

# BAL HARBOUR

- V I L L A G E -

Mayor Seth E. Salver  
Vice Mayor David Wolf  
Councilman Jeffrey P. Freimark  
Councilman Alejandro Levy  
Councilman Buzzy Sklar

Village Manager Jorge M. Gonzalez  
Village Clerk Dwight S. Danie  
Village Attorneys Weiss Serota  
Helfman Cole & Bierman, P.L.

## **Bal Harbour Village Local Planning Agency**

Regular Meeting Agenda

May 19, 2026

At 6:30 PM

Bal Harbour Village Hall • Council Chamber • 655 96th Street • Bal Harbour • Florida 33154

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*This meeting will be conducted in person. The meeting will also be broadcast on our website at <https://balharbourfl.gov/government/village-clerk/minutes-and-agendas/>. Members of the public are also encouraged to participate by email ([meetings@balharbourfl.gov](mailto:meetings@balharbourfl.gov)) or by telephone at 305-865-6449.*

*BHV Who We Are, Vision, Mission, Values / The Bal Harbour Experience*  
[The Bal Harbour Experience.pdf](#)

### **1. ROLL CALL / CALL TO ORDER**

### **2. APPROVAL OF MINUTES**

#### **2.1. LPA Meeting Minutes - January 20, 2026**

[BalHarbourVillage-LocalPlanningAgencyMeetingMinutes\\_January20\\_2026.pdf](#)

### **3. HEARINGS**

**LPA1** Ordinance Amending R-1 and R-2 Zoning Regulations for Lot Splits  
AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21, "ZONING," TO REGULATE LOT SPLITS BY ESTABLISHING MINIMUM LOT SIZE AND WIDTH STANDARDS IN THE R-1 AND R-2 SINGLE-FAMILY RESIDENTIAL DISTRICTS AND PROVIDING CONSISTENT DENSITY LIMITS; PROVIDING FOR SEVERABILITY, CONFLICTS, INCLUSION IN THE CODE, AND FOR AN EFFECTIVE DATE.

[Item Summary - Amending R-1 and R-2 Zoning Regulations for Lot Splits LPA ADA.pdf](#)

[Memorandum - Amending R-1 and R-2 Zoning Regulations for Lot Splits LPA ADA.pdf](#)

[Ordinance - Amending R-1 and R-2 Zoning Regulations for Lot Splits ADA.pdf](#)

[Attachment - BHV Staff Report R-1 R-2 SFR Lot Size LDR ADA.pdf](#)

[Business Impact Statement - Amending R-1 and R-2 Zoning Regulations for Lot Splits ADA.pdf](#)

**LPA2** Ordinance Amending RM-5 Zoning Regulations for Municipal Buildings  
AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO MODIFY REGULATIONS APPLICABLE TO MUNICIPAL BUILDINGS AND USES IN THE

RM-5 MULTIPLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

[Item Summary - Amending RM-5 Zoning Regulations for Municipal Buildings LPA ADA.pdf](#)

[Memorandum - Amending RM-5 Zoning Regulations for Municipal Buildings LPA ADA.pdf](#)

[Ordinance - Amending RM-5 Zoning Regulations for Municipal Buildings ADA.pdf](#)

[Attachment - Exhibit A - Planning Memorandum Analysis \(Michael Miller, AICP\) ADA.pdf](#)

[Attachment - Exhibit B - Legal Analysis ADA.pdf](#)

[Business Impact Statement - Amending RM-5 Zoning Regulations for Municipal Buildings ADA.pdf](#)

**LPA3** Ordinance Amending Architectural Review Board Procedures for R-1, R-2, and PC Districts

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES TO MODIFY PROCEDURES AND REGULATIONS APPLICABLE TO THE ARCHITECTURAL REVIEW BOARD; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

[Item Summary - Amending ARB Procedures for R-1, R-2 & PC Districts LPA ADA.pdf](#)

[Memorandum - Amending ARB Procedures for R-1, R-2 & PC Districts LPA ADA.pdf](#)

[Ordinance - Amending ARB Procedures for R-1, R-2 & PC Districts ADA.pdf](#)

[Business Impact Statement - Amending ARB Procedures for R-1, R-2 & PC Districts ADA.pdf](#)

**LPA4** Ordinance Amending Single-Family Garage Entry Requirements

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO REMOVE GARAGE ENTRY REQUIREMENTS AND TO AMEND REQUIREMENTS FOR PARKING AND IMPERVIOUS SURFACE IN THE SINGLE-FAMILY RESIDENTIAL DISTRICTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

[Item Summary - Amending Single-Family Garage Entry Requirements LPA ADA.pdf](#)

[Memorandum - Amending Single-Family Garage Entry Requirements LPA ADA.pdf](#)

[Ordinance - Amending Single-Family Garage Entry Requirements ADA.pdf](#)

[Business Impact Statement - Amending Single-Family Garage Entry Requirements ADA.pdf](#)

**LPA5** Ordinance Amending Standards for Walls, Fences, Hedges, and Projections

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO REVISE STANDARDS FOR HEDGES, WALLS, FENCES AND PROJECTIONS INTO SETBACKS, AND TO INCREASE THE MAXIMUM HEIGHT AND REVISE THE MEASUREMENT OF HEIGHT OF WALLS AND FENCES IN THE SINGLE-FAMILY/MULTIPLE-FAMILY RESIDENTIAL AND PRIVATE CLUB DISTRICTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

[Item Summary - Amending Standards for Walls, Fences, Hedges, and Projections LPA ADA.pdf](#)

[Memorandum - Amending Standards for Walls, Fences, Hedges, and Projections LPA ADA.pdf](#)

[Ordinance - Amending Standards for Walls, Fences, Hedges, and Projections ADA.pdf](#)

[Business Impact Statement - Amending Standards for Walls Fences Hedges and Projection ADA.pdf](#)

#### 4. ADJOURNMENT

One or more members of any Village Committee/Board may attend this meeting of the Council and may discuss matters which may later come before their respective Boards/Committees. The New Business and Council Discussion Section includes a section for Public Comment. On public comment matters, any person is entitled to be heard by this Council on any matter; however, no action shall be taken by the Council on a matter of public comment, unless the item is specifically listed on the agenda, or is added to the agenda by Council action.

Any person who acts as a lobbyist, pursuant to Village Code Section 2-301 (Lobbyists), must register with the Village Clerk, prior to engaging in lobbying activities before Village staff, boards, committees, and/or the Village Council. A copy of the Ordinance is available in the Village Clerk's Office at Village Hall. If a person decides to appeal any decision made by the Village Council with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

All persons who need assistance or special accommodations to participate in virtual meetings please contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding. All Village Council meeting attendees, including Village staff and consultants, are subject to security screening utilizing a metal detector and/or wand, prior to entering the Council Chamber, Conference Room, or other meeting area located within Village Hall. This is for the safety of everyone. Thanks for your cooperation.



# BAL HARBOUR

- V I L L A G E -

Mayor Seth E. Salver  
Vice Mayor David Wolf  
Councilman Jeffrey P. Freimark  
Councilman Alejandro Levy  
Councilman Buzzy Sklar

Village Manager Jorge M. Gonzalez  
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## Local Planning Agency

Regular Meeting Minutes

January 20, 2026

At 6:30 AM

Bal Harbour Village Hall • 655 - 96th Street • Bal Harbour • Florida 33154

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*This meeting was conducted in person. The meeting was also broadcast on our website at <https://balharbourfl.gov/government/village-clerk/minutes-and-agendas/>. Members of the public were also encouraged to participate by email ([meetings@balharbourfl.gov](mailto:meetings@balharbourfl.gov)) or by telephone at 305-865-6449.*

- 1 CALL TO ORDER / ROLL CALL**—Mayor Seth Salver called the meeting to order at 6:58 P.M. following the General Employees’ Retirement Board meeting and after recessing the Regular Village Council Meeting.

The following were present:

Mayor Seth E. Salver  
Vice Mayor David Wolf  
Councilman Alejandro Levy  
Councilman Buzzy Sklar

The following were not present:

Councilman Jeffrey P. Freimark

Also present:

Jorge M. Gonzalez, Village Manager  
Dwight S. Danie, Village Clerk  
Susan Trevarthen, Village Attorney

The Pledge of Allegiance was led by Mayor Salver’s daughter and son, Anna Rebeca Salver and David Salver, at the beginning of the General Employees’ Retirement Board Meeting.

## 2 APPROVAL OF MINUTES

- 2.1** April 29, 2025 Local Planning Agency Meeting Minutes

**MOTION: A motion to approve the minutes was moved by Councilman Buzzy Skar and seconded by Mayor Seth E. Salver**

**VOTE: The motion passed by unanimous voice vote (4-0)**

### 3 HEARING

- 3.1** AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO CREATE SECTION 21-367 TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES OR OTHER FEDERALLY PROTECTED RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that the ordinance was State-mandated for which the Village had little discretion, and noted that the Local Planning Agency recommended that the Village Council pass the ordinance on first reading. He said that no business impact statement was required.

Ms. Trevarthen explained that recovery residences are protected by Federal and State laws including the Fair Housing Act and ADA. She said that this ordinance formalized minimum criteria and procedures the Village would otherwise have needed to improvise to comply with federal law and case law.

Vice Mayor Wolf asked about who would conduct the certification, to which Ms. Trevarthen said that it is done at the state level in coordination with the industry organization. There were no comments from the public.

**MOTION: A motion to recommend that the Village Council approve the ordinance on first reading was moved by Councilman Buzzy Sklar and seconded by Mayor Seth E. Salver.**

<b>ROLL CALL</b>	<b>VOTE</b>
Mayor Seth E. Salver	<b>Yes</b>
Vice Mayor David Wolf	<b>Yes</b>
Councilman Jeffrey P. Freimark	-
Councilman Alejandro Levy	<b>Yes</b>
Councilman Buzzy Sklar	<b>Yes</b>

**VOTE: The Motion passed by unanimous roll call vote (4-0).**

**4 MOTION TO ADJOURN** - The meeting was adjourned at 7:06 P.M.

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Mayor Seth E. Salver



Attest:

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Dwight S. Danie, Village Clerk



# BAL HARBOUR

- VILLAGE -

## LOCAL PLANNING AGENCY SUMMARY

### Condensed Title:

AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21, "ZONING," TO REGULATE LOT SPLITS BY ESTABLISHING MINIMUM LOT SIZE AND WIDTH STANDARDS IN THE R-1 AND R-2 SINGLE-FAMILY RESIDENTIAL DISTRICTS AND PROVIDING CONSISTENT DENSITY LIMITS; PROVIDING FOR SEVERABILITY, CONFLICTS, INCLUSION IN THE CODE, AND FOR AN EFFECTIVE DATE.

### Issue:

Should the Local Planning Agency recommend that the Village Council adopt an Ordinance amending Chapter 21 "ZONING" to regulate lot splits in the R-1 and R-2 Districts?

### The Bal Harbour Experience:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Beautiful Environment   | <input type="checkbox"/> Safety           | <input type="checkbox"/> Modernized Public Facilities/Infrastructure   |
| <input type="checkbox"/> Destination & Amenities | <input type="checkbox"/> Unique & Elegant | <input checked="" type="checkbox"/> Resiliency & Sustainable Community |

### Item Summary / Recommendation:

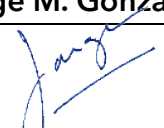
The proposed ordinance, if adopted, would establish direct minimum lot area, lot width, and density standards for future lot splits, replat, and waiver-of-plat requests in the R-1 and R-2 single-family districts, thereby providing clearer standards for staff, applicants, and the Council when similar requests are presented in the future.

**THE ADMINISTRATION RECOMMENDS THAT THE LOCAL PLANNING AGENCY RECOMMEND APPROVAL OF THE ORDINANCE TO THE VILLAGE COUNCIL.**

### Financial Information:

	Amount	Account	Account #
	X	X	X

### Sign off:

Director Title	Chief Financial Officer	Village Manager
Eliezer Palacio	Claudia Dixon	Jorge M. Gonzalez
		

# BAL HARBOUR

- VILLAGE -

## LOCAL PLANNING AGENCY MEMORANDUM

TO: Local Planning Agency  
FROM: Jorge M. Gonzalez, Village Manager  
DATE: May 19, 2026



SUBJECT: **AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21, "ZONING," TO REGULATE LOT SPLITS BY ESTABLISHING MINIMUM LOT SIZE AND WIDTH STANDARDS IN THE R-1 AND R-2 SINGLE-FAMILY RESIDENTIAL DISTRICTS AND PROVIDING CONSISTENT DENSITY LIMITS; PROVIDING FOR SEVERABILITY, CONFLICTS, INCLUSION IN THE CODE, AND FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

I recommend that the Local Planning Agency recommend approval of the Ordinance to the Village Council.

If adopted, the proposed Ordinance would establish minimum lot area, lot width, and density standards for future lot split, replat, and waiver-of-plat requests in the R-1 and R-2 single-family districts, thereby providing clearer standards for staff, applicants, and the Council when similar requests are presented in the future.

### **BACKGROUND**

At the April 20, 2026, Regular Village Council meeting this proposed Ordinance was introduced for first reading and was unanimously passed by the Council.

On November 18, 2025, the Village Council agenda included discussion item R9C, titled "Owner's Request to Subdivide 44 Bal Bay Drive into Three Lots." The backup discussion memorandum stated that the current homeowner at 44 Bal Bay Drive, a home on a site comprised of two lots, requested to divide the property into three lots. The matter came before the Council as a New Business and Council Discussion item, rather than as a final legislative action.

Concerns were raised during the discussion that splitting this waterfront double lot into three narrower lots could disrupt the historic character of the neighborhood, where waterfront properties have traditionally been developed with broad frontage for estate-style homes. At the November Council Meeting, the Mayor suggested consideration of a minimum lot size, potentially 15,000 square feet, for replatting requests, and staff and the Village Attorney were asked to study the issue and return with recommendations.

The issue also arose in a broader administrative and legal context. The current Code language in Sections 21-98 and 21-123 ties minimum lot size to the dimensions established on the original plat, rather than expressly listing minimum width, depth, or square footage standards in the Code.

### **Comparison: Existing Code vs. Proposed Ordinance**

Under the existing Code framework, minimum lot size is tied to the dimensions established on the recorded plat, and the Code does not clearly provide numerical minimums for lot width or lot area in the R-1 and R-2 districts. The proposed ordinance would replace that more indirect approach with express dimensional standards written directly in Chapter 21.

For R-1 properties, instead of relying on plat dimensions, the proposed Ordinance requires a minimum lot area of 15,000 square feet and a minimum lot width of 70 feet, with 50 feet at the frontage for cul-de-sac lots. For R-2 properties, instead of relying on plat dimensions, the proposed Ordinance requires a minimum lot area of 10,000 square feet and a minimum lot width of 60 feet, with 50 feet at the frontage for cul-de-sac lots.

The proposed Ordinance also makes explicit what the current framework does not: a lot cannot be divided, split, or replatted in a way that creates a parcel below the applicable minimum area requirement, even if approved through the waiver of plat or replat process at the County. In addition, while the current density language ties development to one single-family detached dwelling per recorded lot, the proposed Ordinance instead allows one single-family detached dwelling per legally established lot that complies with the applicable minimum lot area standards. In practical terms, the existing Code is more dependent on the original plat configuration, while the proposed Ordinance provides staff and applicants with clearer and more administrable standards for future applications.

### **ANALYSIS**

This item was analyzed by staff and presented at the Council Retreat on February 26 and 27<sup>th</sup>.

Within the gated community, there are several large parcels that offer subdivision potential. Specifically, there are **10 parcels** greater than **30,000 square feet**, each of which can potentially be subdivided into **two 15,000-square-foot lots**. In addition, there are **6 parcels** measuring between **25,000 - 30,000 square feet**, which may be divided into **two 12,500-square-foot lots**.



The proposed Ordinance amends Chapter 21 of the Village Code’s definition of a lot to be land “established by recorded plat or created in accordance with applicable subdivision, replatting, or lot split procedures and recorded in the public records of Miami-Dade County.”

It then establishes direct dimensional standards for single-family residential districts by requiring:

For the **R-1 District**, the Ordinance establishes:

- Minimum lot area: 15,000 square feet
- Minimum lot width: 70 feet
- Minimum cul-de-sac frontage : 50 feet

For the **R-2 District**, the Ordinance establishes:

- Minimum lot area: 10,000 square feet
- Minimum lot width: 60 feet
- Minimum cul-de-sac frontage : 50 feet

The proposed Ordinance further prohibits any lot from being divided, split, or replatted in a manner that creates a lot below the applicable minimum area in either district, and limits development to one single-family detached dwelling per legally established lot that complies with those minimum area requirements.

From a legal and administrative standpoint, the proposed amendments respond to the ambiguity identified in the ordinance recitals. The recitals state that reliance on recorded plats alone as the determinant of lot size may create inconsistencies and may limit the Village's ability to address lot splits in a manner consistent with municipal goals for residential development. They further state that codifying dimensional and density standards would provide clarity for property owners, developers, and Village staff, reduce ambiguity, and promote orderly, consistent, and sustainable residential development

From a planning and policy perspective, the neighborhood pattern is that typical waterfront R-1 lots are approximately 100 feet wide by 200 feet deep and average about 20,000 square feet, while typical interior dry R-2 lots are approximately 80 feet wide by 145 feet deep and average about 11,000 square feet. The subject site at 44 Bal Bay Drive was formed through a unity of title that combined two 100-foot-wide lots into one larger waterfront estate lot. Dividing the site into three lots would yield parcels of approximately 70 feet in width and about 15,000 square feet each, which is substantially narrower and smaller in frontage than the prevailing waterfront pattern. On a 70-foot-wide lot, deduction of 10-foot side setbacks on each side would leave an approximate buildable house width of 50 feet, which is narrower than the estate-style development historically associated with that area.

The proposed Ordinance amends Chapter 21 of the Village Code to establish direct dimensional and density standards for the R-1 and R-2 single-family residential districts.

The Ordinance further:

- Prohibits lot splits, replats, or subdivisions that create lots below the applicable minimum standards
- Limits development to one single-family detached dwelling per legally established lot that complies with those standards
- For the first time, regulates lot standards through the Code rather than solely through reference to recorded plats
- Provides for the legal nonconforming status of any previously created lots that do not meet the new standards.

Approval of the proposed Ordinance would not simply address a single request; it would establish a clearer rule set for future lot split, replat, and related applications in the Village's single-family districts.

The principal policy questions are whether the Council wishes to preserve development patterns more closely aligned with the original platting context and established neighborhood form, and whether clearer numerical standards are preferable to continued reliance on original recorded plat dimensions alone.

### **THE BAL HARBOUR EXPERIENCE**

This ordinance involves preservation of the historic character, architectural rhythm, and estate-style development pattern of the gated community, particularly along the waterfront. The proposed ordinance addresses those concerns by establishing consistent minimum lot dimensions and maintaining one-dwelling-per-lot density standards in the Village's single-family residential districts. In that respect, the proposed Ordinance relates directly to resident expectations regarding neighborhood quality, planning consistency, and preservation of the established residential character that defines Bal Harbour Village.

A clear regulatory framework also supports the broader Village experience by improving predictability and consistency in land use administration. When dimensional and density standards are stated directly in the Code, applicants, staff, and the Council can evaluate future proposals against the same objective benchmarks, which helps align individual development decisions with the Village's long-term character and planning expectations.

### **CONCLUSION**

The November 18, 2025, discussion regarding 44 Bal Bay Drive highlighted ambiguity in the existing code when evaluating lot split and replat requests. The proposed Ordinance responds by replacing reliance on plat dimensions alone with direct minimum lot area and lot width standards and modifying the definition of Lot and the density standards for R-1 and R-2 lots to reflect this new approach.

### **Attachments:**

1. BHV Staff Report R-1 R-2 SFR Lot Size LDR

ORDINANCE NO. 2026-\_\_\_\_

**AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21, "ZONING," TO REGULATE LOT SPLITS BY ESTABLISHING MINIMUM LOT SIZE AND WIDTH STANDARDS IN THE R-1 AND R-2 SINGLE-FAMILY RESIDENTIAL DISTRICTS AND PROVIDING CONSISTENT DENSITY LIMITS; PROVIDING FOR SEVERABILITY, CONFLICTS, INCLUSION IN THE CODE, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council of Bal Harbour Village ("Village Council") finds it periodically necessary to amend its Code of Ordinances (the "Village Code") to update regulations and procedures to implement municipal goals and objectives; and

**WHEREAS**, the Village Council previously established minimum lot area and dimensions in the R-1 and R-2 Single-Family Residential Districts by reference to recorded plats; and

**WHEREAS**, the Village Council has determined that referencing recorded plats as the sole determinant of lot size may create inconsistencies and limit the ability to implement lot splits in a manner consistent with the Village's goals for residential development; and

**WHEREAS**, the Village Council desires to establish minimum lot area and width standards directly in the Code for the R-1 and R-2 Single-Family Residential Districts, ensuring that all new R-1 lots meet a minimum standard of fifteen thousand (15,000) square feet in area and a minimum width of seventy (70) feet, and all new R-2 lots meet a minimum standard of ten thousand (10,000) square feet in area and a minimum width of sixty (60) feet; and

**WHEREAS**, the dimensions of certain R-1 and R-2 lots are affected by the presence of cul de sac streets which constrain their frontage, and the Village Council desires to establish an alternative minimum lot width at the frontage of fifty (50) feet for cul de sac R-1 and R-2 lots; and

**WHEREAS**, the Village Council also finds it necessary to update maximum density provisions to be consistent with these minimum lot standards, limiting development to one single-family detached dwelling per legally established lot that meets the minimum area and width requirements; and

**WHEREAS**, the Village Council finds that codifying these dimensional and density standards will provide clarity for property owners, developers, and Village staff, reduce

ambiguity, and promote orderly, consistent, and sustainable residential development within the Village; and

**WHEREAS**, the Village Council, in its capacity as the Local Planning Agency, has reviewed this Ordinance and has recommended approval; and

**WHEREAS**, the Village Council held a public hearing at which all citizens so desiring had an opportunity to be heard; and

**WHEREAS**, the Village Council finds that this Ordinance is consistent with the Village's Comprehensive Plan and is in the best interest of the public health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1.** **Recitals Adopted.** That the above-stated recitals are hereby adopted and confirmed.

**Section 2.** **Amending Chapter 21 of the Village Code.** That Chapter 21, "Zoning" of the Village Code is hereby amended to read as follows: <sup>1</sup>

**Chapter 21 - ZONING**

**\* \* \***

**ARTICLE I. - IN GENERAL**

**Sec. 21-1. - Definitions and rules of construction.**

(a) For the purpose of this chapter, which shall be known as the Zoning Ordinance of Bal Harbour Village, Florida, words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used for" include the meaning "designed for"; the word "structure" includes the word "building"; the word "shall" is mandatory and not directory; and the word "lot" includes the words "plot" and "tract".

(b) Words and terms not defined in this section shall be interpreted in accord with their normal dictionary meaning and customary usage.

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<sup>1</sup> Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~striketrough~~. Any changes between first and second reading are shown by highlighted double underline and ~~double striketrough~~ font.

(c) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

*Lot* means a parcel of land fronting on a Street, drive, or waterway, which is or may be occupied by a Building and its necessary Buildings, including the open spaces required under this chapter, and which parcel of land ~~is a matter of record in Dade County, Florida~~ is established by recorded plat or created in accordance with applicable subdivision, replatting, or lot split procedures and recorded in the public records of Miami-Dade County, Florida.

\* \* \*

### ARTICLE III. - DISTRICT REGULATIONS

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#### DIVISION 2. - R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

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**Sec. 21-98. - Minimum Lot area, Lot Widths and Yards.** The minimum Lot area, Lot Width and Yards in the R-1 Single Family Residential District shall be as follows: ~~Lot sizes shall not be less than those dimensions established for the Residential Section of the Village as shown in section 21-77 and recorded in the public records of Dade County, Florida.~~

(a) *Minimum Lot area.* Lots shall contain a minimum Lot area of fifteen thousand (15,000) square feet. Lots lawfully existing prior to April 1, 2026 that do not meet the minimum Lot area are legal nonconforming lots and may be developed in accordance with applicable Code provisions.

(b) *Minimum Lot Width.* Lots shall have a minimum width of seventy (70) feet at their street frontage. Lots fronting on a cul de sac shall have a minimum width of fifty (50) feet at their street frontage.

(c) *Applicability.* The minimum Lot area requirements set forth herein shall control notwithstanding any Lot area established by recorded plat.

(d) Lot Splits and Replats. No Lot shall be divided, split, or replatted in a manner that creates a Lot containing less than fifteen thousand (15,000) square feet. All such divisions shall comply with applicable subdivision regulations.

**Sec. 21-99. - Maximum Density.**

There shall not be more than one single-family detached dwelling per ~~recorded Lot~~ legally established Lot that complies with the minimum Lot area requirements of this Code in the R-1 Single Family Residential District.

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**DIVISION 3. - R-2 SINGLE FAMILY RESIDENTIAL DISTRICT**

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**Sec. 21-123. - Minimum Lot area, Lot Widths and Yards.** The minimum Lot area, Lot Width and Yards in the R-2 Single Family Residential District shall be as follows: ~~Lot sizes shall not be less than those dimensions established for the Residential Section of the Village as shown in section 21-77 and recorded in the public records of Dade County, Florida.~~

(a) Minimum Lot area. Lots shall contain a minimum Lot area of ten thousand (10,000) square feet. Lots lawfully existing prior to April 1, 2026 that do not meet the minimum Lot area are legal nonconforming lots and may be developed in accordance with applicable Code provisions.

(b) Minimum Lot Width. Lots shall have a minimum width of sixty (60) feet at their street frontage. Lots fronting on a cul de sac shall have a minimum width of fifty (50) feet at their street frontage.

(c) Applicability. The minimum Lot area requirements set forth herein shall control notwithstanding any Lot area established by recorded plat.

(d) Lot Splits and Replats. No Lot shall be divided, split, or replatted in a manner that creates a Lot containing less than ten thousand (10,000) square feet. All such divisions shall comply with applicable subdivision regulations.

**Sec. 21-124. - Maximum Density.**

There shall not be more than one single-family detached dwelling per ~~recorded Lot~~ legally established Lot that complies with the minimum Lot area requirements of this Code in the R-2 Single Family Residential District.

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**Section 3.**    **Severability.** That 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 4.**    **Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become effective and made part of the Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5.**    **Conflict.** That all sections or parts of sections of the Village Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 6. Effective Date.** That this Ordinance shall become effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 20<sup>th</sup> day of April, 2026.

PASSED AND ADOPTED on second reading this 19<sup>th</sup> day of May, 2026.



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Mayor Seth E. Salver

ATTEST:

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Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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

**BAL HARBOUR VILLAGE  
COMMUNITY DEVELOPMENT  
MEMORANDUM**

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**To:**            **Jorge M. Gonzalez – Village Manager**  
                  **Eliezer Palacio – Bldg. Official / Department Director**  
                  **Bal Harbour Village**

**From:**        **Michael J. Miller, AICP**  
                  **Consultant Village Planner**

**Date:**         **April 20<sup>th</sup>, 2026**

**Subject:**     **Bal Harbour Village**  
                  **Possible Land Development Code Revisions**  
                  **Single-Family Home Lot Sizes**  
                  **MMPA Acct. No. 00-1103-0100**

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**BACKGROUND**

The Village's original 1946 Master Plan was implemented by a series of subdivision plats and private Deed Restrictions (CCRs), which was common at that time, as governmental Land Development Regulations (LDRs) such as Zoning Codes were not as yet common. Prior to incorporation of the Village the land area was part of unincorporated Dade County that only had basic limited criteria. The plats laid out the community's streets, lot areas, easements for utilities, and included certain building setbacks. The Deed Restrictions included more detailed regulations (now expired). The Village's original land development was essentially completed prior to the Village adopting its first Zoning Code in 1974. Over the years the Village has made numerous amendments to its Zoning Code and adopted other more specialized LDRs such as Architectural Guidelines, Building regulations in addition to the Florida Building Code, and many more. Miami-Dade County has LDRs that apply countywide that regulate a few issues (ex. Landscaping / Subdivisions / Signage). Local government can adopt stricter LDRs but not less restrictive than the M-D criteria. The original Village Master Plan envisioned higher density development along the oceanfront, lower-scale multifamily development along the west side of Collins Avenue, a high-end single-family area between the aforementioned Collins Avenue and Biscayne Bay (also a few small multifamily complexes on Park Dr.), and a few commercial uses (now BHS / Bank). When the 1974 Zoning Code was created it was apparently assumed the Master Plan layout would remain as-is forever and the Zoning Code criteria would generally follow and support the private development regulations (plats / CCRs). However, things tend to change over time. For example, within the PC Marina area, in recent years four new single-family lots were created via Plat Waiver procedures meeting the R-1 Waterfront criteria. The former Beach Club site was redeveloped as a high-rise multifamily complex.

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## **ISSUE**

Following are the current Zoning Code text provisions related to R-1 & R-2 Single-Family Minimum Lot Areas, Lot Widths and Yards:

### **DIVISION 2. - R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

#### **Sec. 21-98. - Minimum Lot area, Lot Widths and Yards.**

The minimum Lot area, Lot Width and Yards in the R-1 Single Family Residential District shall be as follows: Lot sizes shall not be less than those dimensions established for the Residential Section of the Village as shown in [section 21-77](#) and recorded in the public records of Dade County, Florida.

### **DIVISION 3. - R-2 SINGLE FAMILY RESIDENTIAL DISTRICT**

#### **Sec. 21-123. - Minimum Lot area, Lot Widths and Yards.**

The minimum Lot area, Lot Width and Yards in the R-2 Single Family Residential District shall be as follows: Lot sizes shall not be less than those dimensions established for the Residential Section of the Village as shown in [section 21-77](#) and recorded in the public records of Dade County, Florida.

Although the vast majority of single-family homesites are built on single (one) platted lot, there are instances of people building homes on multiple sites comprised of 2, 3 or more platted lots, and in some cases 3 adjoining platted lots were made into 2 development sites with 1½ lots each. The current Code provisions have worked adequately over the years; however, there is occasionally uncertainty about numerical dimensions and minimum lot square footages. The new single-family lots created out of the PC Marina site (Tract "E") were required to meet the R-1 Waterfront Lot Size requirements. The Village has recently received a request by a homeowner, whose current home is built on two adjoining lots, to consider a re-subdivision of the two (2) R-1 lots into three (3) lots, via a Plat Waiver process. Due to the present day Code language which does not include numerical criteria for a minimum lot area or street frontage width, as most municipal Codes do, we undertook the task of tabulating all of the existing platted R-1 Single Family Waterfront lot areas, lot widths and other dimensional measurements. Similar to the R-1 District Code provisions, the R-2 Single Family (interior dry lot) Code provisions are the same – referring to the plat. Staff believes that numerical criteria should be established in both districts for clarity and to guide future development. Therefore, we also undertook the task of tabulating samples of the existing platted R-2 Single Family (dry lots) areas, lot widths and other dimensional measurements.

Currently, the two (2) districts have lot sizes that are very different. In the R-1 District the average lot size is about 100' wide with about 20,000 SF each with variations due to roadway curves / pie lots / etc. The smallest R-1 lot is just over 15,000 SF. In the R-2 District dry lot areas the average lots are about 10,000 – 12,000 SF with about 80' lot width average, again with variations due to roadway curves / pie lots / cul de sac lots / etc. The smallest R-2 lot is just over 10,000 SF. The applicable lot area and widths should relate to each district due to the vast differences. Some development sites appear to be over 20,000 SF but many of those (especially in the R-2 areas) are actually multiple lots with one house. It is also important to remember that some MFR sites are along Park Drive, which are not relevant to the current proposal and discussion.

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We believe that 15,000 SF should be used as the minimum lot area in the R-1 District. We believe that 10,000 SF should be used as the minimum lot area in the R-2 District. Further, we suggest based on the platted lots that the minimum lot width for the R-1 District should be 70' and 60' for the R-2 lots. Finally, there are few cul de sacs in the neighborhood. Obviously such lots are so-called "pie lots" with smaller roadway frontages and much wider rear areas. I think in both districts the Village should adopt a separate criteria for cul de sac lots - for sure in the R-2 District. The smallest R-1 cul de sac lot width we find is 71.706'. The smallest R-2 lot width is 48.67' but all others are over 50' (56' / 60' / 69.9'). The following text is recommended to address cul de sac lots:

"Notwithstanding the above, for those lots located in cul de sacs, the minimum lot width shall not be less than 50' at the adjoining street line".

I think these changes would help address the lot size / lot split issue Village wide.

### **ANALYSIS**

As stated above, due to the present day Code language which does not include numerical criteria for a minimum lot area or street frontage width, as most municipal Codes do, we undertook the task of tabulating all of the existing platted R-1 Single Family Waterfront lot areas, lot widths and other dimensional measurements. Similar to the R-1 District Code provisions, the R-2 Single Family (interior dry lot) Code provisions are the same – referring to the plat. Staff believes that numerical criteria should be established in both districts for clarity and to guide future development. Therefore, we also undertook the task of tabulating samples of the existing platted R-2 Single Family (dry lots) areas, lot widths and other dimensional measurements.

Attached please find a Table with all of the existing platted R-1 District (waterfront) lot dimensional data. Also, attached please find another Table with a sampling of the some of the existing platted R-2 District (dry lot) lot dimensional data. The data speaks for itself – the goal was to recognize the existing situation and create appropriate dimensional criteria so that none of the existing sites would be made non-conforming. Importantly, in our opinion, the lot criteria should reflect the historical differences in the larger R-1 waterfront lots with larger exclusive homes on roughly half-acre sites versus more moderate (but nice) homes on the quarter-acre interior lots. In addition to the lot sizes, the streetscape appearance (narrow lots vs. wider lots) should also be indicative of the lot's location.

MMPA coordinated with the Village Building Department staff and Ms. Trevarthen from WSH on the data collection and proposed Zoning Code amendments.

### **RECOMMENDATION**

MMPA suggests the Town Council consider the adoption of the proposed Ordinance.

**Bal Harbour Village, Florida  
Sample Lot Sizes R-1 Single-Family District**

**Block 1**

<b>Lot #</b>	<b>Street Width</b>	<b>Waterway Width</b>	<b>Average Depth</b>	<b>Lot Size</b>	<b>Notes</b>
5	106.84	100.00	223.85	23,150	
6	103.97	100.00	218.84	22,318	
7	100.00	100.25	212.21	21,247	
8	100.00	100.24	205.14	20,539	
9	100.00	100.04	201.25	20,129	
10	100.00	100.48	205.51	20,600	
11	100.00	100.37	213.62	21,402	
12	100.00	100.59	210.96	21,158	
13	89.26	100.00	193.50	18,311	Curve in road
14	91.30	100.00	174.38	16,680	Curve in road
15	92.63	100.00	162.86	15,602	Curve in road
16	93.03	100.00	159.43	15,343	Curve in road
17	92.48	100.00	164.12	15,795	Curve in road
18	91.02	100.00	176.89	16,895	Curve in road
19	100.00	100.00	197.30	19,730	Curve in road
20	100.00	100.00	223.82	22,400	Curve in road
21	100.24	100.00	241.21	24,100	Corner Lot
22	135.98	100.00	208.61	20,900	Cul de Sac
23	72.51	94.73	192.23	20,650	Cul de Sac
24	71.70	171.09	189.69	28,500	Cul de Sac
Part of Tract "E"	XX.XX	XX.XX	XX.XX	29,519	PW Parcel "A"

**Notes:** 1) Lots 3 & 4 of Block 1 are zoned R-4 Multifamily.  
2) Lots 1 & 2 of Block 1 south of the R-4 Multifamily sites comprise the BHV Park complex.  
3) Tract "C" south of Lots 1 & 2 of Block 1 abutting 96 Street is part of the BHV Park complex.  
4) Due to road & waterfront curvature lot depths / widths are not exactly rectilinear and vary as shown on the recorded plat (PB 44 / PG 98 MDCR).

**Block 12**

<b>Lot #</b>	<b>Street Width</b>	<b>Waterway Width</b>	<b>Average Depth</b>	<b>Lot Size</b>	<b>Notes</b>
1	169.23	130.00	155.98	19,240	Cul de Sac
2	87.15	100.00	210.80	19,726	
3	87.06	100.00	218.32	20,419	
4	87.00	100.00	221.51	20,663	
5	87.02	100.00	220.48	20,570	
6	87.14	100.00	215.50	20,102	
7	87.59	100.00	209.28	19,596	
8	87.86	100.00	204.40	19,160	
9	88.07	100.00	201.25	18,900	
10	88.16	100.00	199.84	18,722	
11	88.14	100.00	200.17	18,814	
12	94.30	100.00	201.83	19,525	
13	99.98	100.00	202.21	20,198	
14	95.01	100.00	198.76	19,380	
15	71.34	110.00	196.44	17,811	Curve in road
16	69.34	110.00	205.48	18,425	Curve in road
17	67.30	110.00	221.57	21,292	Curve in road
18	71.09	115.00	227.37	21,156	Curve in road
19	101.40	100.00	232.88	23,451	Curve in road
20	110.97	100.00	263.62	26,300	Curve in road
Part of Tract "E"	XX.XX	XX.XX	XX.XX	80,040	PW Parcel "1"
Part of Tract "E"	XX.XX	XX.XX	XX.XX	25,047	PW Parcel "2"
Part of Tract "E"	XX.XX	XX.XX	XX.XX	25,078	PW Parcel "3"

**Notes:** 1) Plat Waiver for portions of Tract "E" north / south of Yacht Basin created oddly-shaped lots that were not part of the original single-family lots shown on the plat (PB44 / PG 98 MDCR).  
2) Due to road & waterfront curvature lot depths / widths are not exactly rectilinear and vary as shown on the recorded plat (PB 44 / PG 98 MDCR).

**Bal Harbour Village, Florida**  
**Sample Lot Sizes R-2 Single-Family District**

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**Block 2**

<b>Lot #</b>	<b>Street Width</b>	<b>Lot Size</b>	<b>Notes</b>
1	116.79	12,936	Reverse Pie
5	80.00	11,856	
6	80.00	11,600	
7	83.00	11,703	
8	95.00	13,015	
9	84.00	11,172	
10	88.00	11,700	
11	85.00	11,241	
12	102.00	13,838	Corner Lot
13	100.63	13,865	Corner Lot
14	80.00	10,196	
15	80.00	10,400	
16	80.00	10,640	
17	80.00	10,880	
18	80.00	10,717	
19	80.00	10,942	
20	80.00	11,190	

**Notes:** 1) Lots 2 & 4 of Block 2 are zoned RM-2 Multifamily.  
2) Lot 3 of Block 2 is zoned RM-1.  
3) Due to road & waterfront curvature lot depths / widths are not exactly rectilinear and vary as shown on the recorded plat (PB 44 / PG 98 MDCR).

## Block 4

Lot #	Street Width	Lot Size	Notes
1	75.00	15,902	
7	83.00	10,644	
8	85.00	10,937	
9	89.00	10,338	
10	83.00	10,275	
11	82.00	11,550	
12	120.00	21,408	Corner Lot
13	79.00	12,446	Corner Lot
14	68.00	11,574	
15	56.00	15,100	Cul de Sac
16	49.00	17,500	Cul de Sac
17	70.00	15,214	Cul de Sac
18	60.00	13,160	Cul de Sac

**Notes:** 1) Lots 3, 4 and 5 of Block 4 are zoned RM-1 Multifamily.  
2) Lot 2 of Block 4 is zoned RM-3 Multifamily.  
3) Lot 6 of Block 4 is zoned RM-2 Multifamily.  
2) Due to road & waterfront curvature lot depths / widths are not exactly rectilinear and vary as shown on the recorded plat (PB 44 / PG 98 MDCR).

# BAL HARBOUR

- V I L L A G E -

## BUSINESS IMPACT STATEMENT

### Proposed Ordinance Title:

**AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21, "ZONING," TO REGULATE LOT SPLITS BY ESTABLISHING MINIMUM LOT SIZE AND WIDTH STANDARDS IN THE R-1 AND R-2 SINGLE-FAMILY RESIDENTIAL DISTRICTS AND PROVIDING CONSISTENT DENSITY LIMITS; PROVIDING FOR SEVERABILITY, CONFLICTS, INCLUSION IN THE CODE, AND FOR AN EFFECTIVE DATE.**

**Business Impact Estimate is required and attached.**

### Summary of Proposed Ordinance and Statement of Purpose to be Served:

The proposed ordinance establishes minimum lot size and width requirements and regulates lot splits within the R-1 and R-2 Single-Family Residential Districts in order to ensure consistent density standards and promote orderly residential development within the Village.

### Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. **Estimate of Direct Business Compliance Costs:** This ordinance is not expected to have any direct business compliance cost impacts.
- b. **New Charges/Fees on Business Impacted:** This ordinance is not expected to have any new charges or fees on businesses.
- c. **Estimate of Regulatory Cost:** This ordinance is not expected to have any additional regulatory costs.

The ordinance may impact development-related businesses by establishing standards for lot splits but is not expected to have any adverse economic impact.

### Good Faith Estimate of Number of Businesses Likely Impacted:

A limited number of businesses engaged in residential development, redevelopment, construction, and real estate investment within the Village may be impacted by the ordinance.

# BAL HARBOUR

- V I L L A G E -

## LOCAL PLANNING AGENCY SUMMARY

### Condensed Title:

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO MODIFY REGULATIONS APPLICABLE TO MUNICIPAL BUILDINGS AND USES IN THE RM-5 MULTIPLE FAMILY RESIDENTIAL DISTRICT**

### Issue:

Should the Local Planning Agency recommend that the Village Council adopt an Ordinance amending Chapter 21 of the Village Code to establish development standards for municipal buildings and uses within the RM-5 Multiple Family Residential District in order to support the development of the new Village Hall, Police Station, and Emergency Operations Center?

### The Bal Harbour Experience:

Beautiful Environment     Safety     Modernized Public Facilities/Infrastructure  
 Destination & Amenities     Unique & Elegant     Resiliency & Sustainable Community

### Item Summary / Recommendation:


This item proposes an Ordinance amending Chapter 21 of the Village Code to establish development standards applicable to municipal buildings and uses within the RM-5 District. The proposed amendments provide a clear regulatory framework to address site-specific constraints, including setbacks, right-of-way considerations, structural encroachments, and parking, and to support the advancement of the Village Hall, Police Station, and Emergency Operations Center project. The Ordinance does not introduce new uses but refines and clarifies standards for an already permitted municipal use to ensure consistency with the Village's Comprehensive Plan and operational needs.

**THE ADMINISTRATION RECOMMENDS THAT THE LOCAL PLANNING AGENCY RECOMMEND APPROVAL OF THE ORDINANCE TO THE VILLAGE COUNCIL.**

### Financial Information:

	Amount	Account	Account #
	X	X	X

### Sign off:

Capital Program Director	Chief Financial Officer	Village Manager
Matilde E. Reyes	Claudia Dixon	Jorge M. Gonzalez
		

# BAL HARBOUR

- V I L L A G E -

## LOCAL PLANNING AGENCY MEMORANDUM

TO: Local Planning Agency  
FROM: Jorge M. Gonzalez, Village Manager  
DATE: May 19, 2026



SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO MODIFY REGULATIONS APPLICABLE TO MUNICIPAL BUILDINGS AND USES IN THE RM-5 MULTIPLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

I recommend that the Local Planning Agency recommend approval of the Ordinance to the Village Council.

### **BACKGROUND**

The Village-owned property located at 9800 Collins Avenue (the "Fairfield Property") is the site of the proposed new Village Hall, Police Station, and Emergency Operations Center. The property was conveyed to the Village pursuant to a 2017 Development Agreement. It is centrally located on Collins Avenue, near 96th Street, and adjacent to the Bal Harbour Shops commercial district. Although the property is zoned RM-5 Multiple Family Residential, it was identified for future municipal use, including a new Village Hall and parking garage. The site's irregular configuration presents design constraints that cannot be resolved through design alone. This Ordinance amending Chapter 21 of the Village Code is intended to address these constraints and allow the project to proceed. The proposed facility will enhance municipal operations, improve police response times, strengthen emergency preparedness through an integrated Emergency Operations Center, centralize Village services, and provide long-term public benefit to residents and visitors.

The Village is advancing the design of this municipal facility within the RM-5 District. While municipal uses are permitted in this zoning district, the Code does not currently include development standards specific to municipal buildings and their operational and site-specific requirements. As part of the ongoing planning, design, and technical evaluation of the project, the Village has worked closely with its planning consultant, legal counsel, design team, and staff to assess site constraints, zoning limitations, plat conditions, and right-of-way considerations. Based on this analysis, an amendment to Chapter 21 of the Village Code is necessary to address the development of municipal buildings within the RM-5 District and allow the project to proceed.

In conjunction with this Ordinance, the Village is also presenting a companion Resolution for Council consideration approving the Basis of Design Report (BODR) for the proposed facility.

### **ANALYSIS**

The proposed Ordinance, as presented for Council consideration, is informed by the planning memorandum analysis of the Village's zoning consultant, Michael Miller, AICP (Exhibit "A") provided to the Building Department, and the legal analysis of the Village Attorney, Susan L. Trevarthen (Exhibit "B"). As outlined in these materials, the development of the new Village Hall site presents specific zoning and regulatory conflicts, including setbacks, right-of-way considerations, and structural encroachments, that cannot be resolved through design modifications alone and instead require an amendment to the Village Code by the Village Council. The Village Attorney has further advised that while certain platted setback lines may constitute private restrictions not enforceable against municipal development for a public purpose, the Village remains subject to its own zoning regulations, which must be amended to accommodate the proposed project. Accordingly, the Ordinance establishes a clear and enforceable regulatory framework to address these issues at the Code level and allow the project to proceed in a manner consistent with applicable law and the Village's planning objectives.

Specifically, the Ordinance includes the following key modifications to the Village Code to address standards for municipal buildings:

- Establishes site-specific setback requirements for the municipal property, including reduced setbacks along Collins Avenue, Bal Cross Drive, and interior property lines to accommodate the building and parking garage layout.
- Allows architectural projections, including canopies, overhangs, and structural elements, to extend into required setback areas and, where applicable, over adjacent right-of-way to support the functional design of the facility.
- Eliminates minimum parking requirements and associated dimensional standards for municipal uses, allowing flexibility in the design and placement of parking facilities.
- Removes minimum lot area, lot width, and floor area ratio requirements for municipal buildings, recognizing the operational needs of public facilities.
- Establishes parameters for walls, fences, and landscaping, including compliance with applicable Miami-Dade County requirements, to ensure compatibility with adjacent properties.

The proposed Ordinance amends Chapter 21 of the Village Code to establish specific standards applicable to municipal buildings and uses within the RM-5 Multiple Family Residential District. While municipal uses are currently permitted within the RM-5 District pursuant to Section 21-261, the Code does not provide tailored development criteria addressing the unique characteristics and operational requirements of municipal facilities. The Ordinance introduces a framework of standards applicable to municipal buildings, including provisions related to setbacks, architectural projections, parking, walls/fences, and other design considerations, while recognizing existing provisions such as the Village-wide height limitation established in Section 21-80. These standards are intended to provide the flexibility necessary to accommodate municipal functions while maintaining compatibility with surrounding properties and consistency with the Village's Comprehensive Plan and overall zoning structure.

In particular, the Ordinance addresses the unique conditions of the subject property, including its irregular geometry, adjacency to residential development, and right-of-way constraints, by establishing site-specific setback and design parameters. Additional provisions clarify that certain traditional zoning metrics, such as minimum lot area, floor area ratio, and parking requirements, are not applicable to municipal uses, recognizing the operational nature of such facilities, and allowing for appropriate site planning and functionality.

The proposed Ordinance also reflects direction provided by the Village Council during recent workshops and retreat discussions, where the building layout, site constraints, and functional needs of the project were evaluated in detail. Through these discussions, the Council identified the need to allow specific design elements necessary to make the site workable, including the placement of structural columns, the incorporation of a canopy and covered areas, and the use of architectural projections such as cantilevered portions of the building. The Ordinance establishes the flexibility needed to accommodate these elements within the required setbacks, while also addressing parking layout, circulation, and site access. These provisions are critical to ensuring that the building can be properly sited and constructed on a constrained and irregular parcel and allow the project to advance in a manner that is both functional and consistent with the Village's design and operational objectives.

The Ordinance further maintains consistency with existing zoning administration procedures under Chapter 21, including enforcement by the Building Official and established review processes within the Code. The Architectural Review Board may provide advisory input on the design of municipal buildings, so that architectural considerations may be evaluated while preserving administrative efficiency and alignment with existing review frameworks.

Overall, the proposed amendments are limited in scope and do not introduce new uses but rather refine and clarify the regulatory standards applicable to an already permitted municipal use. Adoption of this Ordinance provides the necessary zoning framework to support the development of the Village Hall, Police Station, and Emergency Operations

Center and ensures that the project can proceed in a manner consistent with the Village's regulatory structure, planning objectives, and public health, safety, and welfare considerations.

### **THE BAL HARBOUR EXPERIENCE**

This item supports the Village's ongoing efforts to enhance municipal operations, public safety, and emergency preparedness through the development of a contemporary, unified and resilient Village Hall facility.

### **CONCLUSION**

In conclusion, I recommend that the Local Planning Agency recommend approval of the proposed Ordinance to amend Chapter 21 of the Village Code to establish development standards applicable to municipal buildings and uses within the RM-5 District to the Village Council. Approval of this Ordinance will provide the necessary regulatory framework to support the advancement of the Village Hall, Police Station, and Emergency Operations Center project.

### **Attachments:**

- Exhibit "A" - Planning Memorandum Analysis (Michael Miller, AICP)
- Exhibit "B" - Legal Analysis (Susan L. Trevarthen, Esq.)

ORDINANCE NO. 2026 \_\_\_\_

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO MODIFY REGULATIONS APPLICABLE TO MUNICIPAL BUILDINGS AND USES IN THE RM-5 MULTIPLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

**WHEREAS**, the Bal Harbour Village (the "Village") Council finds it periodically necessary to amend its Code of Ordinances (the "Village Code") in order to update regulations and procedures to implement municipal goals and objectives; and

**WHEREAS**, the RM-5 Multiple Family Residential District (the "RM-5 District") within the Village allows municipal buildings and uses in addition to multiple family residential dwellings and grandfathered apartment hotels; and

**WHEREAS**, the RM-5 District has additional standards for grandfathered apartment hotel uses, but does not have specific standards for municipal buildings and uses; and

**WHEREAS**, the Village owns an RM-5 property (Lot 1 of Block 7, in the Residential Section of Bal Harbour) that has an unusual shape that negatively affects the usability of the site, which is slated to become its new Village Hall, and the Village Council desires to establish appropriate standards and regulations for this municipal building; and

**WHEREAS**, the Village Council has already adopted Section 21-80 of the Village Code establishing a height limit of 56 feet applicable to municipal buildings wherever they may be located within the Village, including the RM-5 District; and

**WHEREAS**, the Administration recommended approval of this Ordinance in its report for the April \_\_, 2026 Village Council meeting; and

**WHEREAS**, the Village Council, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed public hearing in accordance with law on May \_\_, 2026, determined that this Ordinance is consistent with the Village's Comprehensive Plan, and recommended approval; and

**WHEREAS**, the Village Council conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Village Council has determined

that this Ordinance is consistent with the Village’s Comprehensive Plan and in the best interest of the public health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals Adopted.** That the above-stated recitals are hereby adopted and confirmed.

**Section 2.**     **Village Code Amended.** That Chapter 21 “Zoning” of the Village Code is hereby amended to read as follows:<sup>1</sup>

**CHAPTER 21 . - ZONING**

\* \* \*

**ARTICLE III. - DISTRICT REGULATIONS**

\* \* \*

**DIVISION 9. - RM-5 MULTIPLE FAMILY RESIDENTIAL DISTRICT**

**Section 21-261. - Permitted uses.**

No Building or land shall be used and no Building shall be erected or constructed on any Lot in the RM-5 Multiple Family Residential District except for the following uses:

- (1) Multiple-Family Dwellings or apartment buildings.
- (2) Apartment Courts.
- (3) Accessory Buildings.
- (4) Parks, playgrounds, municipal buildings and Parking Lots owned and operated by the Village.
- (5) Vacation Rentals in accordance with section 21-363.

Editor's note– Ord. No. 559, § 3, adopted May 15, 2012, provides that this ordinance shall not apply to an Apartment Hotel use which was a legal, operating use in the Village on the date of first reading of this ordinance. This ordinance shall also not apply to an expansion of such existing Apartment Hotel use onto one or more parcels, provided that such expanded use: (1) shares common management control with the existing Apartment Hotel use; (2) includes property which is abutting or separated only by a road right-of-way from the parcel on which the existing Apartment Hotel use is located; and (3) received approval as part of a Village Certificate of Appropriateness prior to January 1, 2012.

\* \* \*

**Section 21-269. Additional Standards for Municipal Buildings and Uses.**

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<sup>1</sup> Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~striketrough~~. Any changes between first and second reading are shown by highlighted double underline and ~~double striketrough~~ font.

(a) Height. Per Section 21-80 of the Village's Zoning Code, a maximum height limit of 56 feet applies to municipal buildings in the RM-5 District and elsewhere.

(b) Setback and Architectural Projection Standards for Particular Municipal Lots. For municipal buildings and structures on Lot 1 of Block 7 of the Residential Section of Bal Harbour plat, the setbacks for any portion of a building or structure shall be as follows:

(1) the front setback to Bal Harbour Boulevard (aka Collins Avenue) shall be at least 20 feet from the lot line;

(2) the setback to the south shall be 0 feet from the lot line;

(3) the side setback to the north shall be at least 15 feet from the lot line, incorporating a 5-foot landscape buffer per the County landscaping requirements;

(4) the rear setback to the west shall be at least 15 feet from the lot line; and

(5) architectural features of any building or structure may project into any setback or adjacent parcel under common ownership not more than 20 feet, with at least 15 feet of clear headroom. Otherwise, cantilevered projections may project into the setback up to 5 feet, with at least 7 feet of clear headroom.

(c) Required Parking and Design and Maintenance Standards. No minimum parking quantity, size, design, or maintenance standards of any kind apply to municipal buildings, structures, and uses. Parking spaces may be placed in adjacent parcels under common ownership, where consistent with safe vehicular and pedestrian access.

(d) Minimum Lot Area and Width. No minimum lot area or width applies to municipal lots.

(e) Floor Area. No floor area or floor area ratio standards applies to municipal buildings and structures.

(f) Walls, Fences, Landscaping, and Open Space. Boundary walls and fences shall be a maximum of 8 feet in height, measured from highest adjacent grade. The Miami-Dade County landscaping code and other applicable minimum County standards will be met.

(g) Architectural Review. The Architectural Review Board may review and provide advisory recommendations to the Village Manager on the design of municipal buildings and structures.

(h) Impacts. An analysis of infrastructure impacts pursuant to Section 14-8, taking into

account the impact of the prior use of the property, shall be provided.

**Sections 21-~~26970~~–21-278.** - Reserved.

\* \* \*

**Section 3.** **Severability.** That 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 4.** **Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become effective and made part of the Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5.** **Conflict.** That all Sections or parts of Sections of the Village Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

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

PASSED AND ADOPTED on first reading this 20<sup>th</sup> day of April, 2026.

PASSED AND ADOPTED on second reading this 19<sup>th</sup> day of May, 2026.



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Mayor Seth E. Salver

ATTEST:

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Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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

**BAL HARBOUR VILLAGE  
COMMUNITY DEVELOPMENT  
MEMORANDUM**

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**To:**            **Jorge M. Gonzalez – Village Manager**  
                  **Eliezer Palacio – Bldg. Official / Department Director**  
                  **Bal Harbour Village**

**From:**        **Michael J. Miller, AICP**  
                  **Consultant Village Planner**

**Date:**         **April 20<sup>th</sup>, 2026**

**Subject:**      **Bal Harbour Village**  
                  **Possible Land Development Code Revisions**  
                  **RM-5 Zoning District – Specialized Regulations for Municipal Uses**  
                  **MMPA Acct. No. 00-1103-0100**

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**BACKGROUND**

The Village's original 1946 Master Plan was implemented by a series of subdivision plats and private Deed Restrictions (CCRs), which was common at that time, as governmental Land Development Regulations (LDRs) such as Zoning Codes were not as yet common. Prior to incorporation of the Village the land area was part of unincorporated Dade County that only had basic limited criteria. The plats laid out the community's streets, lot areas, easements for utilities, and included certain building setbacks. The Deed Restrictions included more detailed regulations (now expired).

The Village's original land development was essentially completed prior to the Village adopting its first Zoning Code in 1974. Over the years the Village has made numerous amendments to its Zoning Code and adopted other more specialized LDRs such as Architectural Guidelines, Building regulations in addition to the Florida Building Code, and many more. Miami-Dade County has LDRs that apply countywide that regulate a few issues (ex. Landscaping / Subdivisions / Signage). Local government can adopt stricter LDRs but not less restrictive than the M-D criteria.

The original Village Master Plan envisioned higher density development along the oceanfront, lower-scale multifamily development along the west side of Collins Avenue, a high-end single-family area between the aforementioned Collins Avenue and Biscayne Bay (also a few small multifamily complexes on Park Dr.), and a few commercial uses (now BHS / Bank).

The Village's Zoning Code now allows certain municipal land uses in the R-1 & R-2 Single Family District, PC Private Club District, RM-5 Multiple Family District, and B Business District (ex. parks / playgrounds / municipal buildings). Unless otherwise specified in the Codes, the development

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**Bal Harbour Village  
Land Development Regulation (LDR) Possible Revisions  
RM-5 Zoning District – Specialized Regulations for Municipal Uses  
April 20<sup>th</sup>, 2026  
Page 2**

standards set forth in each zoning district apply to all land uses (private / public). In some communities the local government exempts itself from zoning laws.

When the 1974 Zoning Code was created it was apparently assumed the Master Plan land uses would remain as-is forever and the Zoning Code criteria would generally follow and support the private development regulations (plats / CCRs). However, things tend to change over time.

**ISSUE**

As part of the 2017 Bal Harbour Shops (BHS) expansion, as a condition of the Development Agreement for that approval, the Village acquired the former Fairfield Manor 18 DU multifamily site located at 9800 Collins Avenue for a future Village Hall site. The Village’s original / current Village Hall site located at 655 96<sup>th</sup> Street (built 1956) is quite small for current-day desired functions, and the building, while architecturally charming, is substantially outdated (flood elevation / structural integrity per modern FBC standards, technology, etc.).

The Village has retained an architectural firm to assist in the design of a new Village Hall complex. Due to the odd-shape of the site (Bal Cross Drive frontage angled) and small size, the plat setbacks / Zoning Code & LDRs, which were written for only multifamily development, are causing impractical constraints on the proposed site design. The Village’s administration feels some adjustment is necessary to establish special LDRs for the new Village Hall that can accommodate the desired complex (building / parking / open spaces / etc.), but are trying to be respectful of the scale and urban design qualities of the community. Therefore, the Village staff has prepared some desired / recommended Zoning Code amendments to accommodate the new Village Hall complex.

The intent is to generally maintain a consistent 50’ main building setback along the west side of Collins Avenue with allowances for desired architectural features for the municipal complex only, such as extended yard projections (balconies / roof overhangs / covered automobile & pedestrian areas / etc.).

**ANALYSIS**

The Village Code currently includes the following building setbacks in the RM-5 District:

Collins Avenue	50’
Bal Cross Drive	25’
North Interior	25’
West Interior	50’ (5’ for 1-story Accessory Quarters / Covered Parking)
Yard Projections	36” Maximum

The Village Code is recommend to be amended to the following new building setbacks for municipal uses only (Existing RM-5 LDRs would remain the same for multifamily development):

Collins Avenue	20’ (Main Building / Accessory Structures / Projections)
Bal Cross Drive	0’
North Interior	15’
West Interior	15’
Yard Projections	5’ / 20’ over Bal Cross Dr. right-of-way

**Bal Harbour Village**  
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**April 20<sup>th</sup>, 2026**  
**Page 3**

As stated above, the proposed site design shows the main building setback substantially from Collins Avenue; however the Collins Avenue front yard is envisioned as a multi-purpose community gathering space; therefore, the current yard projections limitation of 36 inches will not allow for the desired design. It is suggested a 20' setback be established to accommodate all buildings except for extended building features.

As to Bal Cross Drive, the roadway segment from Collins Avenue to the gate / linear park along Park Drive has been closed for many years to vehicular traffic into the single-family neighborhood. The function of Bal Cross Drive outside of the gate has long been to serve as a driveway to the Bal Harbour Shops site and the Fairfield Manor site. The new northern entrance to the Bal Harbour Shops site now serves as one of the main driveway entries into the Bal Harbour Shops site. This driveway was designed and approved to, and will serve as a shared driveway for both the BHS and Village Hall site.

Portions of the Bal Cross Drive right-of-way (90' wide overall / 45' half section) will be used for Village Hall ADA parking and electric vehicle parking, pedestrian walkways and landscaped open space. There is no need for any setback in this built environment, so a 0' setback is proposed to Bal Cross Drive.

As to the two interior property lines, a 15' building setback is proposed. Along Park Drive to the west of the Village Hall site an expansive / wide linear passive park with mature landscaping and an existing tall concrete buffer wall now exist and should be sufficient to buffer the gated community.

Finally, to the north of the proposed Village Hall site is an existing multifamily complex (Tahoma Apt.) with a one-way driveway / parallel parking spaces along its southern border. The Village is required (M-D Ch. 18A) to construct a tall buffer wall within a minimum 5' wide landscape strip along the north property line, as that current land use is deemed "dissimilar". The current 25' setback is deemed excessive due to the new buffer being provided in the Village Hall design.

**RECOMMENDATION**

MMPA suggests the Village Council consider the adoption of the proposed Ordinance.

## MEMORANDUM

To: Jorge Gonzalez

From: Susan L. Trevarthen *SLT*  
Johnathan Kramer

Date: 2/17/2026

**Re: Application of Platted Building Setback Lines to Municipal Property**

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This memorandum addresses (1) whether a platted building setback line on municipally owned land can be enforced to restrict a Florida municipality's development of the land for public purposes, and (2) what constraints do apply to such development.

Florida's platted-setback cases treat a plat's depiction of a building setback line on a lot as a private building restriction arising from private subdivision arrangements, not a vested limitation enforceable to restrain governmental development for a public purpose. *Bd. of Pub. Instruction v. Town of Bay Harbor Islands*, 81 So. 2d 637 (Fla. 1955); *Ryan v. Town of Manalapan*, 414 So. 2d 193 (Fla. 1982); *Vazquez v. City of Hallandale Beach*, 391 So. 3d 439 (Fla. 4th DCA 2024). Under this authority, a municipality generally is not required to replat or amend a plat as a precondition to proceeding with a municipal project on such a lot, and the defensible posture is to maintain a clear record establishing the public character of the use. Fla. Const. art. VIII, § 2(b); § 166.021, Fla. Stat.

However, this doctrine does not eliminate all regulatory constraints on the development of municipal property for a public purpose. Governmental development must remain consistent with the adopted comprehensive plan. § 163.3194(1)(a), Fla. Stat. Municipal property also is not categorically exempt from zoning. Where the zoning code is silent as to municipal structures and uses, Florida caselaw recognizes the municipality may not be bound by particular zoning provisions, although municipalities commonly elect to follow their zoning procedures for transparency and to structure municipal development. Where the zoning code affirmatively regulates municipal uses, the municipality is bound by its own ordinances. *Town of Longboat Key v. Islandside Prop. Owners Coal., LLC*, 95 So. 3d 1037 (Fla. 2d DCA 2012).

Here, the parcel is zoned RM-5, which explicitly contemplates municipal use, and the Village has generally subjected itself to its own zoning framework. The operative setback and siting constraints therefore are those imposed by the comprehensive plan and the RM-5 land

development regulations, not the platted setback line that operates as a private restriction. If the Village intends to revise the zoned setback to accommodate its municipal plans, it must do so through an ordinance amending the requirement.

Therefore, a platted building setback line generally will not restrain the Village's development of municipally owned land for a municipal purpose. The project must remain consistent with the comprehensive plan and comply with applicable zoning. If RM-5 setbacks or other development regulations must change to accommodate the development of the municipal property, the Village must either seek a variance if warranted or amend the Village regulations by ordinance.

# BAL HARBOUR

- VILLAGE -

## BUSINESS IMPACT STATEMENT

### Proposed Ordinance Title:

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO MODIFY REGULATIONS APPLICABLE TO MUNICIPAL BUILDINGS AND USES IN THE RM-5 MULTIPLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

**Business Impact Estimate is required and attached.**

### Summary of Proposed Ordinance and Statement of Purpose to be Served:

The proposed ordinance amends Chapter 21 of the Village Code to establish and clarify development standards applicable to municipal buildings and uses within the RM-5 Multiple Family Residential District. The ordinance provides specific regulations related to setbacks, height, parking, lot area, and other development standards for municipal properties, including a Village-owned site intended for a new municipal building, in order to ensure appropriate design, functionality, and consistency with the Village's planning objectives.

### Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. **Estimate of Direct Business Compliance Costs:** This ordinance is not expected to have any direct business compliance cost impacts.
- b. **New Charges/Fees on Business Impacted:** This ordinance is not expected to have any new charges or fees on businesses.
- c. **Estimate of Regulatory Cost:** This ordinance is not expected to have any additional regulatory costs.

### Good Faith Estimate of Number of Businesses Likely Impacted:

No businesses are expected to be impacted by the ordinance, as it applies exclusively to municipal buildings and uses.

# BAL HARBOUR

- VILLAGE -

## LOCAL PLANNING AGENCY SUMMARY

### Condensed Title:

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES TO MODIFY PROCEDURES AND REGULATIONS APPLICABLE TO THE ARCHITECTURAL REVIEW BOARD; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

### Issue:

Should the Local Planning Agency recommend that the Village Council adopt an Ordinance amending Chapter 2 "ADMINISTRATION" to modify procedures and regulations applicable to the Architectural Review Board in the R-1, R-2 Single-Family Residential, and PC Private Club Districts?

### The Bal Harbour Experience:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Beautiful Environment   | <input type="checkbox"/> Safety           | <input type="checkbox"/> Modernized Public Facilities/Infrastructure   |
| <input type="checkbox"/> Destination & Amenities | <input type="checkbox"/> Unique & Elegant | <input checked="" type="checkbox"/> Resiliency & Sustainable Community |

### Item Summary / Recommendation:

The proposed ordinance, if adopted, is intended to modify the scope of when ARB certificates of appropriateness are required and to clarify and revise related Chapter 2 provisions and cross-references. The Ordinance specifically states that applications adding less than 30% percent of the square footage to existing buildings in the R-1 and R-2 Single-Family Residential and PC Private Club Districts would no longer be required to go before the ARB and may instead be processed administratively.

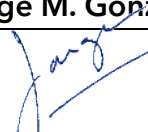
Administration recommends that the Village Council approve the attached ordinance on first reading and schedule the ordinance for second reading and public hearing. Administration further recommends that the Council direct staff and the Village Attorney to make any non-substantive revisions necessary before second reading, consistent with Council direction provided during its consideration of the ordinance.

**THE ADMINISTRATION RECOMMENDS THAT THE LOCAL PLANNING AGENCY RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE TO THE VILLAGE COUNCIL.**

### Financial Information:

Amount	Account	Account #
X	X	X

### Sign off:

Director Title	Chief Financial Officer	Village Manager
Eliezer Palacio	Claudia Dixon	Jorge M. Gonzalez
		

# BAL HARBOUR


- V I L L A G E -

## LOCAL PLANNING AGENCY MEMORANDUM

TO: Local Planning Agency

FROM: Jorge M. Gonzalez, Village Manager

DATE: May 19, 2026



SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES TO MODIFY PROCEDURES AND REGULATIONS APPLICABLE TO THE ARCHITECTURAL REVIEW BOARD; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

Administration recommends that the Local Planning Agency review the proposed ordinance and transmit a recommendation of approval to the Village Council regarding the proposed ordinance amending Chapter 2 of the Code of Ordinances to modify procedures and regulations applicable to the Architectural Review Board.

### **BACKGROUND**

Chapter 2, Article III, Division 3 of the Village Code establishes the Architectural Review Board (ARB), including its purpose, membership, processes, and scope of authority. Chapter 5.5 of the Village Code creates the Village's Appearance Code and Appearance Plan, which establish architectural, design, and maintenance standards for most development in the Village.

The proposed ordinance is intended to modify the scope of when ARB certificates of appropriateness are required and to clarify and revise related Chapter 2 provisions and cross-references. The Ordinance specifically states that applications that increases proposed square footage of less than 30% the square footage to existing buildings or does not meet the definition of substantial improvement in Chapter 8.5 (FEMA 50% Rule) in the R-1, R-2 Single-Family Residential and PC, Private Club Districts would no longer be required to go before the ARB and may instead be processed administratively.

### **ANALYSIS**

The ordinance preserves the ARB's general role in reviewing architectural plans and specifications submitted in connection with building permit applications and in holding hearings pertaining to certificates of appropriateness. For applications subject to ARB review, the ordinance sets out procedural requirements including Building Official transmission of complete applications, regularly scheduled monthly meetings, submission deadlines, agenda preparation, mailed notice to applicants, public notice by property posting, and required site visits by ARB members before the hearing.

The principal substantive change is the new exemption for applications in the R-1, R-2 Single-Family Residential and PC Private Club Districts where the Building Official determines if the project meets the threshold of requiring ARB approval. To be exempt from ARB, the project either involves an increase of less than 30% percent of the square footage of the existing building or buildings on the lot or if the project exceeds the or does not meet the definition of substantial improvement in Chapter 8.5 (FEMA 50% Rule). This exemption does not apply to any other zoning district within the Village.

The requirement of ARB review and obtaining a certificate of appropriateness for a New Single-Family Construction in the R-1, R-2 and PC districts remains. In the interim between certificate of appropriateness and Certificate of Occupancy only significant external changes would be required to return to ARB.

Between 2022 and 2025, the ARB reviewed 31 applications in the Single-Family District, 30 of which were approved at the initial hearing, for a first-pass approval rate of 95.0%. These results reflect a generally efficient review process and indicate that most applicants appear before the Board with well-prepared submissions.

Of the 31 applications reviewed at that time, 9 would have been exempt from ARB review under the proposed ordinance.

<b>ARB SUBMITTALS SINGLE FAMILY 2022-2025</b>	<b>QTY</b>
NEW SINGLE FAMILY	18
ADDITION	6
ALTERATION	3
MINOR	3
ROOF	1
<b>TOTAL</b>	<b>31</b>

\*Revisions to previously approved ARB 15

### **THE BAL HARBOUR EXPERIENCE**

The proposed ordinance enhances the Bal Harbour Experience by streamlining the development review process while maintaining the Village's high architectural and aesthetic standards. By allowing certain minor residential additions in the R-1, R-2 and PC districts to be processed administratively, the Village reduces unnecessary delays for homeowners without compromising design integrity. At the same time, the Architectural Review Board retains its essential role in evaluating more significant projects, ensuring that all development continues to align with the Village's Appearance Plan and overall vision. This balanced approach promotes efficiency, preserves property values, and reinforces Bal Harbour's reputation for thoughtful design and exceptional community character.

## **CONCLUSION**

The proposed ordinance would clarify Architectural Review Board procedures and narrow the category of residential projects in the R-1, R-2 Single-Family Residential Districts and PC Private Club District that must obtain a certificate of appropriateness from the ARB before permitting.

By allowing administrative processing for additions under the 30% percent threshold or does not meet the definition of substantial improvement in Chapter 8.5 (FEMA 50% Rule) while preserving review under Chapter 5.5 and other applicable laws, the ordinance is intended to improve administrative efficiency without removing substantive design review standards.

For these reasons, Administration recommends that the Local Planning Agency transmit the proposed ordinance to the Village Council with a recommendation of approval.

**ORDINANCE NO. 2026 \_\_\_\_**

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA,  
AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF  
ORDINANCES TO MODIFY PROCEDURES AND REGULATIONS  
APPLICABLE TO THE ARCHITECTURAL REVIEW BOARD;  
PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE,  
CONFLICTS, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Bal Harbour Village (the "Village") Council finds it periodically necessary to amend its Code of Ordinances (the "Village Code") in order to update regulations and procedures to implement municipal goals and objectives; and

**WHEREAS**, Chapter 2 "Administration," Article III "Boards, Committees and Commissions," Division 3 "Architectural Review Board" of the Village Code establishes the Architectural Review Board (ARB), including its purpose, membership, processes and scope of authority; and

**WHEREAS**, Chapter 5.5 of the Village Code creates the Village's Appearance Code and contains the Appearance Plan, establishing architectural, design and maintenance standards for most development in the Village; and

**WHEREAS**, the Village Council desires to modify the scope of the requirement for the ARB to issue certificates of appropriateness, and specify that applications that add less than 30% the square footage to existing buildings and do not meet the definition of substantial improvement in Chapter 8.5 in the R-1, R-2 Single Family Residential Districts and PC Private Club need not go to the ARB and may be administratively processed and approved; and

**WHEREAS**, the Village Council further desires to clarify and revise existing provisions and cross references in Chapter 2 related to the ARB; and

**WHEREAS**, the Administration recommended approval of this Ordinance in its report for the May \_\_, 2026 Village Council meeting; and

**WHEREAS**, the Village Council, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed public hearing in accordance with law on May \_\_, 2026, determined that this Ordinance is consistent with the Village's Comprehensive Plan, and recommended approval; and

**WHEREAS**, the Village Council conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and

participation by interested members of the public and staff, the Village Council has determined that this Ordinance is consistent with the Village's Comprehensive Plan and in the best interest of the public health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the above-stated recitals are hereby adopted and confirmed.

**Section 2. Village Code Amended.** That Chapter 2 "Administration" of the Village Code is hereby amended to read as follows:<sup>1</sup>

**CHAPTER 2. - ADMINISTRATION**

\* \* \*

**ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS**

\* \* \*

**DIVISION 3. ARCHITECTURAL REVIEW BOARD**

**Sec. 2-71. Created.**

There is hereby created an Architectural Review Board as a governmental agency of the Village (the "ARB").

**Sec. 2-72. Membership; removal.**

*Number and qualifications of members.* Four members of the ARB shall be either registered architects or registered landscape architects but need not be residents of the Village. One member of the ARB shall be a resident layperson of the Village, provided that the resident has familiarity with architecture, construction, plans review, or similar relevant knowledge. Members of the ARB shall be appointed by a majority vote of the Village Council. ARB members shall be subject to removal in accordance with the provisions of section 2-49. In the event that an ARB member forfeits his or her seat for failure to appear, in person or electronically, at three regular meetings within a calendar year, that member shall continue to serve until a replacement has been appointed by the majority of the Village Council.

**Sec. 2-73. Powers; duties.**

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<sup>1</sup> Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~striketrough~~. Any changes between first and second reading are shown by highlighted double underline and ~~double striketrough~~ font.

The ARB shall have the duty to review all architectural plans and specifications submitted to the Village in connection with applications for building permits and hold hearings pertaining to the issuance of certificates of appropriateness as provided for in section 2-75.

**Sec. 2-74. Certificate of appropriateness, preliminary conference.**

(a) The applicant for a certificate of appropriateness shall, upon request, have the right to a preliminary conference with the Village staff. In this regard, the Village staff shall provide such advice, counsel, suggestions, and recommendations on matters pertaining to the Code of Bal Harbour Village as he or she may deem necessary to guide such prospective applicant in the development of a plan which would comply with the intent and purposes of the Appearance Plan.

(b) The Village staff shall act in an advisory capacity only, with regard to preliminary plans, and shall provide consultation only on projects for which preliminary drawings and materials are furnished by such prospective applicant, and shall not participate in the development of the basic concept, plans or drawings.

**Sec. 2-75. Procedure for consideration of certificates of appropriateness and applications subject to Architectural Review Board review.**

(a) *Application.*

(1) Upon the filing of a complete application for a building permit subject to review by the ARB, as determined by the Building Official, and payment of an application fee which shall be set by resolution of the Village Council, the Building Official shall transmit such application to the ARB.

(2) The fact that an application for a building permit has been referred to the ARB shall not be cause for the Building Official to delay the review of plans relating to the building and zoning aspects of the project, while such application is pending with the ARB.

(3) The ARB shall establish regularly scheduled monthly meetings at which to review all applications, which may be cancelled if no applications are timely submitted for that month.

(4) Applications shall be submitted at least ~~21~~ 60 calendar days prior to the scheduled monthly meetings in order to be considered at that scheduled monthly meeting. The application must be complete and approved for Board consideration at least 21 days prior to the date of the Board meeting at which it will be considered.

(5) The Village Clerk's office shall prepare an agenda containing a list of all applications filed for each scheduled monthly meeting, which shall be submitted to all members of the ARB at least five calendar days prior to the scheduled monthly

meetings.

(6) The Village Clerk's office shall further notify each applicant of the date and time of a hearing on his application, in writing, which notice shall be mailed at least seven days prior to such hearing and provide public notice through posting of the property with a copy of the notice.

(7) In order to provide the members of the ARB with background knowledge concerning applications required to be reviewed by the ARB, each member of the ARB shall be required to individually visit the site which is the location of each application prior to the ARB hearing on such application. The Village Manager shall make arrangements for members of the ARB to be granted access to the Gated Residential Section, as necessary to conduct the site visits provided for in this subsection.

(8) Upon such hearing, the ARB shall consider the application and its presentation by the architect of record, and receive additional evidence (such as a rendering) from the applicant, his agent or attorney and from Village staff or other persons as to whether the application complies with the intent and purpose of ~~theis~~ Appearance Plan in Section 5.5 of this Code.

(b) *Action of the Architectural Review Board.*

(1) Prior to making its decision on an application for a certificate of appropriateness, the ARB may make recommendations to the applicant as to changes in the exterior drawings, sketches, landscaping, site plans and materials which in the judgment of the ARB would tend to affect the general purposes of ~~theis~~ Appearance Plan. ~~The plan is described in section 2-74.~~

(2) At the hearing, the ARB shall make its decision and shall issue to the building official a certificate of appropriateness, unless the ARB finds that the plan does not generally comply with the Appearance Plan ~~criteria outlined in article II of this chapter and/or~~ with the intent and purpose set forth in section 5.5-3.

(3) Conditions of approval may be applied to the issuance of a certificate of appropriateness, if the ARB finds that conditions are necessary to ensure that the submitted drawings, sketches, landscaping, site plans and materials comply with the Appearance Plan ~~provided in article II of this chapter~~.

(4) If a finding of noncompliance is made, the ARB shall provide such advice, counsel, suggestions and recommendations on matters pertaining to aesthetics as they may deem necessary to guide the prospective applicant in the development of a plan which would comply with the intent and purpose of the Appearance Plan.

(5) The decision of the ARB, including conditions of approval, shall be reduced to writing and signed by the Chair.

(6) The ARB may require that the applicant supply additional information to aid in making a determination as to compliance.

(c) *Approval by Architectural Review Board.*

(1) The ARB shall issue a certificate of appropriateness by an affirmative vote of at least three members.

(2) No building or other permit, required under this Code ~~the ordinances of the Village~~, for the erection, construction, alteration or repair of any building or structure shall be issued by the Building Official without a certificate of appropriateness having been issued by the ARB.

(3) The foregoing requirement shall not preclude the issuance of a building permit without such certificate of appropriateness if:

a. The Building Official shall determine that no External Architectural Feature as defined in section 5.5-2(b)(11) is involved in the work for which the building permit is sought; or

b. The Building Official shall determine that the selected color(s) of an application for exterior painting either complies with the Village's approved Color Palette as defined in section 5.5-2(b) or is equivalent to the approved colors. If more than two colors are proposed to be used on a building and the Building Official desires to obtain the input of the ARB on whether the proposed color scheme is consistent with the intent and purposes of the Chapter 5.5, Appearance Code, then the Building Official may schedule the exterior paint application for review and recommendation by the ARB; ~~or-~~

c. For applications in the R-1, R-2 Single-Family Residential and PC Private Club Districts, the Building Official shall determine that the application involves an increase of less than 30% of the square footage of an existing Building(s) on the Lot(s), and that it does not meet the definition of substantial improvement in Chapter 8.5.

(4) Applications that are exempt from the issuance of a certificate of appropriateness by the ARB pursuant to (3) above will be reviewed by the Building Official and approved, approved with conditions, or denied based on the standards and conditions of any approved certificate of appropriateness for the Lot(s), Chapter 5.5 of this Code, and all other applicable laws.

(d) *Expiration of Certificate of Appropriateness.*

(1) *Deadline.* Within eighteen months after the issuance of a Certificate of Appropriateness, a principal building permit must be obtained to develop the property in accordance with the Certificate of Appropriateness. If this deadline is not met, such Certificate of Appropriateness shall automatically expire and shall be considered void and of no effect.

(2) *Vested rights.* Nothing in this section shall be construed or applied to abrogate the vested right of a property owner to complete development where the property

owner demonstrates each of the following:

- a. A governmental act of development approval was obtained prior to the effective date of this section;
- b. Upon which the property owner has detrimentally relied, in good faith, by making substantial expenditures; and
- c. That it would be highly inequitable to deny the property owner the right to complete the development.

(3) *Extension.* If an extension of a Certificate of Appropriateness is desired, the owner of the property to which such Certificate of Appropriateness is applicable may request an extension of time from the Village Manager or designee by filing an application for extension prior to its expiration. Upon demonstration of good cause by the owner, the Village Manager or designee may grant an extension.

(e) *Follow-up by Building Official.*

(1) Upon the granting of a certificate of appropriateness, the exterior drawings, sketches, landscape and site plans, renderings and materials upon which such certificate of appropriateness was granted shall be turned over to the Building Official whose responsibility it shall be to determine, from time to time as the project is in progress and finally upon its completion, that there have been no unauthorized deviations from the evidence upon which the granting of the certificate of appropriateness was based, and that all required conditions of approval have been met.

(2) The Building Official shall not issue a certificate of occupancy for any building or structure where there have been any material deviations from the plans, specifications, drawings, materials, and conditions of approval upon which the certificate of appropriateness was granted. Significant changes to the appearance of any External Architectural Feature between approval of the Certificate of Appropriateness and Certificate of Occupancy must go back to ARB for approval.

## **Sec. 2-76. Appeals and review.**

(a) The applicant or any interested party may file an appeal to the Village Council as to any ruling by the ARB made pursuant to this chapter. An appeal shall be submitted on forms provided by the Village.

(b) The Building Official may file an appeal to the Village Council as to any approval by the ARB. Such appeal shall be in the form of a letter filed with the Village Council and copied to the members of the ARB and any interested party.

(c) Any appeal under this section shall be filed or made within ten calendar days after the decision of the ARB.

(d) Appeals shall set forth the alleged inconsistency or nonconformity with procedures or

criteria set forth in this chapter or the Appearance Plan.

(e) The Village Council shall hold a hearing on an appeal within ~~30~~ 60 calendar days of the filing of such appeal unless an extension of time is consented to by the applicant, and such filing shall suspend any building permit issued pursuant to the ruling of the ARB until the Village Council has heard and rendered its decision on the appeal.

(f) The decision of the Village Council as to the appeal of a decision of the ARB shall be final.

**Secs. 2-77–2-80. Reserved.**

**Section 3. Severability.** That 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 4. Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become effective and made part of the Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Conflict.** That all Sections or parts of Sections of the Village Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

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

PASSED AND ADOPTED on first reading this 19<sup>th</sup> day of May, 2026.

PASSED AND ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 2026.



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Mayor Seth E. Salver

ATTEST:

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Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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

# BAL HARBOUR

- VILLAGE -

## BUSINESS IMPACT STATEMENT

### Proposed Ordinance Title:

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES TO MODIFY PROCEDURES AND REGULATIONS APPLICABLE TO THE ARCHITECTURAL REVIEW BOARD; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

**Business Impact Estimate is required and attached.**

### Summary of Proposed Ordinance and Statement of Purpose to be Served:

The proposed ordinance modifies procedures and regulations applicable to the Architectural Review Board and clarifies the scope of applications requiring certificates of appropriateness. The ordinance further provides that certain additions of less than 30% of the square footage of existing buildings in the R-1 and R-2 Single-Family Residential and PC Private Club Districts may be processed administratively rather than through Architectural Review Board review.

### Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. **Estimate of Direct Business Compliance Costs:** This ordinance is not expected to have any direct business compliance cost impacts.
- b. **New Charges/Fees on Business Impacted:** This ordinance is not expected to have any new charges or fees on businesses.
- c. **Estimate of Regulatory Cost:** This ordinance is not expected to have any additional regulatory costs.

The ordinance may impact development-related businesses by revising administrative review procedures, architectural review processes, and development application requirements within the Village but is not expected to have any adverse economic impact.

### Good Faith Estimate of Number of Businesses Likely Impacted:

A limited number of businesses engaged in residential development, construction, architecture, design, engineering, and real estate investment within the Village may be impacted by the ordinance.



# BAL HARBOUR

- V I L L A G E -

## LOCAL PLANNING AGENCY ITEM SUMMARY

### Condensed Title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO REMOVE GARAGE ENTRY REQUIREMENTS AND TO AMEND REQUIREMENTS FOR PARKING AND IMPERVIOUS SURFACE IN THE SINGLE-FAMILY RESIDENTIAL DISTRICTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

### Issue:

Should the Local Planning Agency recommend approval of an Ordinance amending Chapter 21 "ZONING" to modify garage entry requirements and parking requirements in the single-family residential districts?

### The Bal Harbour Experience:

Beautiful Environment     Safety     Modernized Public Facilities/Infrastructure  
 Destination & Amenities     Unique & Elegant     Resiliency & Sustainable Community

### Item Summary / Recommendation:

The proposed ordinance amends Chapter 21 of the Village Code to modify certain development standards applicable to the Village's R-1 and R-2 Single-Family Residential zoning districts. Specifically, the ordinance removes existing restrictions requiring side-entry garages for new and substantially reconstructed residences, updates impervious surface regulations within front setback areas, clarifies maximum lot coverage standards, and revises off-street parking requirements for single-family detached dwellings.

Administration recommends that the Village Council approve the attached ordinance on first reading and schedule the ordinance for second reading and public hearing. Administration further recommends that the Council direct staff and the Village Attorney to make any non-substantive revisions necessary before second reading, consistent with Council direction provided during its consideration of the ordinance.

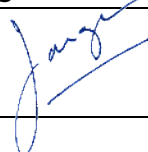
**THE ADMINISTRATION RECOMMENDS THAT THE LOCAL PLANNING AGENCY RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE TO THE VILLAGE COUNCIL.**

### Financial Information:

	Amount	Account	Account #
	X	X	X

### Sign off:

Director Title	Chief Financial Officer	Village Manager
Eliezer Palacio	Claudia Dixon	Jorge M. Gonzalez



# BAL HARBOUR

- VILLAGE -

## LOCAL PLANNING AGENCY MEMORANDUM

TO: Local Planning Agency  
FROM: Jorge M. Gonzalez, Village Manager  
DATE: May 19, 2026



SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO REMOVE GARAGE ENTRY REQUIREMENTS AND TO AMEND REQUIREMENTS FOR PARKING AND IMPERVIOUS SURFACE IN THE SINGLE-FAMILY RESIDENTIAL DISTRICTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

I am recommending that the Local Planning Agency review and recommend approval of the proposed ordinance amending Chapter 21 "Zoning" of the Code of Ordinances to modify garage entry requirements and parking requirements in the single-family residential districts.

### **BACKGROUND**

The proposed ordinance amends Chapter 21 of the Village Code to modify certain development standards applicable to the Village's R-1 and R-2 Single-Family Residential zoning districts. Specifically, the ordinance removes existing restrictions requiring side-entry garages for new and substantially reconstructed residences, updates impervious surface regulations within front setback areas, clarifies maximum lot coverage standards, and revises off-street parking requirements for single-family detached dwellings.

The Village's current zoning regulations governing garage orientation within the R-1 and R-2 Single-Family Residential Zoning districts were adopted to reinforce the architectural character and visual quality of the Village's residential streetscapes. Under the existing regulations, garages associated with new residences and substantially reconstructed homes are generally prohibited from directly facing the street.

While these requirements were originally intended to minimize the visual prominence of garages and preserve neighborhood character, staff identified circumstances where the regulations create practical design challenges, particularly on irregularly shaped lots, corner properties, and other constrained sites. In some cases, the existing requirements result in inefficient driveway configurations, increased paved areas, and reduced architectural flexibility.

Following this review, staff determined that permitting front-facing garage entries, while maintaining all other applicable zoning, landscaping, and architectural review

requirements, would provide property owners and design professionals with additional flexibility without materially impacting the established residential character of the Village.

In conjunction with this review, staff also evaluated related provisions governing impervious surface limitations, lot coverage standards, and off-street parking requirements to ensure consistency throughout the Code and alignment with current residential development practices.

### **ANALYSIS**

The proposed ordinance removes the current prohibition against garage entries directly facing the street within the R-1 and R-2 Single-Family Residential Zoning districts.

Under the existing Code, all new residences and residences undergoing 100 percent reconstruction are generally required to incorporate side-entry garage configurations. Although these provisions were originally intended to preserve the visual quality of the Village's residential streetscape, staff's review determined that the requirement may unnecessarily limit site planning flexibility and architectural design opportunities on certain residential properties.

The proposed amendment would provide additional flexibility in the design and layout of residential properties while maintaining compliance with all other applicable zoning and design requirements.

The proposed ordinance does not alter permitted uses, residential density limitations, setback requirements, or building height standards within the single-family zoning districts. In addition, all residential development projects will remain subject to the Village's existing architectural review and permitting processes, which will continue to preserve the overall residential character and visual quality of the Village.

The ordinance also updates the Village's off-street parking requirements applicable to single-family detached dwellings.

Under the proposed ordinance, single-family residences will be required to provide a minimum of two off-street parking spaces per dwelling unit. However, the ordinance further clarifies that:

- At least one required parking space must be located within a garage, carports will no longer be allowed in lieu of garage.
- Residences containing more than three bedrooms must provide at least two enclosed garage parking spaces; and
- No dwelling unit may provide more than three garage parking spaces at the finished floor elevation.

These amendments are intended to ensure that residential properties continue to provide adequate on-site parking accommodations while avoiding the proliferation of excessively large garage structures that may negatively impact neighborhood scale and compatibility.

The proposed parking standards strike an appropriate balance between functionality, architectural compatibility, and preservation of residential character.

### **THE BAL HARBOUR EXPERIENCE**

The proposed ordinance supports the continued evolution of the “Bal Harbour Experience” by reinforcing the Village’s commitment to high-quality residential design, thoughtful planning, and long-term neighborhood sustainability.

The amendments recognize the importance of balancing architectural flexibility with the preservation of the Village’s established residential character. By modernizing certain zoning standards and allowing greater adaptability in residential site planning, the ordinance provides property owners and design professionals with additional opportunities to create functional and aesthetically compatible homes that reflect the expectations of a premier residential community.

At the same time, the ordinance maintains important development controls related to lot coverage, landscaping, and parking to preserve the Village’s distinctive streetscape character, enhance visual quality, and support a cohesive residential environment.

These updates are consistent with the Village’s ongoing efforts to ensure that development regulations continue to reflect contemporary design practices while maintaining the exclusivity, quality, and neighborhood character that define the Bal Harbour experience.

### **CONCLUSION**

The proposed ordinance represents a measured update to the Village’s single-family residential development standards intended to provide additional flexibility in site planning and architectural design while preserving the character and quality of Bal Harbour Village’s residential neighborhoods.

The proposed ordinance balances modern residential design considerations with the Village’s long-standing planning and aesthetic objectives. The ordinance maintains the core development standards applicable to the R-1 and R-2 zoning districts while addressing provisions that may unnecessarily constrain residential design and functionality.

For these reasons, Administration recommends that the Local Planning Agency transmit the proposed ordinance to the Village Council with a recommendation of approval.

ORDINANCE NO. 2026 \_\_\_\_

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO REMOVE GARAGE ENTRY REQUIREMENTS AND TO AMEND REQUIREMENTS FOR PARKING AND IMPERVIOUS SURFACE IN THE SINGLE-FAMILY RESIDENTIAL DISTRICTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

**WHEREAS**, the Bal Harbour Village (the "Village") Council finds it periodically necessary to amend its Code of Ordinances (the "Village Code") in order to update regulations and procedures to implement municipal goals and objectives; and

**WHEREAS**, the R-1 and R-2 Single Family Residential zoning districts within the Village are limited to single-family residential uses; and

**WHEREAS**, the R-1 and R-2 district regulations of the Village Code currently prohibit single-family garages from being oriented in a manner that provides direct street-facing access; and

**WHEREAS**, the Village Council finds that this side-entry restriction on garages may create site design challenges and reduce the efficient use of single-family residential lots, and that the removal of this restriction is unlikely to alter the low-density single-family character of the community; and

**WHEREAS**, the Village Council further seeks to modify the requirements for the number and location of parking spaces in the single-family residential districts; and

**WHEREAS**, the Village Council hereby finds and determines that this Ordinance is in the best interest of the public health, safety, and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals Adopted.** That the above-stated recitals are hereby adopted and confirmed.

**Section 2. Village Code Amended.** That Chapter 21 "Zoning" of the Village Code is hereby amended to read as follows:<sup>1</sup>

**CHAPTER 21. - ZONING**

\* \* \*

**ARTICLE III. - DISTRICT REGULATIONS**

\* \* \*

**DIVISION 2. - R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

\* \* \*

**Section 21-102. - Setbacks.**

\* \* \*

(b) Garages and Accessory Quarters may be constructed as a part of the residence Building. If a wall is erected along the rear line of the Lot (the outside face of such wall shall not be nearer than ten feet to the street line), then garages and Accessory Quarters not more than one Story in height may be constructed as a part of or abutting such wall. Such garage or Accessory Quarters may have an gateway pedestrian entry from the Street. Otherwise, garages or Accessory Quarters must be located not nearer than 20 feet to the rear line of the Lot. No garage or Accessory Quarters shall exceed 15 feet in height.

\* \* \*

**Sec. 21-103. - Maximum Lot coverage.**

The maximum Lot Coverage of all impervious areas in the R-1 Single Family Residential District shall not exceed 50 percent of Lot area. The maximum Lot Coverage by buildings and structures shall not exceed 40 percent. Lot Coverage accomplished by a combination of buildings and structures together with other impervious areas shall not exceed a 50 percent total maximum of Lot Coverage. If an Accessory Quarters is provided, a bonus Lot Coverage increase of 3% shall be allowed (43% maximum Lot Coverage for buildings and structures/53% total maximum Lot Coverage). No more than 50% of the front setback can be impervious surface.

**~~Section 21-104. - Garage Entry.~~**

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<sup>1</sup> Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~striketrough~~. Any changes between first and second reading are shown by highlighted double underline and ~~double striketrough~~ font.

No garage in the R-1 Single Family Residential District shall have an entry directly facing the Street unless such entry is obscured by a decorative wall five feet in height supplemented by a landscaped screen, such screen to be placed between the Street and the garage entrance. Notwithstanding the above, all new residences and 100 percent reconstructed residences built subsequent to January 1, 1999, shall only be constructed with garage entries not directly facing Street(s).

**Sections 21-~~1045~~-21-120. - Reserved.**

\* \* \*

### **DIVISION 3. - R-2 SINGLE FAMILY RESIDENTIAL DISTRICT**

\* \* \*

**~~Section 21-128. - Garage entry.~~**

No garage in the R-2 Single Family Residential District shall have an entry directly facing the Street unless such entry is obscured by a landscaped screen made possible through the use of circular driveways, such screen to be placed between the Street and the garage entrance. Notwithstanding the above, all new and 100 percent reconstructed residences, built subsequent to January 1, 1999, shall not be constructed with garage entries directly facing the Street.

**Sec. 21-~~1289~~. - Maximum Lot coverage.**

Maximum Lot Coverage in the R-2 Single Family Residential District shall not exceed 50 percent of Lot area. The maximum Lot Coverage by buildings and structures shall not exceed 40 percent. Lot Coverage accomplished by a combination of buildings and structures together with other impervious areas shall not exceed a 50 percent total maximum of Lot Coverage. If an Accessory Quarters is provided, a bonus Lot Coverage increase of 3% shall be allowed (43% maximum Lot Coverage for buildings and structures/53% total maximum Lot Coverage). No more than 50% of the front setback can be impervious surface.

**Secs. 21-~~12930~~-21-145. - Reserved.**

\* \* \*

### **ARTICLE V. - OFF-STREET PARKING FACILITIES**

\* \* \*

**Section 21-384. - Number of spaces.**

The schedule of off-street parking requirements shall be as follows:

(1) **Single-family detached dwellings:** Two parking spaces for each dwelling unit, with not less than one space provided within a garage ~~or Carport~~. Dwelling units with more than three bedrooms must provide two parking spaces within a garage. No dwelling unit may have more than three parking spaces within a garage, at the finished floor level of the garage.

\* \* \*

**Section 3. Severability.** That 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 4. Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become effective and made part of the Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Conflict.** That all Sections or parts of Sections of the Village Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

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

PASSED AND ADOPTED on first reading this 19<sup>th</sup> day of May, 2026.

PASSED AND ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 2026.



\_\_\_\_\_  
Mayor Seth E. Salver

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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

# BAL HARBOUR

- VILLAGE -

## BUSINESS IMPACT STATEMENT

### Proposed Ordinance Title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO REMOVE GARAGE ENTRY REQUIREMENTS AND TO AMEND REQUIREMENTS FOR PARKING AND IMPERVIOUS SURFACE IN THE SINGLE-FAMILY RESIDENTIAL DISTRICTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Business Impact Estimate is required and attached.

### Summary of Proposed Ordinance and Statement of Purpose to be Served:

The proposed ordinance removes existing restrictions requiring side-entry garages for new and substantially reconstructed residences in the Village's R-1 and R-2 Single-Family Residential zoning districts. The ordinance also updates impervious surface regulations within front setback areas and revises off-street parking requirements for single-family detached dwellings.

### Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. **Estimate of Direct Business Compliance Costs:** This ordinance is not expected to have any direct business compliance cost impacts.
- b. **New Charges/Fees on Business Impacted:** This ordinance is not expected to have any new charges or fees on businesses.
- c. **Estimate of Regulatory Cost:** This ordinance is not expected to have any additional regulatory costs.

The ordinance may impact development-related businesses by revising residential parking, garage design, and impervious surface standards but is not expected to have any adverse economic impact.

### Good Faith Estimate of Number of Businesses Likely Impacted:

A limited number of businesses engaged in residential development, construction, design, and real estate investment within the Village may be impacted by the ordinance.

# BAL HARBOUR

- VILLAGE -

## LOCAL PLANNING AGENCY ITEM SUMMARY

### Condensed Title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO REVISE STANDARDS FOR HEDGES, WALLS, FENCES AND PROJECTIONS INTO SETBACKS, AND TO INCREASE THE MAXIMUM HEIGHT AND REVISE THE MEASUREMENT OF HEIGHT OF WALLS AND FENCES IN THE SINGLE-FAMILY/MULTIPLE-FAMILY RESIDENTIAL AND PRIVATE CLUB DISTRICTS

### Issue:

Should the Local Planning Agency recommend approval of the proposed ordinance amending Chapter 21 "Zoning" of the Code of Ordinances to revise standards for hedges, walls, fences and projections into setbacks, and to increase the maximum height and revise the measurement of height of walls and fences in the single-family/multiple-family residential and private club districts?

### The Bal Harbour Experience:

Beautiful Environment     Safety     Modernized Public Facilities/Infrastructure  
 Destination & Amenities     Unique & Elegant     Resiliency & Sustainable Community

### Item Summary / Recommendation:

The proposed ordinance amends portions of Chapter 21 of the Village Code related to walls, fences, hedges, and architectural projections into setback areas. The ordinance provides additional flexibility for cantilevered architectural features, updates fence and wall height regulations, revises the methodology for measuring wall and fence height, and establishes standards for recreational court fencing in the Single-Family Residential District.

Administration recommends that the Village Council approve the attached ordinance on first reading and schedule the ordinance for second reading and public hearing. Administration further recommends that the Council direct staff and the Village Attorney to make any non-substantive revisions necessary before second reading, consistent with Council direction provided during its consideration of the ordinance.

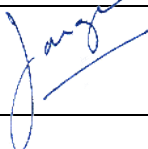
**THE ADMINISTRATION RECOMMENDS THAT THE LOCAL PLANNING AGENCY RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE TO THE VILLAGE COUNCIL.**

### Financial Information:

Amount	Account	Account #
X	X	X

### Sign off:

Building Official	Chief Financial Officer	Village Manager
Eliezer Palacio	Claudia Dixon	Jorge M. Gonzalez



# BAL HARBOUR

- V I L L A G E -

## LOCAL PLANNING AGENCY MEMORANDUM

TO: Local Planning Agency  
FROM: Jorge M. Gonzalez, Village Manager  
DATE: May 19, 2026



SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO REVISE STANDARDS FOR HEDGES, WALLS, FENCES AND PROJECTIONS INTO SETBACKS, AND TO INCREASE THE MAXIMUM HEIGHT AND REVISE THE MEASUREMENT OF HEIGHT OF WALLS AND FENCES IN THE SINGLE-FAMILY/MULTIPLE-FAMILY RESIDENTIAL AND PRIVATE CLUB DISTRICTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

Administration recommends that the Local Planning Agency review the proposed ordinance and transmit a recommendation of approval to the Village Council regarding the proposed ordinance amending Chapter 21 "Zoning" of the Code of Ordinances to revise standards for hedges, walls, fences and projections into setbacks, and to increase the maximum height and revise the measurement of height of walls and fences in the single-family/multiple-family residential and private club districts.

### **BACKGROUND**

At the April 2026 Regular Village Council Meeting, Vice Mayor Wolf presented a discussion item regarding the need to strengthen Code requirements pertaining to the maintenance and screening of vacant lots within the single-family residential districts.

When staff receives a directive to amend a particular code Village staff takes the opportunity to evaluate the zoning regulation to ensure they continue to reflect the evolving needs of the community while preserving the unique residential character that distinguishes Bal Harbour Village. Over time, staff has observed increased interest in contemporary architectural design elements, enhanced privacy features, and recreational amenities on residential properties, particularly within the Single-Family Residential Districts.

The proposed ordinance amends portions of Chapter 21 of the Village Code related to walls, fences, hedges, and architectural projections into setback areas. The ordinance provides additional flexibility for cantilevered architectural features, updates fence and wall height regulations, revises the methodology for measuring wall and fence height, and establishes standards for recreational court fencing in the Single-Family Residential District.

## **ANALYSIS**

The proposed amendments are intended to modernize portions of the Village's zoning regulations while maintaining the high architectural and aesthetic standards expected within Bal Harbour Village. The ordinance reflects a measured approach that accommodates evolving residential design trends without compromising neighborhood character or visual quality.

The ordinance also strengthens screening requirements for vacant lots being used to house equipment, personal property, or other items by requiring perimeter hedges that substantially obscure the lot from view. This amendment was requested by the Bal Harbour Civic Association in response to concerns regarding the visual appearance of certain vacant properties within the residential districts. The proposed requirement will help maintain the aesthetic quality of the Village while allowing reasonable use of vacant lots consistent with community expectations. A review of the existing Code Sec 11.3 and Chapter 5.5 Appearance Code regarding vacant lots without structures appears to be sufficient to handle any Code Enforcement complaints. Currently, the Code allows for the length of grass in vacant lots to be 12 inches vs 6 inches in lots with structures. If the Council wishes to further strengthen the Appearance Code, it could opt for one standard of 6 inches in length for all lots within Single Family Residential District.

One of the amendments increases the allowable height of walls and fences within the residential and private club districts from five feet to six feet. This modest increase responds to resident interest in enhanced privacy and security while remaining compatible with the scale and appearance of residential properties throughout the Village. Importantly, the ordinance also revises the height measurement methodology to measure from the highest adjacent grade of the property rather than the centerline of the adjoining street, which provides a more practical and equitable standard for lots with varying elevations.

The ordinance further introduces standards for recreational court fencing within the R-1, R-2 and PC District. These provisions recognize the increasing prevalence of recreational amenities while ensuring that such facilities are appropriately screened and designed in a manner consistent with the Village's appearance standards. Landscaping, setback requirements, and architectural review requirements are incorporated to minimize visual impacts on neighboring properties and the public realm.

Additional amendments relating to cantilevered architectural projections are intended to provide flexibility for contemporary residential design while maintaining required open space and setback protections. The proposed standards continue to prohibit enclosure of these projected areas and maintain limitations intended to preserve light, air, and visual openness between properties. This proposed amendment originated from discussions with various design professionals during the design review process and from questions raised regarding the application of the current regulation.

Overall, the proposed amendments strike an appropriate balance between flexibility, functionality, and preservation of the Village's established residential character.

## **SUMMARY OF PROPOSED CHANGES**

### **1. Architectural Projections into Setbacks**

The ordinance revises Section 21-354 to allow additional flexibility for cantilevered architectural features on single-family lots in the R-1, R-2 and PC zoning districts.

Key amendments include:

- Allowing cantilevered slab projections over driveways extending up to five feet into a setback under specified conditions;
- Allowing cantilevered structures in the R-1 and PC District to project over rear setbacks up to 20 feet, provided the area remains open and unenclosed;
- Clarifying standards for balconies and exterior access features.

These modifications recognize modern architectural design trends while preserving open space and minimizing impacts on neighboring properties.

### **2. Fence and Wall Height Modifications**

The ordinance increases the maximum allowable height of walls and fences in the R Districts, RM Districts, and PC District from five feet to six feet.

In addition, the ordinance revises the method of measurement so that wall and fence height is measured from the highest adjacent grade of the lot rather than from the elevation of the adjoining street centerline. This change provides a more practical and equitable measurement standard for properties with varying elevations.

### **3. Recreational Court Fencing Standards in R-1, R-2 and PC District**

The ordinance establishes specific regulations for fencing surrounding recreational courts located in the Single-Family Residential District.

The proposed standards would:

- Permit fences up to ten feet in height around recreational courts;
- Allow recreational courts and fencing to encroach into the front setback and side setback of corner lots under specified conditions;
- Require fencing to maintain a minimum setback from the property line;
- Require landscaping or hedges to screen the fencing from public view; and
- Require compliance with Village Appearance Code standards.

These provisions are intended to accommodate recreational amenities while ensuring visual compatibility with the surrounding neighborhood.

#### **4. Decorative and Landscape Standards**

Additional amendments include:

- Revising standards for ornamental architectural features exceeding wall height restrictions;
- Clarifying landscaping requirements for vacant lots used for equipment or storage;
- Updating hedge regulations and screening requirements; and
- Maintaining protection for utility easements and easement landscaping.

#### **THE BAL HARBOUR EXPERIENCE**

Bal Harbour Village has long distinguished itself through thoughtful planning, exceptional architectural quality, and careful attention to community aesthetics. The Village's development regulations have historically evolved in response to changing residential trends while consistently maintaining the character and scale that residents expect.

The proposed amendments continue that tradition by addressing practical design considerations that have emerged through recent development applications and homeowner requests. The Village has increasingly seen contemporary residential designs incorporating cantilevered features, enhanced outdoor recreational amenities, and expanded privacy treatments. The ordinance provides clearer guidance for these elements while reinforcing the importance of landscaping, compatibility, and design review.

The proposed recreational court standards are intended to establish predictable criteria for residents and design professionals while ensuring that these improvements remain appropriately integrated into the residential environment. Likewise, the updated fence and wall standards reflect the realities of modern residential living while remaining sensitive to neighborhood aesthetics and pedestrian experience.

#### **CONCLUSION**

The proposed ordinance represents a reasonable and balanced update to the Village's zoning regulations. The amendments provide residents with additional flexibility for residential design, privacy, and recreational amenities while preserving the high-quality architectural and aesthetic standards that define Bal Harbour Village.

For these reasons, Administration recommends that the Local Planning Agency transmit the proposed ordinance to the Village Council with a recommendation of approval.

ORDINANCE NO. 2026 \_\_\_\_

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO REVISE STANDARDS FOR HEDGES, WALLS, FENCES AND PROJECTIONS INTO SETBACKS, AND TO INCREASE THE MAXIMUM HEIGHT AND REVISE THE MEASUREMENT OF HEIGHT OF WALLS AND FENCES IN THE SINGLE-FAMILY/MULTIPLE-FAMILY RESIDENTIAL AND PRIVATE CLUB DISTRICTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

**WHEREAS**, the Bal Harbour Village (the "Village") Council finds it periodically necessary to amend its Code of Ordinances (the "Village Code") in order to update regulations and procedures to implement municipal goals and objectives; and

**WHEREAS**, the R-1 and R-2 Single Family Residential zoning districts within the Village are limited to single-family residential uses; and

**WHEREAS**, the Village Code currently regulates walls, fences and hedges in the R-1 and R-2 districts, and the Village Council seeks to amend these regulations as well as to amend current requirements for architectural projections in the R-1 and PC districts and other projections in all districts; and

**WHEREAS**, the Village Council seeks to provide special rules for fences surrounding recreational courts located in the front setback (or side setback of a corner lot) in the R-1 and R-2 Single-Family Residential Districts and the Private Club PC District; and

**WHEREAS**, the Village Council also seeks to increase the maximum height of walls and fences in the Single-Family Residential, Multiple-Family Residential, and Private Club Districts from five to six feet, and to adjust the method of measurement of such height; and

**WHEREAS**, the Village Council hereby finds and determines that this Ordinance is in the best interest of the public health, safety, and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the above-stated recitals are hereby adopted and confirmed.

**Section 2. Village Code Amended.** That Chapter 21 "Zoning" of the Village Code is hereby amended to read as follows:<sup>1</sup>

**CHAPTER 21. - ZONING**

\* \* \*

**ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS**

\* \* \*

**Sec. 21-354. - Projections into Setback areas.**

(a) *Chimneys.* Chimneys may project into side and rear Setbacks and Yards a distance not to exceed 24 inches, provided that a clear space of not less than 88 inches is left between such projection and the Lot Line adjacent. The horizontal dimension of the chimney at right angles to the projection shall not exceed six feet.

(b) *Outside stairs, stair landings.* No outside stairs or stair landings over three feet six inches in height above the Grade adjacent to the stairs or stair landings ~~of the centerline of the Street~~ shall extend into side, rear, or front Setbacks and Yards. Stairs or stair landings not exceeding 42 inches in height may be railed, provided that such railing shall not exceed in height above Grade that specified for walls or hedges in that district, and further, that there shall be a clear, unobstructed passage of not less than 88 inches between such projection and the Lot Line adjacent. Platforms or terraces not exceeding 42 inches in height may extend across side and rear Setbacks and Yards, provided that there shall be ramps or steps at least 36 inches wide on opposite sides to provide unobstructed passage over such projections.

(c) *Areaways, steps to basements.* Areaways, steps to basements and similar features will be permitted in side and rear Setbacks and Yards, provided that no part of such feature shall exceed, in height, 42 inches above Grade of the centerline of the Street, and that the projection shall not exceed 24 inches, and provided further that there shall be a clear, unobstructed passage of not less than 88 inches between such features and the Lot Line adjacent. Steps extending not more than four feet from the main Building and not more than 42 inches in height above Grade, leading to the basement or ground floor, may be constructed in the side Setback and Yard on the street side of a Corner Lot.

(d) *Fire escapes.* Where permitted under the provisions of chapter 6, open-type metal fire escapes may project 48 inches into side and rear Setback and Yard areas, provided that the bottom run shall be counter-balanced and that when the bottom run is up, there shall be at least nine feet clear headroom below it. The bottom run shall be adjacent or parallel to the Building and shall be so arranged that, when down, there shall be at least 88 inches of clear, unobstructed passage between it and the Lot Line adjacent.

(e) *Architectural features.* No main walls of any Building shall encroach on the Setback or Yard areas, but architectural features such as canopies, cantilever slab projections

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<sup>1</sup> Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~striketrough~~. Any changes between first and second reading are shown by highlighted double underline and ~~double striketrough~~ font.

(open balconies), cornices, eaves and similar features may project into the side and rear Setbacks and Yards subject to the following:

(1) In the Ocean Front District, balconies and other ornamental architectural features above the first story may be extended not more than four feet into the Setback or Yard areas, and there shall be not less than ten feet of clear headroom under the lowest such projection.

(2) In all other zoning districts, architectural features may project into the front, side and rear Setbacks and Yards not more than 36 inches, and there shall be not less than seven feet of clear headroom under any such projection.

(3) On all single family lots in the R-1 and R-2 Zoning Districts, a cantilevered slab projection may project over a driveway towards one vehicular right-of-way as shown on the recorded plat of the Residential Section of Bal Harbour, provided that:

- a. The projection extends no more than five feet into a Setback or Yard;
- b. No part of the projection is closer than 20 feet to any platted Lot Lines adjacent to any vehicular right-of-way; and
- c. Architectural features or supporting Structures such as columns or poles are not placed under the portion of the projection that extends into the setback.

(4) On all single family lots in the R-1 and Private Club PC Zoning Districts, a cantilevered structure may project over the rear setback to a maximum of 20 feet, provided that:

- a. Architectural features or supporting Structures such as columns or poles are not placed under the portion of the projection that extends into the setback; and
- b. The area covered by the projection must remain open, and may not be enclosed regardless of material.

(f) *Terraces.* Open terraces projecting into front and side Setbacks or Yards shall not exceed, in height, three feet six inches above the Grade of the center of the Street, and the railing of such terrace shall in no case exceed the height specified for walls in that district. Where necessary to provide access through the side yards, terraces shall be provided with steps or ramps and gates not less than 36 inches in width.

(g) *Mechanical equipment.* Mechanical equipment shall not be placed in required side Setbacks or Yards. This prohibition shall not apply to tankless water heaters and electrical services affixed to walls.

(h) *Balconies.* In the R-1 and R-2 Zoning District, the flat roof of a residential Building may serve as the floor of a Balcony. Where there are multiple roofs, the highest roof may not serve as the floor of a Balcony. Such Balconies shall meet all of the following standards:

- (1) Balconies located on the front or rear façade may not extend more than three feet into the Setback or Yard.
- (2) Balconies located on a side façade may not extend beyond the face of the

exterior wall of the Building from which they project.

(3) Balconies must be accessed from the interior of the Building from which they project.

(4) Balconies facing a lot line abutting another residential property may also be accessed from an exterior staircase, provided the staircase does not encroach in any Setback or Yard and complies with Section 21-354(b).

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### **Sec. 21-358. - Walls, fences and landscape plantings.**

(a) In the Single Family Residential Districts (R Districts), Private Club District (PC District) and the Multiple Family Residential Districts (RM Districts), no wall or fence shall be erected outside of the Building Lines which is higher than ~~five~~ six feet above the elevation of the centerline of ~~the adjoining Street~~ measured from highest adjacent grade of the lot on which the wall or fence is being placed. For temporary construction fences for demolition activities, see Section 6-142(b)(4) for requirements. For temporary construction fences for construction activities, see Section 6-202(b) for requirements.

(1) Notwithstanding the above, in the R-1 and R-2 Single Family Residential Districts and the Private Club PC District, no fence enclosing a recreational court shall be erected outside the Building Lines which is higher than ten feet above the elevation measured from highest adjacent grade of the lot on which the fence is being placed. The recreational court and surrounding fence may encroach into the front setback (and the side setback of a corner lot), but the fence must be at least 10 feet from the front property line, and may be made of chain link if installed with a mesh windscreen with no lettering or signage. A hedge or other supplemental landscaping, equal in height to the fence at the time of planting, shall be provided on the street side and interior sides and rear of any such fence, to screen the recreational court from view. The appearance of such recreational courts and their fences and landscaping shall meet the standards of the Village Appearance Code for Miscellaneous Structures in Section 5.5-5.

(2) Notwithstanding the above, in the R-2 Single Family Residential District, walls or fences which are within the Front Building Line Area and are parallel to the front property line shall be structured to the following design criteria:

(1) a. A maximum of two feet of opaque wall surface above grade shall be permitted.

(2) b. The balance of allowable wall/fence height up to the maximum ~~five~~ six-foot height may be constructed of non-opaque material such as wrought iron, aluminum, decorative open weave concrete or clay products, glass block and similar materials. Supplemental landscaping acceptable to the Village Architectural Review Board (ARB) shall be provided on the street side of any such wall or fence.

(3) c. Any such wall shall be decorative, with finishes on both sides and compatible with the dwelling architecture.

(4) d. The Architectural Review Board (ARB) may grant exceptions to the design criteria stated herein based on creative and compatible design solutions.

(b) In Blocks 1 and 12 in zoning districts R-1 and RM-4, and in Block 12a of RM-5, no wall or fence more than four feet in height shall be created between the Seawall and the front Setback line.

(c) In the Ocean Front District (OF District), no boundary wall or fence shall be constructed which is more than six feet above the elevation of the center of the adjoining Street.

(d) In the Business District (B District), no boundary wall or fence shall be constructed which is more than 20 feet above the elevation of the center of the adjoining Street along Bal Bay, Bal Cross and Park Drive and no more than six feet above the elevation of the center of the adjoining Street along Collins/Bal Harbour Boulevard, Harding and 96th Street. No other wall or fence shall be constructed which is more than six feet above the elevation of the center of any adjoining Street.

(e) A perimeter wall, with gates where needed for pedestrian or vehicular access, may be constructed around the Gated Residential Section of Bal Harbour. The perimeter wall may be constructed as follows; starting at the western property line of Lot 3 of Block 12a running south along the eastern boundary of the park properties located east of Park Drive and ending at the west side of the intersection of Park Drive and Bal Bay Drive. The height of the perimeter wall shall not be more than 10 feet above the elevation of the center of the adjoining Street.

The perimeter wall may also be continued along the northern property line of Block 1, Lot 2 to the western property line, at a height no more than 10 feet above the elevation of the center of the adjoining Street or of the finished grade of the developed lot, whichever is greater.

This subsection (e) does not apply to the B Business-zoned properties abutting Park Drive, which are regulated by subsection (d) above.

(f) In all zoning districts, ornamental entrances, fountains, rotisseries, flower bins and similar architectural features exceeding the wall height restriction will be permitted, provided that:

(1) No such feature shall exceed in height the wall height restriction for that district plus ~~three~~ two feet.

(2) There shall be only one such feature in any front, side or rear Yard, except that there may be two entrance gates.

(3) There shall be at least ten feet between any such feature and any part of any Building on the same Lot, measured at right angles from the feature.

(4) Such features shall not restrict passage through front, rear or side Yards to less than 88 inches in any place.

(g) Hedges of living vegetation in the P.C. District may be kept and maintained with the same limitations for walls in said district. In all other districts, hedges may be kept and maintained without any height limitation, provided such hedges are neatly trimmed and do not interfere with traffic or visibility on public rights-of-way. Vacant lots in the R-1, R-2, PC and RM Districts that are being used to house equipment, personal property, or other items must be surrounded by a perimeter hedge to screen the lot from view, at least 6 feet tall at planting. The hedge shall be dense enough to substantially obscure the view from the street and adjacent properties, leaving reasonable gaps for access, while not blocking traffic visibility on rights-of-way. The growth of weeds, brush or grass to a length of more than six inches on such lots shall not be permitted.

(h) *Planting of vegetation in Easement Areas.*

(1) No trees may be planted within any utility easement as shown on the recorded plats of the various subdivisions of the Village ("Easement Areas"), unless approved by the Village Council as part of a Major Site Plan Review and the owner of the easement. Trees may be planted within access easements. Nothing in this section shall be construed to prohibit the planting of low-growth Landscaping in Easement Areas ("Easement Landscaping"). Easement Landscaping is subject to removal by the Village without notice in the event that the Easement Landscaping impedes access to Easement Areas. The Village shall not be responsible for damage to Easement Landscaping removed.

(2) Prior to planting of low-growth Landscaping in Easement Areas, a Landscaping plan shall be provided to the Village for review to ensure compliance with subsection (f) of this section.

(3) Prior to planting of low-growth Landscaping in Easement Areas, the Owner shall execute a Permission for Removal, Release and Indemnification Agreement, in a form acceptable to the Village, pertaining to low-growth Landscaping in Easement Areas.

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**Section 3.**     **Severability.** That 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 4.**     **Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become effective and made part of the Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5.**     **Conflict.** That all Sections or parts of Sections of the Village Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

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

PASSED AND ADOPTED on first reading this 19<sup>th</sup> day of May, 2026.

PASSED AND ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 2026.



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Mayor Seth E. Salver

ATTEST:

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Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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

# BAL HARBOUR

- VILLAGE -

## BUSINESS IMPACT STATEMENT

### Proposed Ordinance Title:

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO REVISE STANDARDS FOR HEDGES, WALLS, FENCES AND PROJECTIONS INTO SETBACKS, AND TO INCREASE THE MAXIMUM HEIGHT AND REVISE THE MEASUREMENT OF HEIGHT OF WALLS AND FENCES IN THE SINGLE-FAMILY/MULTIPLE-FAMILY RESIDENTIAL AND PRIVATE CLUB DISTRICTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

**Business Impact Estimate is required and attached.**

### Summary of Proposed Ordinance and Statement of Purpose to be Served:

The proposed ordinance amends Chapter 21 of the Village Code to revise regulations applicable to walls, fences, hedges, recreational court fencing, and projections into setbacks within the Village's single-family/multiple-family residential and private club districts. The ordinance updates height standards for fences, walls, stairs and other projections, increases maximum wall and fence heights to six feet and adjusts related architectural feature heights, establishes screening and maintenance requirements for certain vacant lots within the Village's single-family/multiple-family residential and private club districts, and provides additional flexibility for architectural projections and recreational amenities and related fences consistent with the Village's planning and aesthetic objectives.

### Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. **Estimate of Direct Business Compliance Costs:** This ordinance is not expected to have any direct business compliance cost impacts.
- b. **New Charges/Fees on Business Impacted:** This ordinance is not expected to have any new charges or fees on businesses.
- c. **Estimate of Regulatory Cost:** This ordinance is not expected to have any additional regulatory costs.

The ordinance may impact development-related businesses by revising residential development and design standards but is not expected to have any adverse economic impact.

### Good Faith Estimate of Number of Businesses Likely Impacted:

A limited number of businesses engaged in residential development, construction, design, and real estate investment within the Village may be impacted by the ordinance.

