

**ORDINANCE NO. 1083 – 2015**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-010, ROOF MATERIALS, REQUIREMENTS AND RE-ROOFS; BY INCLUDING A NEW PROVISION PERMITTING FLAT ROOFS WITH CONTINUOUS PARAPETS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE**

**WHEREAS**, the City has recently begun to receive requests to allow flat roofs on new structures to be built in the City; and,

**WHEREAS**, although the requests have mostly involved “modern style” construction, the flat roof authorization would also accommodate the “pueblo style” construction which is historically significant to the City; and,

**WHEREAS**, a material part of the discussions related to the authorization of new flat roof structures is the requirement to provide a continuous parapet to screen the roofing materials and any equipment to be located on the roof; and,

**WHEREAS**, the City administrative staff proposed the authorization of newly constructed flat roof structures to the City Council for its review and discussion; and,

**WHEREAS**, the City Council has determined that it is in the best interests of the City and its citizens to authorize the use of flat roofs with continuous parapets on the newly constructed structures in the City;

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

**Section 1:** That Code of Ordinance Section, 150-010, Roof Materials, Requirements and Re-Roofs, is hereby amended as follows:

Sec. 150-010. Roof Materials, requirements, and re-roofs.

A).....

B).....

C).....

D).....

E) Flat roofs are also permitted with a continuous masonry parapet with a minimum height of 18 inches, but in all cases taller than any rooftop equipment that may be placed thereon, and may be constructed of any material

approved by the Florida Building Code, and shall have a minimum pitch as required by the Florida Building Code.

(F) (-E) Flat roofs without parapet screening shall also be permitted for home additions, attached garages or carports, or detached accessory structures ~~shall only be permitted~~ if the residential structure on the property, or a substantial adjoining or adjacent portion thereof, has an existing flat roof that will continue to be maintained. If permitted, based upon the foregoing criteria, such flat roofs shall have a minimum pitch ~~of one fourth inch rise per foot of run~~ as required by the Florida Building Code.

(G) (F) Notwithstanding the foregoing, flat roofs will be permitted on "open patios", without screening, in rear yard areas, which constitute non-living space, so long as the property owner agrees that the patio area will never be enclosed so as to constitute "living space", and will execute a recordable and appropriate "Covenant Running-With-the-Land" to provide notice to future purchasers of the property and further assurances of compliance to the City. In addition, the provisions of this section shall also be applicable to appropriate instances of reverse frontage.

(H) (G) Re-roofs.....

(I) (H) ~~Reserved.~~ If a dispute arises as to whether all conditions have been met, any applicant can file an application in accordance with the procedures set forth in the Code of Ordinances for securing variances from the City to secure a final determination from the Board of Adjustment and City Council.

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

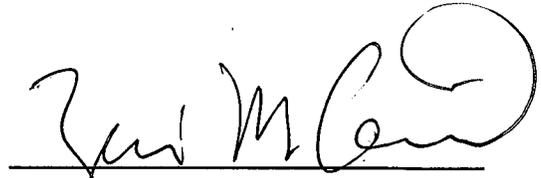
**Section 3: Effective Date.** That this Ordinance shall take effect immediately upon adoption.

**PASSED ON FIRST READING** this 9<sup>th</sup> day of November, 2015, on a motion made by Vice Mayor Bain and seconded by Councilwoman Buckner.

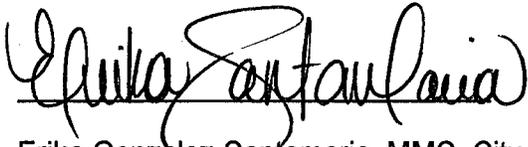
**PASSED AND ADOPTED ON SECOND READING** this 14<sup>th</sup> day of December 2015, on a motion made by Councilman Best and seconded by Councilwoman Buckner.

Vice Mayor Bain  
Councilman Best  
Councilwoman Buckner  
Councilman Petralanda  
Mayor Garcia

YES  
YES  
YES  
YES  
YES

  
\_\_\_\_\_  
Zavier M. Garcia, Mayor

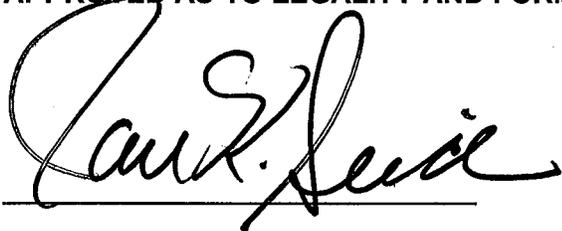
**ATTEST:**

  
\_\_\_\_\_  
Erika Gonzalez-Santamaria, MMC, City Clerk

Erika Gonzalez-Santamaria, MMC, City Clerk



**APPROVED AS TO LEGALITY AND FORM:**

  
\_\_\_\_\_  
Jan K. Seiden, City Attorney

Jan K. Seiden, City Attorney

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