

ORDINANCE NO. 663-07

AN ORDINANCE OF THE MIAMI SHORES VILLAGE COUNCIL, AMENDING SECTION 523.1 OF THE ZONING APPENDIX A, CONTAINED IN THE CODE OF ORDINANCES OF MIAMI SHORES VILLAGE, FLORIDA, CONDITIONALLY PROVIDING FOR METAL, GLAZED TILE AND ASPHALT SHINGLES, AS ACCEPTABLE ROOFING MATERIALS, SETTING FORTH THOSE CONDITIONS, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, due to an expressed interest by Village residents to expand the existing list of acceptable roofing materials, and;

WHEREAS, the Village Council directed the members of the Planning Board to research and review alternate roofing materials that have obtained Dade County Product approval, and;

WHEREAS, working with the Planning Director, the Planning Board has completed their review and compiled their recommendations, with such recommendations set forth in a Resolution of the Planning Board, and;

WHEREAS, it is in the best interests of the Village to allow for alternate roofing materials for residential dwellings;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA;

Section 1. That Section 523.1 of the Zoning Appendix A, contained in the Miami Shores Village Code of Ordinances shall stand amended to read as follows:

Sec. 523.1. Construction.

Construction of all exterior walls and all structural elements of a building shall be of stone, cement or cement products, brick or tile, and as further detailed in Chapter 27 of the Florida Building Code, with the following exceptions:

- (a) Door and window spaces may be trimmed in any material;
- (b) Any porch, so long as it remains unenclosed, may be framed in wood construction of a structural strength not less than that required for comparable parts of the remainder of the building;
- (c) A carport, every part of which is situated to the rear of the building and between the prolongations of the side lines thereof, may be of other than the foregoing construction, provided that all parts of such carport except any fabric covering, shall be of a structural strength not less than that required for comparable parts of the main building;
- (d) A covered passageway, with sides unenclosed, between a main building and an accessory building may be constructed of other than the materials first listed above;

(e) Trellises, arbors, and pergolas: A heavy framework of cross timbers in an ornamental openwork construction of woods serving as a protective screen, not to exceed in height the roof eave line on a single-story residence to which it is attached, or not to exceed ten feet in height on a detached structure; in rear yards not to exceed more than 20 percent of the area of the yard; with minimum setbacks as follows: Front yard, 25 feet, side yard, ten feet, and rear yard, five feet, to be designed by a registered architect and constructed of one of the following: pressure-treated Southern pine, cedar or redwood; with minimum timber sizes as follows:

- (1) Support columns--four inches wide by four inches deep,
- (2) Main support beams--nominal cross section of 16 square inches.

(f) All roofs with inclines of not less than two and one-half inches per foot and all mansard fascias shall be limited to the following materials:

- (1) Clay tile the color of which is impregnated with the same color intensity throughout;
- (2) White concrete tile;
- (3) Solid colored cement tile impregnated with the same color intensity throughout;
- (4) Thick butt variegated slate;
- (5) Standing seamed metal roofs consisting of mechanically seamed or snap-lock panels, with a factory finish that has received a "Notice of Acceptance" from Miami Dade County and that is labeled "Miami-Dade County Product Control Approved".
- (6) Glazed tiles.
- (7) Slurry coats for concrete tiles are not permitted.
- (8) Asphalt shingles may be used to replace an existing asphalt shingle roof if an engineer's evaluation is provided to the Village certifying that the roof is not structurally adequate to utilize any of the approved roofing materials.
- (9) Metal shingles may be used in commercial zones only.
- (10) Notwithstanding the above, multi colored roofs and non-standard colors may only be used upon advance approval by the Planning Board.
- (11) Any substantial change from existing materials in place, shall require the approval of Village Staff for aesthetics and harmony with other buildings in the proximity thereof.

- (g) All roofs having an incline of less than two and one-half inches per foot shall be constructed of build-up roofing material and gravel modified bitumen, or fiberglass cap.
 - 1) Any substantial change from existing materials in place, shall require the approval of Village Staff for aesthetics and harmony with other buildings in the proximity thereof.
- (h) Flat roofs are permitted on additions to existing pitched-roof structures providing:
 - 1) A sloped roof is not practical, and this shall be determined by the planning board.
 - 2) The addition shall not exceed 15 percent of the ground area of the pitched roof section of the existing buildings, or a maximum of 300 square feet, whichever is greater (any existing flat roof sections shall count against allowable new area);
 - 3) The addition is not visible from the front elevation of the building on an inside lot, or is not visible from the front or side street elevations on a corner lot;
- (i) Metal or fabric roofs are permitted to cover porches, patios and carports in residential districts, providing:
 - 1) The structure is located in the rear of the building and shall be situated so that it is between the prolongations of the sidelines thereof and;
 - 2) The metal or fabric roof material shall be colored by a factory process and shall be harmonious in color with the main building; and
 - 3) The area covered by the metal or fabric roof shall not exceed 15 percent of the ground area of the main building, or, a maximum of 300 square feet, whichever is greater.

This section shall not be construed to permit the erection of chickee huts, which are prohibited.

This section shall not be construed to permit the use of imitation barrel tiles which are prohibited.

SECTION 2. All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

SECTION 3. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance, which shall be deemed to be severable therefrom.

SECTION 4. This Ordinance shall become effective immediately upon adoption on second reading, and the provisions of Section 523.1 (f) 5 shall expire and sunset one year following the effective date of this ordinance unless re-enacted prior thereto.

Passed on first reading this 16th day of October, 2007.

Passed and adopted on second reading this 6th day of November, 2007.

Herta Holly, Mayor

ATTEST:

Barbara A. Estep, MMC
Village Clerk

APPROVED AS TO FORM:

Richard Sarafan, Village Attorney