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3 **ORDINANCE NO. 2015-05**

4 **AN ORDINANCE OF THE VILLAGE**
5 **COMMISSION OF THE VILLAGE OF BISCAYNE**
6 **PARK, FLORIDA AMENDING SECTION 10.4 OF**
7 **THE LAND DEVELOPMENT CODE ENTITLED**
8 **“BUILDING CONSTRUCTION” TO PROVIDE**
9 **FOR VARIANCES FOR ROOFS; PROVIDING**
10 **FOR CONFLICTS; PROVIDING FOR**
11 **SEVERABILITY; PROVIDING FOR INCLUSION;**
12 **PROVIDING FOR AN EFFECTIVE DATE**

13 WHEREAS, at its meeting of August 5, 2014, the Village Commission adopted
14 Ordinance 2014-05 which amended Chapter 10 of the Village’s Land Development Code; and

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16 WHEREAS, Ordinance 2014-05 contained a provision which disallowed variances from
17 any of its provisions; and

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19 WHEREAS, the Village Commission finds it in the best interests of the Village to
20 remove the blanket prohibition of variances from Section 10.4.6 of the Land Development Code;

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23 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF**
24 **THE VILLAGE OF BISCAYNE PARK, FLORIDA:**

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27 **Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as
28 being true and correct and are hereby made a specific part of this Ordinance upon adoption
29 hereof.

30 **Section 2.** Section 10.4 of the Village of Biscayne Park Land Development Code,
31 entitled “Building construction”, shall be amended to read as follows:

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33 **10.4.- Building construction.**

34 * * * *

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36 **10.4.6 Roof material.**

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38 (a) Roof material shall be of tile or metal for roofs with a pitch of two and one-half (2
39 ½) inches per foot or more. Roofing materials shall be of engineered built-up roofing material
40 for roofs with a pitch less than two and one-half (2 ½) inches per foot.
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3 (g) No variances from any of these provisions shall be granted. However, if a metal
4 roof that does not meet the requirements of this section has been permitted on or before August
5 1, 2015, that roof shall be allowed. However, if and/or when that roof is replaced, any new roof
6 must fully comply with the requirements of this section.
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8 **Section 3.** **Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts
9 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

10 **Section 4.** **Severability.** The provisions of this Ordinance are declared to be
11 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason
12 be held to be invalid or unconstitutional, such decision shall not affect the validity of the
13 remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in
14 effect, it being the legislative intent that this Ordinance shall stand notwithstanding the
15 invalidity of any part.

16 **Section 5.** **Codification.** It is the intention of the Village Commission of the Village of
17 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code
18 of Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance
19 may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"
20 "Article" or other word or phrase in order to accomplish such intention.

21 **Section 6.** **Effective Date.** This Ordinance shall be effective upon adoption on
22 second reading.

23 The foregoing Ordinance was offered by Vice Mayor Anderson, who moved its adoption. The
24 motion was seconded by Commissioner Jonas and upon being put to a vote, the vote was as
25 follows:
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27 PASSED AND ADOPTED upon first reading this 4th day of August, 2015.

28 PASSED AND ADOPTED upon second reading this 1st day of September, 2015.

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The foregoing ordinance upon being put to a vote, the vote was as follows:



David Coviello, Mayor

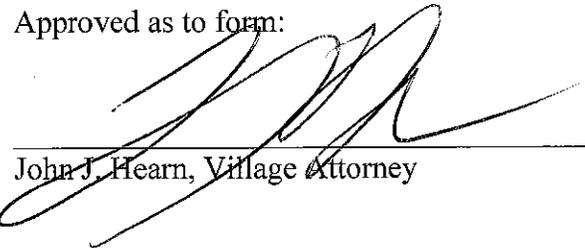
Mayor Coviello: Yes
Vice Mayor Anderson: Yes
Commissioner Jonas: Yes
Commissioner Ross: Yes
Commissioner Watts: Yes

Attest:



Maria C. Camara, Village Clerk

Approved as to form:



John J. Hearn, Village Attorney