locked when the swimming pool is not in use.

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be

invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

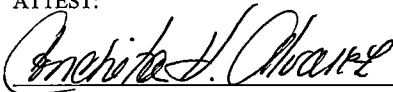
**Section 5. Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 14th day of April, 2015.

PASSED AND ADOPTED on second reading this 9th day of June, 2015.

  
MAYOR MAYRA PEÑA LINDSAY

ATTEST:



CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
VILLAGE ATTORNEY



# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami Dade County, Florida

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared M ZALDIVAR, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review t/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida, that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF KEY BISCAZYNE  
ORDINANCE - JUNE 9, 2015

in the XXXX Court,  
was published in said newspaper in the issues of

05/28/2015

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

Sworn to and subscribed before me this

28 day of MAY, A D 2015

(SEAL)

M ZALDIVAR personally known to me



## VILLAGE OF KEY BISCAZYNE

### OFFICE OF THE VILLAGE CLERK

#### PUBLIC NOTICE

Notice is hereby given that the following ordinance will be considered on Second Reading by the Village Council of the Village of Key Biscayne, at a meeting to be held on Tuesday, June 9, 2015 at 7.00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, Key Biscayne, Florida

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAZYNE, FLORIDA, AMENDING SECTION 30-100 "SINGLE-FAMILY AND TWO-FAMILY DISTRICTS" OF THE VILLAGE CODE OF ORDINANCES RELATING TO POOL FENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The proposed Ordinance may be inspected by the public at the Office of the Village Clerk. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinance. Any person wishing to address the Village Council on any item at this Public Hearing is asked to register with the Village Clerk prior to that item being heard.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to any matter to be considered at this meeting, that person shall insure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing and or presented in person at the public hearing.

Conchita H Alvarez, MMC  
Village Clerk

5/28

15-4-170/2445846M