ORDINANCE NO. 16-191

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, ARTICLE VI, DIVISION 1, SECTION 13-1608, ROOFS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Objective 1.2 of the Town's Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

WHEREAS, consistent technological investments have led to development of roofing materials that approximate the aesthetics of more traditional roof materials and have gained product approval under the terms of the Florida Building Code; and

WHEREAS, the Town Council desires to modify allowed roofing materials on single-family and two-family properties to allow for the use of these newer technologies; and

WHEREAS, the Town's Planning and Zoning Board, as the Local Planning Agency (LPA), reviewed the proposed amendments at a duly advertised Public Hearing on February 16, 2016, and voted to recommend adoption of the amendments with a modification; and

WHEREAS, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency (LPA) and Town staff, the Town Council wishes to adopt the amendments to the Town LDC attached hereto as Exhibit A; and

WHEREAS, the proposed amendments are in conformance with all applicable requirements of the Town's Code of Ordinances, including the LDC; and

WHEREAS, the proposed amendments will not be in conflict with the public interest, and are consistent and in harmony with the purpose and intent of the Comprehensive Plan; and

WHEREAS, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption. The Town Council hereby adopts the amendments to Article VI, of the Town LDC, which are attached as Exhibit A hereto and are incorporated herein[1].

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. 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 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

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[1] Additions to the text are shown in <u>underline</u> and deletions from the text are shown in ~~strikethrough~~. Changes since the first reading of the ordinance are shown in <u>double underline</u> and ~~double strikethrough~~.

FIRST READING

The foregoing ordinance was offered by Councilmember _____Cid_____ who moved its adoption on first reading. The motion was seconded by Councilmember __Daubert__ and upon being put to a vote, the vote was as follows:

Mayor Michael A. Pizzi, Jr.

Vice Mayor Tim Daubert

Councilmember Manny Cid

Councilmember Tony Lama

Councilmember Ceasar Mestre

Councilmember Frank Mingo

Councilmember Nelson Rodriguez

Passed and adopted on first reading this 2nd day of February, 2016.

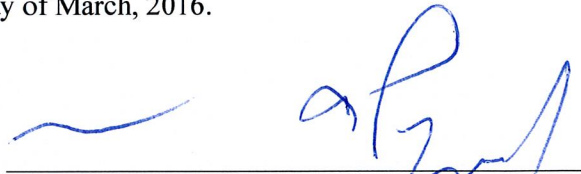**THIS SPACE INTENTIONALLY LEFT BLANK**

SECOND READING

The foregoing ordinance was offered by Councilmember _Cid_ who moved its adoption on second reading. The motion was seconded by Councilmember _Pizzi_ and upon being put to a vote, the vote was as follows:

Mayor Michael A. Pizzi, Jr. _____

Vice Mayor Tim Daubert _____

Councilmember Manny Cid _____

Councilmember Tony Lama _____

Councilmember Ceasar Mestre _____

Councilmember Frank Mingo _____

Councilmember Nelson Rodriguez _____

Passed and adopted on second reading this 1st day of March, 2016.

_____
Michael A. Pizzi, Jr.
MAYOR

Attest:

_____
Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

_____
Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT "A"

Chapter 13 – Land Development Code

Article VI. Supplementary Regulations.

Division 1. In General.

Sec. 13-1608. Development regulations.

(a) All new single-family or two-family roofs with a pitch equal to or greater than <u>2.5 inches rise per one foot run</u> ~~2½~~ shall be constructed of ~~cement, ceramic, or metal to simulate~~ barrel tile or flat ~~cement~~ tile<u>, or shall be constructed of another material which simulates barrel tile or flat tile</u>. Other roofing materials~~, approved under the Florida Building Code,~~ may <u>only</u> be approved ~~by the Town Council at a public hearing~~ through the variance process. ~~All new roofs with a pitch less than 2½ shall be CBS construction. However, flat asphalt shingles on pitched roofs are not permitted for new construction or for additions to existing buildings.~~

(b) All single-family or two-family roof materials may be replaced or repaired with similar types of roofing material as <u>those materials being replaced or repaired</u> ~~originally installed on the residence~~<u>,</u> or may be constructed of <u>barrel tile, flat tile or another material</u> ~~cement, ceramic, or metal~~ which simulates ~~flat cement tile or~~ barrel tile <u>or flat tile</u>. ~~Existing gravel or asphalt shingle pitched roofs may be replaced with cement, ceramic, or metal which simulates flat cement tile or barrel tile.~~