

AGENDA ITEM REPORT

March 20, 2024

ITEM NUMBER: 12.

ITEM: Consideration and Approval of an ordinance on first reading amending Section 5-18 of the Town Code to include metal roof materials in the list of permitted roofing materials. Sponsored by Council Member Robert Yaffe. Enclosed is a copy of the draft ordinance.

DESCRIPTION:

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is no fiscal impact to create the ordinance.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk


ATTACHMENTS

1.	BHI TC Staff Report Metal Roofs March 13 2024
2.	Metal Roof Materials - BHI Draft Ord Mod March 4 2024

**TOWN OF BAY HARBOR ISLANDS
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor and Town Council Members
Town of Bay Harbor Islands

Thru: Maria D. Lasday – Town Manager
Mike Mesa – Town Bldg. Official / Asst. Town Manager
Joseph S. Geller, Esq. – Town Attorney

From: Michael J. Miller, AICP 
Consultant Town Planner

Date: March 13th, 2024

Subject: Town of Bay Harbor Islands
Potential Land Development Code Amendment
Roofing Materials – Metal Roof Material
MMPA Acct. No.: 01-0702-0500A

ISSUE

Since July of 1983 (Ord. No. 409) the Town has had regulations governing the types of allowable roofing materials for all land development projects. There has been only one amendment to these regulations since that time (Ord. No. 567 adopted 3/13/95). It is quite common for local governments to regulate a wide variety of architectural / design type items, including roofing materials. Because of the South Florida climate (heat / humidity / high winds) and desire for higher quality development many communities specify the allowable types of roofing materials (and sometimes prohibited materials), roof colors (impregnated / painted), roof styles (flat tile / barrel tile) for sloped roof surfaces. While the Town Code includes a specific listing of allowable roof materials, a provision has always been included that allows the Town (PZB / now DRB) to consider alternative roof materials to those listed on a case-by-case basis. About 20 years ago the Town started to receive occasion applications to install Standing Seam Metal Roofs on some single-family homes. Accordingly, via the Code requirement of Section 5-18, each of the recent applications was submitted to the Design Review Board (DRB). The DRB reviewed each home's architecture style and approved all of the metal roof requests. The DRB requested that the Town Council consider amending the Code to allow metal roofs by right. At the February 2024 Town Council meeting, Councilmember Yaffe mentioned this subject and proposed a Code amendment be prepared / discussed to allow metal roof materials in the Town by right (no DRB review). MMPA has prepared a draft Ordinance for consideration.

BACKGROUND / ANALYSIS

Recently, the Town has been receiving a higher number of requests for metal roofing materials on single-family homes. This may be due to the limited availability / cost of concrete roofing materials, or simply a different / modern appearance. Accordingly, via the Code requirement of Section 5-18, each of the recent applications was submitted to the Design Review Board (DRB). The DRB reviewed each home's architecture style and approved all of the metal roof requests.

As stated above, since July of 1983 (Ord. No. 409) the Town has had regulations governing the types of allowable roofing materials for all land development projects. There has been only one amendment to these regulations since that time (Ord. No. 567 adopted 3/13/95). It is quite common for local governments to regulate a wide variety of architectural / design type items, including roofing materials. Because of the South Florida climate (heat / humidity / high winds) and desire for higher quality development many communities specify the allowable types of roofing materials (and sometimes prohibited materials), roof colors (impregnated / painted), roof styles (flat tile / barrel tile) for sloped roof surfaces. While the Town Code includes a specific listing of allowable roof materials, a provision has always been included that allows the Town (PZB / now DRB) to consider alternative roof materials to those listed on a case-by-case basis.

About 20 years ago the Town started to receive occasion applications to install Standing Seam Metal Roofs on some single-family homes. Via the Code requirement of Section 5-18, each of the recent applications was submitted to the Design Review Board (DRB). The DRB reviewed each home's architecture style and approved all of the metal roof requests.

Metal roofs are more commonly used on multifamily or commercial buildings. They tend to portray a "Nautical" look or "Old Florida" look. As of March 2024, about 25 single-family homes in the Town have been allowed to install metal roofs. For new construction projects the roof material is specified on the Site Development Plans. For re-roofing of older structures, the Bldg. Dept. staff reviews and act on building permits. Typically, when the Town receives a building permit application for a new / re-roof, if the requested roofing material complies with Sec. 5-18, the Town staff can administratively approve a building permit per Resolution #1077 adopted by the Town Council in 2008 when a separate free-standing "Board" (PZB / DRB) was created to review & approved certain land development applications.

Following are the current Code provisions:

Sec. 5-18. - Required materials in roof and mansard fascia construction; approval of design review board.

(a) All roofs and mansard fascia construction shall be constructed with fire-resisting or noncombustible material and shall be of one of the following materials only, except as provided in paragraph (b) below:

(1) Clay tile;

(2) White concrete tile;

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- (3) Solid-colored cement tile, which color is impregnated with the same color intensity throughout;
 - (4) Thick butt variegated slate;
 - (5) Other materials which may be approved by the design review board.
- (b) All roofs having an incline of less than two and one-half inches per foot shall be constructed of built-up roofing material and gravel.
- (c) Flat roofs which are not visible from the street or from adjacent property by a person standing at ground level, may be constructed of modified bitumen, aluminum coat built-up, or any other water-proofing membrane application provided said application has all required product approvals.
- (d) All reconstructed roofs and mansard fascia construction, alteration or repair shall require the approval of the planning board as being harmonious with other buildings in the proximity thereof.

(Ord. No. 409, §§ 1, 2, 7-11-83; Ord. No. 567, § 1, 3-13-95)

Our research reveals that there are 25+/- existing single-family homes in the Town with Standing Seam Metal Roofs. It is unknown if each home with a metal roof obtained DRB (PZB) approval or if Town staff administratively approved them, despite the Code language. On occasion Bldg. Dept. staff / other Town staff are not fully understanding of a community's entire Land Development Code Regulations. We believe the DRB (PZB) has formally approved 9+/- to date.

Most higher quality communities require higher quality roof materials (concrete / slate) and prohibit somewhat "cheaper" looking or higher maintenance materials such as asphalt shingles or cedar shakes. These materials do not stand up as well in high wind coastal areas and in areas with high heat / humidity. Metal roofs can be attractive but typically also may have maintenance problems. Installation and product / paint application typically dictates the degree of success or failure. In high heat / humidity areas some paint applications often blister or peel on metal roofs. However, some metal materials (copper) can be very attractive and relatively maintenance free. In its natural bronze state, copper looks good and even after it weathers to a green patina color. Metal roofs can experience more frequent failure as panels can lift if not installed properly. It should be mentioned that cement roof tiles can also fail and fly off, but the weight of the tiles and method of attachment typically resists failure in very high winds.

SUMMARY / RECOMMENDATION

The Town has 40-year Code provisions that specify certain allowed roof materials (concrete / clay / slate) and require the DRB to review & approve roofing materials other than those listed in the Code. This may not have been clearly understood by some previous Town staff that administratively approved some.

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Recently the Town received several applications to install Standing Seam Metal Roofs on a few older single-family homes. Due to the Section 5-18 Code provisions the DRB reviewed and approved each of those applications. As these types of roofs are becoming more commonplace the DRB requested the Town Council to revisit the list of roof materials in Section 5-18 and consider allowing metal roofs by right (no DRB special approval). MMPA feels some entity (DRB / designated staff) should review each application to determine if the architecture of the house / other structure would be compatible with a metal roof. At the February 2024 Town Council meeting, Councilmember Yaffe mentioned this subject and proposed a Code amendment be prepared / discussed to allow metal roof materials in the Town by right (no DRB review).

MMPA has prepared the attached draft Ordinance for consideration.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ALLOWABLE ROOFING MATERIALS IN THE TOWN; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE 1 ENTITLED IN GENERAL; AMENDING SECTION 5-18 ENTITLED REQUIRED MATERIALS IN ROOF AND MANSARD FASCIA CONSTRUCTION - APPROVAL OF DESIGN REVIEW BOARD TO MODIFY THE LIST OF ALLOWABLE ROOF MATERIALS; PROVIDING FOR ADOPTION OF RECITALS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council periodically studies various land development trends and issues and amends the Town's Land Development Regulations accordingly; and

WHEREAS, the Town Council has studied the current Building and Construction Code provisions of the Town and find that certain modifications are necessary and desirable to address the needs of the community, for development review purposes, and for consistency and correctness, to regulate allowable roof materials in the Town; and

WHEREAS, the Town Council has heard testimony from residents, property owners and the Design Review Board in support for such amendments; and

WHEREAS, the Town Council finds this Ordinance is consistent with the Town's Comprehensive Plan and is necessary for the preservation of the public health, safety and welfare of the Town's residents and property owners; and

WHEREAS, the Town Council held duly advertised public meetings to consider the proposed modifications to the Town's Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Strike-Through = Delete / Underline = New Text

Section 2: That the Town of Bay Harbor Islands Building and Construction Code is hereby amended to modify Section 5-18 to amend the list of allowable roof materials in the Town, as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this ___ day of _____, 2024.

PASSED on Second Reading this ___ day of _____, 2024.

ELIZABETH TRICOCHÉ - MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC - TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP – TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

EXHIBIT "A"

The Town of Bay Harbor Islands, Florida Code of Ordinances is hereby amended as follows:

CHAPTER 5

BUILDINGS AND CONSTRUCTION

ARTICLE I. - IN GENERAL

Sec. 5-18. - Required materials in roof and mansard fascia construction; approval of design review board.

(a) Roof materials shall be of high quality, durable, and consistent with local architectural themes. All roofs and mansard fascia construction shall be constructed with fire-resisting or noncombustible material and shall be of one of the following materials only, except as provided in paragraph (b) below:

(1) Clay tile;

(2) ~~White~~ Concrete tile;

(3) Solid-colored or variegated cement tile, which color is impregnated with the same color intensity throughout;

(4) Thick butt variegated slate;

(5) Metal roofs when consistent with the use and architecture of a structure;

~~(5)~~ (6) Other materials which may be approved by the design review board.

(7) Roof materials shall consist of Spanish tile, barrel tile, flat tile, neutral colored stone tile, metal or a similar neutral material of similar quality.

(8) For any roof material installed on a building or structure other than those listed above that existed prior to the adoption of Ordinance No. 567 on March 13th, 1995, normal maintenance and repairs to any such existing roof material is allowed. If any such pre-existing nonconforming roof material is replaced, the replacement roof material shall comply with sections (1) through (7) above.

(b) All roofs having an incline of less than two and one-half inches per foot shall be constructed of built-up roofing material and gravel.

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(c) Flat roofs which are not visible from the street or from adjacent property by a person standing at ground level, may be constructed of modified bitumen, aluminum coat built-up, or any other water-proofing membrane application provided said application has all required product approvals.

(d) All reconstructed roofs and mansard fascia construction, alteration or repair shall require the approval of either the ~~planning~~ design review board or administrative staff as established by Resolution as being harmonious with other buildings in the proximity thereof.

AGENDA ITEM REPORT

March 20, 2024

ITEM NUMBER: 13.

ITEM: Discussion and Possible action regarding non-renewal of the contract for the art festival. Sponsored by Mayor Elizabeth Tricoche.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

None