

RESOLUTION NO. 2023-1540

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA: PROVIDING FOR THE SUBMISSION TO THE VILLAGE ELECTORS OF A PROPOSED AMENDMENT TO THE VILLAGE CHARTER, IN ACCORDANCE WITH SECTION 6.03 OF THE MIAMI-DADE COUNTY CHARTER, CONCERNING BUILDING HEIGHT; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING AN ELECTION ON THE PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO BE HELD ON TUESDAY, MAY 2, 2023; PROVIDING NOTICE OF ELECTION; PROVIDING FOR BALLOTING; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 6.03 of the Miami-Dade County ("County") Charter, the Village Council may amend the Village Charter (the "Charter Amendment"); and

WHEREAS, pursuant to Section 6.03 of the Miami-Dade County Charter, the Village Council is required to submit the Charter Amendment to the electors of the Village for approval or rejection.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Charter Amendment. That pursuant to Section 6.03 of the County Charter, the Village Charter of Bal Harbour Village, Florida, is hereby amended by amending Section 80, "Building Height," to read as follows:

Sec. 80. Building Height

Building height allowed on any property shall not exceed the permitted height for that property set forth in the Village's comprehensive plan or municipal code, in effect the date this amendment is approved, whichever provisions are most restrictive Notwithstanding the foregoing:

(a) the height of single family dwellings may be measured from the highest minimum elevation provided by state or federal law, and

(b) the height of structures that are used for municipal purposes may be measured from the highest minimum elevation provided by state or federal law.

Unless otherwise specified in the comprehensive plan or municipal code in effect the date this amendment is approved, each building "story" shall mean 11 feet in height.

Section 2. Election Called. That an election is hereby called, to be held on Tuesday, May 2, 2023, to present to the qualified electors of Bal Harbour Village, the ballot question provided in Section 3 of this Resolution.

Section 3. Form of Ballot. That the form of ballot for the Charter Amendment provided for in Section 1 of this Resolution shall be substantially as follows:

Measure Height of Structures for Municipal Purposes

Shall the Charter be amended to allow the height of structures that are used for municipal purposes to be measured from the highest minimum elevation required by state or federal law?

Yes

No

Section 4. Balloting. That balloting shall be conducted between the hours of 7:00 a.m. to 7:00 p.m. on the date of the election. Vote-by-mail ballots shall be available. All qualified Village electors who are timely registered in accordance with law shall be entitled to vote. The Village Clerk is authorized to obtain any necessary election administration services from the County Supervisor of Elections. The County registration books shall remain open at the Office of the County Supervisor of Elections until the date at which the registration books shall close, in accordance with the provisions of the general election laws. The Village Clerk and the Miami-Dade County Supervisor of Elections are hereby authorized to take all appropriate action necessary to carry into effect and accomplish the provisions of this Resolution. This election shall canvassed as required by law.

Section 5. Notice of Election. That notice of said election shall be published in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the Village at least 30 days prior to said election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the

election, and shall be in substantially the following form:

"NOTICE OF ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 2023-1540 ADOPTED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AN ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE VILLAGE ON TUESDAY, MAY 2, 2023, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSAL SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE VILLAGE.

Measure Height of Structures for Municipal Purposes

Shall the Charter be amended to allow the height of structures that are used for municipal purposes to be measured from the highest minimum elevation required by state or federal law?

Yes

No

Polling place information and the full text of the proposed Charter Amendment as set forth in the enabling Resolution and Petition is available at the office of the Village Clerk, located at 655-96th Street, Bal Harbour, Florida 33154.

Bal Harbour Village Clerk

Section 6. Copies. That copies of this Resolution concerning the Charter Amendment is on file at the office of the Village Clerk, located at 655-96th Street, Bal Harbour, Florida 33154, and is available for public inspection, during regular business hours.

Section 7. Effectiveness. That the Charter Amendment provided for in Section 1 above shall become effective only if the majority of the qualified electors voting on the Charter Amendment vote for its adoption, and it shall be considered adopted and effective upon certification of the election results. Following adoption of the

Charter Amendment, the Village Clerk shall file the adopted Charter Amendment with the Clerk of the Circuit Court of Miami- Dade County, Florida.

Section 8. Inclusion In The Charter. Subject to the requirements of Section 7 above, it is the intention of the Village Council and it is hereby provided that the Charter Amendment shall become and be made a part of the Charter of Bal Harbour Village; that the Sections of this Resolution may be renumbered or re-lettered to accomplish such intention.

Section 9. Severability. That the provisions of the Charter Amendment set forth above are severable, and if any clause, sentence, paragraph or section thereof is adjudged invalid by any court of competent jurisdiction, the remaining provisions shall continue to be effective to the fullest extent possible.

Section 10. Effective Date of Resolution. That this Resolution shall become effective immediately upon adoption hereof.

PASSED AND ADOPTED this 21st day of February, 2023.




Mayor Jeffrey P. Freimark

ATTEST:


Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Village Attorney
Weiss Serota Helfman Cole & Bierman P.L.