

# BAL HARBOUR

- V I L L A G E -

Mayor Seth E. Salver  
Vice Mayor David Wolf  
Councilman Jeffrey P. Freemark  
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 Council

Regular Meeting Agenda

June 16, 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](#)

### CALL TO ORDER/ PLEDGE OF ALLEGIANCE

### REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS

### PRESENTATIONS AND AWARDS

- PA1** In Memoriam - Recognition of the Life, Service, and Legacy of Former Mayor Regina Rosenfield
- PA2** Presentation - Bal Harbour Village Commendable Student Award
- PA3** Presentation - Recognizing the Bal Harbour Village Police Officer and Civilian of the Year

### CONSENT AGENDA

### C6 - COUNCIL MINUTES

- C6A** Bal Harbour Village Council Meeting Minutes - May 19, 2026  
[VillageCouncil-RegularCouncilMeetingMinutes\\_May19\\_2026.pdf](#)

## C7 - RESOLUTIONS

**C7A** Resolution Accepting Liquor License Determination for 9700 Collins Ave, Suite D-135

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE DETERMINATION OF THE VILLAGE BUILDING OFFICIAL THAT CGBH, LLC, D/B/A/CHINA GRILL APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO FOR THE RESTAURANT'S 4COP LICENSE THAT IS LOCATED IN THE BAL HARBOUR SHOPS IS COMPATIBLE WITH VILLAGE ZONING REGULATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Liquor License Determination 9700 Collins Ave, Suite D-135 ADA.pdf](#)

[Memorandum - Liquor License Determination 9700 Collins Ave, Suite D-135 ADA.pdf](#)

[Resolution - Liquor License Determination 9700 Collins Ave, Suite D-135 ADA.pdf](#)

[Attachment - China Grill 4COP License Application ADA.pdf](#)

## R5 - ORDINANCES

**R5A** Ordinance Amending Architectural Review Board Procedures for R-1, R-2, and PC Districts (Second Reading)

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 ADA.pdf](#)

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

[Ordinance - Amending ARB Procedures for Residential Zoning Districts ADA.pdf](#)

[Attachment - BHV Staff Report ARB LDR Revisions May 2026 ADA.pdf](#)

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

**R5B** Ordinance Amending Single-Family Garage Entry Requirements (Second Reading)

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 ADA.pdf](#)

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

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

[Attachment - BHV Staff Report SFR Garage Entry LDR Revisions May 2026 ADA.pdf](#)

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

**R5C** Ordinance Amending Standards for Walls, Fences, Hedges, and Projections (Second Reading)

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 ADA.pdf](#)

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

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

[BHV Staff Report Fence & Walls & Misc LDR Revisions May 2026 ADA.pdf](#)

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

## **R7 - RESOLUTIONS**

**R7A** Resolution Approving Annual Assessment for Gated Residential Area  
A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE PROVISION OF SECURITY AND LANDSCAPE SERVICES, FACILITIES AND PROGRAMS IN THE GATED RESIDENTIAL SECTION OF BAL HARBOUR VILLAGE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SECURITY AND LANDSCAPE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE GATED RESIDENTIAL SECTION OF BAL HARBOUR, FLORIDA; DETERMINING THE COST OF SECURITY AND LANDSCAPE SERVICES, FACILITIES AND PROGRAMS AND THE INITIAL SECURITY AND LANDSCAPE ASSESSMENTS; PROVIDING FOR A MAXIMUM RATE; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

[Item Summary - Security and Landscape Assessment ADA.pdf](#)

[Memorandum - Security and Landscape Assessment ADA.pdf](#)

[Resolution - Security and Landscape Assessment ADA.pdf](#)

**R7B** Resolution Approving Annual Solid Waste Assessment  
A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN BAL HARBOUR VILLAGE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN BAL HARBOUR VILLAGE, FLORIDA; DETERMINING THE SOLID WASTE COST AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; PROVIDING FOR A MAXIMUM ASSESSMENT RATE; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

[Item Summary - Solid Waste Assessment ADA.pdf](#)  
[Memorandum - Solid Waste Assessment ADA.pdf](#)  
[Resolution - Solid Waste Assessment ADA.pdf](#)

## **R9 - NEW BUSINESS AND COUNCIL DISCUSSION**

- R9A** Discussion Item - ARB Review Threshold for Multi-Family Projects - Mayor Seth E. Salver  
[ARB Review Threshold for Multi-Family Projects - Mayor Seth E. Salver ADA.pdf](#)
- R9B** Discussion Item - Fitness Room Morning Hours Pilot Program - Councilman Alejandro Levy  
[Fitness Room Morning Hours Pilot Program - Councilman Alejandro Levy ADA.pdf](#)
- R9C** Discussion Item - Community CPR and AED Training Program - Councilman Alejandro Levy  
[Community CPR and AED Training Program - Councilman Alejandro Levy ADA.pdf](#)
- R9D** Discussion Item - Enforcement Measures for Repeat Developer Code Violations - Councilman Buzzy Sklar  
[Enforcement Measures for Repeat Developer Code Violations - Councilman Buzzy Sklar ADA.pdf](#)
- R9E** Discussion Item - Electric Bike and Scooter Ordinance Update - Councilman Buzzy Sklar  
[Electric Bike and Scooter Ordinance Update - Councilman Buzzy Sklar ADA.pdf](#)

## **R9F PUBLIC COMMENT**

## **R10 - VILLAGE MANAGER REPORT**

## **R11 - VILLAGE CLERK REPORT**

- R11A** Lobbyist Report  
[R11A1\\_Lobbyist Registration Report as of June10\\_2026.pdf](#)

## **R12 - VILLAGE ATTORNEY REPORT**

- R12** Village Attorney Report  
[May 2026 Monthly Attorney Report ADA.pdf](#)

## **END OF REGULAR AGENDA**

## **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.



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## Bal Harbour Village Council

Regular Meeting Minutes

May 19, 2026

At 6:30 PM

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**ROLL CALL TO ORDER**– Vice Mayor Wolf called this meeting to order at 6:30 P.M.

The following were present:

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

The following were not present:

Mayor Seth E. Salver

Also present:

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

**PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Vice Mayor Wolf.

**REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS**

**PRESENTATIONS AND AWARDS**

**PA1** Presentation - Miami-Dade Fire Rescue 2025 Service Delivery

Vice Mayor introduced Miami-Dade Fire Rescue Fire Chief Ray Jadallah.

Chief Jadallah said that the service delivery report being presented was for fiscal year 2024-2025. He said that Miami-Dade Fire Rescue was formed in 1935 and had just celebrated its ninetieth anniversary, and that they have been serving Bal Harbour Village since 1971. He said that his department is the sixth largest fire department in the United States, with 72 fire stations, more than 175 frontline units, over 3,100 employees, and more than 500 firefighters on duty daily.

He said that his department responded to just under 300,000 calls countywide, including 734 incidents in Bal Harbour Village. He said that the most recent average response time to Bal Harbour was seven minutes and 27 seconds, slightly slower than the prior two years, and said response times are being affected by countywide growth, development, construction, traffic, lane limitations, and road closures. He added that calls in Bal Harbour have increased by 26 percent since 2020.

He described operational improvements and community engagement including resources such as Ladder 18 in North Miami, high-water vehicles, and a basic life support transport unit, all of which support regional response and help keep fire and advanced rescue units available. He said that his department inspected 143 Bal Harbour businesses for life-safety compliance and provided no-cost community training through its Health Emergency Life Safety Protection program, certifying 40 Village residents in CPR, stroke awareness, and Stop the Bleed.

Councilman Levy thanked Chief Jadallah for attending and said he wanted to acknowledge publicly the job performed by him and his staff.

Vice Mayor Wolf recessed the Regular Village Council meeting at 6:43 P.M. to conduct the General Employees' Retirement Board Meeting and the Local Planning Agency Meeting, after which he reconvened the Regular Village Council Meeting at 7:40 PM.

## **PA2** Presentation - Freebee On-Demand Transportation Update

This item was considered at 8:02 P.M. following agenda Item R7A.

Vice Mayor Wolf introduced Claudia Miro, Vice President at Freebee.

Ms. Miro said that the presentation was a seven-month update and adding that the Village program was one of Freebee's top performers. She said that the Freebee service operates Monday through Thursday from 10:00 a.m. to 10:00 p.m. and Friday through Sunday from 11:00 a.m. to 10:00 p.m. She said the service had been a clear success over the prior seven months, with completed rides up 21 percent year over year, adding that this increase was notable in that the Village is a one-car service area.

Ms. Miro said that Freebee now serves 53 cities in Florida and that residents, workers, and visitors continue to benefit from the Freebee service. She said that the service improves

quality of life and that Freebee is well liked by its users. She reported a user satisfaction rating of 98.6 percent.

She said that the service had completed about 6,500 rides with around 1,900 unique riders and 8,300 passengers. She explained that the service is a pooled-ride service, meaning that if the Freebee vehicle is on the way to pick up one person and another person on the route requests a ride, the riders may be pooled. Ms. Miro said that 23 percent of the rides were pooled rides. She said the average wait time as 13.22 minutes.

Ms. Miro said that the about 70 percent of riders are women who had expressed feeling safe and secure using the service. She said that the 21-to-35 age range was currently using the service the most, followed closely by the 35-to-50 range and the 51-to-65 range.

Councilman Freimark asked what the sweet spot would be before consideration of a second vehicle, to which Ms. Miro said that Bal Harbour was already at that point. She said that, for the Village's size, a good wait time would be about 10 minutes, while the current wait time was 13 minutes and would normally continue climbing toward 15 minutes and that an additional vehicle would make a difference. She said that during lunch for the drivers, ridership and wait times can build up. She said that having a second vehicle could help offset peak times, lunch time, and rush-hour conditions.

Councilman Sklar asked what the peak times were because the Village might not need a second vehicle for 12 hours and might instead need a second vehicle for five hours to address peak demand. Ms. Miro said that she could provide the data.

Vice Mayor Wolf then asked how Freebee obtains data for hours when the service is not operating, using earlier morning hours as an example. Ms. Miro said that Freebee's data is available only during the service hours. She said that the Village could always test changes and that if the Village received calls or emails indicating a need for service one hour earlier, the Village could try that for a month, then review the data and determine whether it was worth continuing.

Mr. Gonzalez then asked if the Freebee app requests a user's ZIP code or address, to which Ms. Miro said that the app does not ask for the address and uses the zip code, which is how Freebee can know whether someone lives in the area. She added that the unique-rider figure does not capture flag-down rides.

Mr. Gonzalez said that he was trying to determine how many unique riders were residents of the Village as opposed to visitors. He said it would be helpful to understand how much of the ridership was resident versus non-resident, from a resort-tax perspective.

Ms. Miro responded that Freebee would take two action items. She said Freebee would look at who the riders are and would also look at the peak times relevant to the possible second vehicle the Council was considering.

At 8:11 P.M. Vice Mayor Wolf then presented the Consent Agenda for Council consideration.

**PA3** Presentation - Government Affairs Update by Groisman LLC

This item was considered at 7:40 P.M. after the adjournment of the Local Planning Agency Meeting.

Vice Mayor Wolf introduced the Village's Lobbyist and former Mayor, Gabriel Groisman. Mr. Groisman introduced his associate David. De La Rosa. He said that the budget process in Tallahassee was still ongoing and that the Legislature had until May 29. He said that if a person spoke with members of the House or Senate, the status would be that the budget was still moving and items were still unsettled.

Mr. Groisman said that the Bal Harbour Waterfront Ocean Overlook platform was funded at \$350,000 in the Senate and zero in the House, which meant the item remained alive and could still be negotiated. He said that the Camden Drive Sanitary Sewer was funded on both sides, with approximately \$374,000 in the House and a little more than \$598,000 in the Senate. He said that the two chambers would have to negotiate and that the item could go anywhere, but that there was a good chance the Village would not be zeroed out on that project.

Vice Mayor Wolf asked whether the legislative update and priorities were being grouped together. Mr. Groisman said the items were in the package and were straightforward because the same matters had been identified as needing focus at the County level. He said Sargassum, traffic, and Haulover sandbar activities were major priorities.

Mr. Groisman said that he had met with Miami-Dade County Chief Utilities and Regulatory Services Officer Roy Coley Miami-Dade County Commissioner Micky Steinberg regarding the current status of sargassum removal. He said that Beach Raker had been awarded the contract, but the contract was funded at the same level as the prior year, despite concerns that more services are needed.

He said that the goal was to address the issue more directly and that the County welcomed Bal Harbour's involvement in pushing for stronger action on the northern end of the beach. He said that possible steps included seeking an expanded hot-spot designation, pursuing Florida Department of Environmental Protection approval for more removal along the beach, coordinating with Beach Raker through the County, and maintaining pressure through Council and Commission meetings, meetings with County commissioners, and engagement with the mayor's leadership.

Councilman Sklar said that he would like to see a true plan put in place and suggested that Chip Jones, Beach Raker, attend the next Council meeting to determine additional work could be done.

Vice Mayor Wolf then presented Agenda Item R7A for Council consideration.

## CONSENT AGENDA

The Consent Agenda was considered at 8:11 P.M. following Agenda Item PA2.

## C6 - COUNCIL MINUTES

**C6** Approval of Minutes

## C7 - RESOLUTIONS

- C7A** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING AN AGREEMENT WITH BEACHSIDE EVENTS FOR EVENT PRODUCTION SERVICES FOR THE 2026 INDEPENDENCE DAY CELEBRATION IN AN AMOUNT OF SEVENTY-NINE THOUSAND EIGHT HUNDRED TEN DOLLARS (\$79,810); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.
- C7B** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AUTHORIZING THE PURCHASE OF CHAIRS AND CHAIR CARTS FROM PRADERE FOR USE AT BAL HARBOUR WATERFRONT PARK IN THE AMOUNT OF \$22,294.32; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.
- C7C** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE PAYMENT TO HOMESTEAD CONCRETE AND DRAINAGE, INC., IN THE AMOUNT OF \$71,000, INCLUSIVE OF CONTINGENCY, FOR SIDEWALK DEMOLITION AND DECORATIVE SIDEWALK INSTALLATION AT THE FOUNDERS CIRCLE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE
- C7D** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING TASK AGREEMENT #2 BETWEEN BAL HARBOUR VILLAGE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR PARK DRIVE LANDSCAPE CONCEPT DESIGN SERVICES UNDER THE CONTINUING SERVICES AGREEMENT FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL AND CONSULTING SERVICES DATED NOVEMBER 6, 2024; APPROVING A BUDGET AMENDMENT IN THE AMOUNT OF TWENTY-ONE THOUSAND NINE HUNDRED FIFTY-FIVE DOLLARS (\$21,955); AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE TASK AGREEMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.
- C7E** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE ACTIONS OF THE BAL HARBOUR CIVIC ASSOCIATION TO ENTER INTO AN AGREEMENT WITH APT CONSTRUCTION SERVICES, INC. FOR A BOUNDARY AND TOPOGRAPHIC SURVEY AND AN ENVIRONMENTAL TREE SURVEY OF THE PARK DRIVE

TRACTS IN BLOCKS 7 AND 8; APPROVING A BUDGET AMENDMENT IN THE AMOUNT OF TWENTY-TWO THOUSAND SEVEN HUNDRED FIFTEEN DOLLARS (\$22,715); AUTHORIZING THE VILLAGE MANAGER TO PROCESS PAYMENT TO APT CONSTRUCTION SERVICES, INC. FOR COSTS INCURRED IN CONNECTION WITH SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: A Motion to approve the Consent Agenda was moved by Councilman Buzzy Sklar and seconded by Councilman Jeffrey P. Freimark.**

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

## **R5 - ORDINANCES**

**R5A** 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.

Mr. Gonzalez introduced the item asking that comments from the May 19, 2026 Local Planning Agency Meeting be incorporated into the record.

**LPA1** - Mr. Gonzalez introduced the item saying that the Council had approved the ordinance on first reading the prior month and that the ordinance would set how lot splits could be handled inside the Gated Residential neighborhood.

Michael Miller, the Village's zoning consultant said that the Village zoning code was written in 1974, many years after the community was platted and after the developer's deed restrictions had functioned as the zoning code.

He said that the provision for lot sizes in the single-family districts, R-1 and R-2 were as originally platted, without square-footage requirements, lot dimensions, or similar standards. He said the Village analyzed and surveyed every waterfront lot dimension, including street frontage, water frontage, side dimensions, and square footage, and also completed a sampling of dry lots.

He said that waterfront R-1 lots are larger and that the proposal and suggested a minimum width of 70 feet and 15,000 square feet for those lots. He said that, for dry lots, the proposal included a smaller standard, including a 60-foot dimension and 10,000 square feet.

**MOTION: A motion to approve the ordinance on second reading was moved by Councilman Buzzy Sklar and seconded by Councilman Jeffrey P. Freimark.**

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

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

**R5B** 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.

Mr. Gonzalez introduced the item asking that comments from the May 19, 2026 Local Planning Agency Meeting be incorporated into the record.

**LPA2** - Mr. Gonzalez introduced the item saying that the ordinance would apply only to municipal buildings, specifically to the new Village Hall, adding that it dealt primarily with setbacks and overhangs.

Mr. Miller said the west side of Collins Avenue is zoned RM-5 and historically was designed and built for small multifamily complexes. He said that there had been discussion about future redevelopment in that area, and he noted that some buildings were dated with respect to flood and other issues.

He said that, compared with the other RM-5 lots, the site is the smallest and has unusual dimensions, particularly along Bal Cross Drive. He said that, because of the setbacks, the existing regulations reduced the ability to lay out a reasonable building. He said the proposal made adjustments that would apply only to the municipal-use site and would create different setback criteria from those applicable to multifamily lots.

Babak Raheb, 128 Bal Bay Drive, said his concern was whether the height restrictions would be different from what currently existed. He said that he was concerned whenever a precedent is set, because it could later be applied by someone else who asks why the rule applies only to a municipal building and not to a private building.

Mr. Gonzalez said that the ordinance did not affect height and that it was about setbacks and overhang projections that might extend over a setback line. He said that the setbacks were 20 feet on the east side, 15 feet on the north side, 15 feet on the west side, and zero on the south side.

**MOTION: A motion to approve the ordinance on second reading was moved by Councilman Buzzy Sklar and seconded by Councilman Jeffrey P. Freimark.**

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

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

**R5C** 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.

Mr. Gonzalez introduced the item asking that comments from the May 19, 2026 Local Planning Agency Meeting be incorporated into the record.

**LPA3** - Mr. Gonzalez introduced the item saying that the ordinance related to the threshold for determining when a project must go before the Architectural Review Board (ARB), adding that the ARB current threshold captures many projects that may not need that level of process, expense, and time.

He said that the ordinance focused primarily on single-family homes in the Gated Residential neighborhood. He said that a new home would continue to go before the ARB. He then explained that if a project either added less than 30 percent additional new square footage or did not trigger substantial improvement or the 50 percent FEMA rule, those projects would not need to go to the ARB and could be handled administratively. He said that if a project triggered either of those thresholds, it would go to the ARB through the normal process.

Councilman Sklar asked whether the change basically affected only the area behind the gate, to which Mr. Gonzalez said that it affected the R-1, R-2, and PC districts which are behind the gate.

Babak Raheb, 128 Bal Bay Drive, asked whether a homeowner could avoid ARB review by repeatedly making additions that stayed under the 30% threshold. He added that he lives in the district but is not a member of the Association and did not want the Association's position to be treated as representing all residents.

Mr. Gonzalez said the ordinance would base the calculation on the size of the building at the time of the application. Councilmember Sklar said that this approach could create a loophole, allowing someone to avoid the ARB process by making repeated additions below the threshold. He suggested that the 30% threshold should be measured against the original square footage, rather than recalculated after each addition.

Neca Logan, 64 Camden Drive, said that supported making the ordinance clear and enforceable. She said that the Village currently has strong building officials, but that has not always been the case, and staffing quality can change over time. She said that the ordinance should be written clearly enough to prevent repeated smaller projects from being used to avoid ARB review.

Sklar then made a motion to amend the ordinance so that the 30% threshold would be based on original square footage. Vice Mayor Wolf seconded the amendment. Ms. Trevarthen stated for the record that the change would be made in Section 2-75, subsection C(3)(c).

Mr. Gonzalez suggested making the ARB review threshold cumulative from the ordinance's effective date, rather than allowing each future addition to be measured against the most recently enlarged structure.

**MOTION: A motion to approve the ordinance on first reading as amended was moved by Councilman Buzzy Sklar and seconded by Councilman Jeffrey P. Freimark.**

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

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

**R5D** 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.

Mr. Gonzalez introduced the item asking that comments from the May 19, 2026 Local Planning Agency Meeting be incorporated into the record.

**LPA4** - Mr. Gonzalez introduced the item saying that, historically, homes in the Gated Residential neighborhood were required to have garages that did not face the street or the right-of-way, requiring a side entrance, which he said created access difficulties while limiting architectural options.

Mr. Miller provided a brief history of the when the neighborhood was originally designed with the developer's deed restrictions. He said that the code only required a minimum of two parking spaces per house, adding that the current code requires one of the two parking spaces to be in a garage or carport.

He said that the prohibition of garage doors facing the street resulted from concerns that items stored in a garage would be visible from the street, with older homes built being grandfathered in.

He said that fixed lot sizes, particularly smaller dry lots around 80 feet wide, can make compliance with the side-entry garage rule difficult and larger homes often need extra lot area and pavement for garage maneuvering.

Mr. Gonzalez then suggested that the Council might want to address the portion of the ordinance dealing with minimum parking spaces based on the number of bedrooms. He said the proposal included a requirement that if a dwelling had more than three bedrooms, it would require two parking spaces within a garage, and that no dwelling could have more than three parking spaces total in a garage.

Eitan Zimmerman, 121 Bal Cross Drive, on behalf of the Bal Harbour Civic Association, said that the Association had received the item the day before and did not have much time to review it. He said the item was a step in the right direction but that there were technical building issues to consider. He said the proposed garage-parking requirement did not fully address the gated community's larger street-parking problem. He suggested allowing forward-facing, straight-in garages as a more practical option. He also recommended reviewing impervious-coverage rules for driveways, explaining that adding more on-site parking area can force homeowners to reduce house size under current lot-coverage limits. He suggested that the Village consider incentives or allowances for additional on-site parking so residents park less on the street.

Babak Raheb, 128 Balfour Drive, said he had no problem with garages facing the street because his house was built before the 1990s and had that condition. He said the person who buys a property or develops it should

have the right to decide whether to provide a garage. He said that residents own up to the middle of the street in front of their houses and can park there.

Neca Logan, 64 Camden Drive, said a straight shot into the garage is beneficial if additional parking is available on the lot. She said that the house where she grew up and the house where she currently lives both have circular driveways, allowing enough parking on the lot for residents and guests without using the street. She agreed that the permeability issue should be reviewed so that parking requirements and driveway allowances correspond to the size of houses and the number of cars residents have.

Vice Mayor Wolf said that parking in the streets had become a significant issue for the neighborhood. He said the streets are two-way streets, but in many places cars are parked along one side, requiring vehicles traveling in opposite directions to use the same lane. He said s that the ordinance provision concerning dwelling units with more than three bedrooms and the limitation on no dwelling unit having more than three garage spaces should not be governed in that way, and he suggested modifying the ordinance to remove that condition.

Mr. Gonzalez suggested keeping the carport-elimination language while striking the final two sentences dealing with the number of spaces. He also said impervious-coverage changes should be studied further because they affect on-site stormwater retention, though he agreed that encouraging more off-street parking was worth exploring.

Ms. Trevarthen identified the section of the ordinance as 21-384.1.

**MOTION: A motion to approve the ordinance on first reading as amended was moved by Councilman Buzzy Sklar and seconded by Councilman Jeffrey P. Freimark.**

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

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

**R5E** 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.

Mr. Gonzalez introduced the item asking that comments from the May 19, 2026 Local Planning Agency Meeting be incorporated into the record.

**LPA5** - Mr. Gonzalez introduced the item saying that the ordinance addressed recreational courts and fencing for items such as tennis courts or basketball courts on private property, and it addressed vacant, unused, or unimproved lots and how those lots should be screened.

Mr. Miller said that many original homes were built in the 1950s and 1960s, when lots were graded closer to the road elevation. He said current FEMA requirements now raise homes significantly higher, creating grade differences that often require retaining walls and fences for safety, pool security, and child protection.

He said the current code allows limited four-foot projections into the 40-foot waterfront setback, but residents have requested more effective shade structures, and that this ordinance would allow larger cantilevered projections without ground-level columns, so the area could provide shade without becoming enclosed space.

He noted that the draft ordinance needed a wording correction in that the code treats the waterfront side as the "front" and the street side as the "rear" for R-1 lots, the reference to the "rear setback" should be changed to refer to the waterfront side. He identified Section 21-354, projections into setback areas, subsection E, architectural features, and said the proposal would create a new subsection.

Mr. Gonzalez said another portion of the ordinance responded to community concerns about courts. The proposal would allow fences up to 10 feet high in the street-side setback for basketball, pickleball, tennis, or similar courts, provided the fence is screened by a hedge planted at the same height as the fence from the outset.

Mr. Miller added that the issue arose partly from waterfront and dry-lot setback differences. He gave the example of 209 Bal Bay, where a homeowner purchased an adjacent lot, demolished the house, and planned a tennis court. Because of the lot's irregular shape, a corner of the court extended into the dry-lot setback, where only a five-foot fence was allowed. Rather than require a variance for a 10-foot fence in that limited area, staff proposed addressing the issue more generally in the code for similar future cases.

Ms. Trevarthen stated that the appropriate amendment would be to amend Section 21-354(e)(4) to change the word "rear" to "waterfront."

Neca Logan, 64 Camden Drive, asked how the proposed wall or fence height would be measured, whether the height would be measured from the base floor elevation of the building or from the physical grade of the property itself.

Mr. Gonzalez responded that the measurement would be from the grade of the site, not from the building.

Eliezer Palacio, Building Official, further explained that the relevant reference point is the ground level of the lot and added that elevation certificates typically identify the lowest adjacent grade and highest adjacent grade, and those figures are supplied by a surveyor.

Ms. Trevarthen said that the draft language used highest adjacent grade, though the language could be changed if Council preferred another standard.

Mr. Palacio said that lots often slope gradually from the street inward and may include swales, berms, retaining features, or underground drainage to retain stormwater on site. He said using the site grade helps avoid large elevation differences between the finished floor of the house and the exterior walking areas.

Mr. Gonzalez said that an additional issue that had been discussed during agenda review but had not been mentioned during the LPA presentation. He said that the term "vacant lot" should be revised before second reading to be more inclusive to capture adjacent lots, accessory-use lots, or lots connected by unity of title.

**MOTION: A motion to approve the ordinance on first reading as amended was moved by Councilman Buzzy Sklar and seconded by Councilman Jeffrey P. Freimark.**

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

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

## **R7 - RESOLUTIONS**

**R7A** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE VILLAGE'S 2026 MIAMI-DADE COUNTY LEGISLATIVE PRIORITIES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

This item was considered at 7:50 P.M. following Agenda Item PA3 after Mr. Groisman presented his legislative update.

Patricia Cohen, 10275 Collins Avenue, said that she lived directly in front of the identified Sargassum hot spot. She said they were cleaning well, but that two or three hours later the sargassum was back, adding that there was only so much the Village could and the problem was not manageable by the Village alone.

Babak Raheb, 128 Balfour Drive, said he had observed that sometimes when equipment passes over the material, it appears to be buried under the sand rather than lifted and removed. He said the beach is part of the Village's income because visitors come there, and that the sargassum does not look or smell good. Councilman Sklar responded that Bal Harbour does not churn the sargassum into the sand and that the Village's practice have trucks remove it.

**MOTION: A Motion to approve the Resolution was moved by Councilman Buzzy Sklar and seconded by Councilman Jeffrey P. Freimark.**

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

Vice Mayor Wolf introduced Legislative Aide Mayer Wolfson, who provide a legislative update on behalf of State Representative Fabian Basabi.

Mr. Wolfson, said that his update would be focused on issues affecting Bal Harbour and District 106. He described Representative Basabi's accessibility, engagement with residents, and willingness to discuss complex public policy issues directly with the community. He said the current legislative session addressed affordability, infrastructure resiliency, public safety, healthcare, education, cybersecurity, flood mitigation, environmental protection, and quality-of-life concerns for coastal communities.

He discussed concerns with the Live Local Act, stating that parts of the law have created confusion, inconsistent applications, and litigation pressure for local governments. He said Representative Basabi believes growth must pay for growth and that established communities like Bal Harbour should retain the ability to plan responsibly for infrastructure, drainage, safety, and quality of life. He said that Representative Basabi intends to revisit the issue in the next legislative session to strengthen infrastructure accountability, reduce ambiguity, and ensure the law works as intended.

He described legislative efforts in insurance reform, tax relief, infrastructure modernization, water-quality protections, utility accountability, resiliency planning, healthcare oversight, mental health, elder care, disability services, homelessness, tourism, arts, and creative industries. He said that Bal Harbour's Camden Drive Sanitary Sewer Replacement Project and Waterfront Overlook Platforms and Beach Access Improvement Project remained in

strong positions during budget negotiations and he encouraged residents to stay engaged and contact Representative Basabi directly.

**R7B** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, APPROVING AN EXPENDITURE IN AN AMOUNT NOT TO EXCEED \$100,000 FOR A FIFA WORLD CUP 2026-THEMED ACTIVATION IN BAL HARBOUR VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE PURPOSES OF THIS RESOLUTION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that there would be a small amendment due to recent information received. Assistant Manager Ramiro Inguanzo said that because the item was funded through Resort-Tax dollars, he wanted to provide Resort-Tax context before discussing the World Cup activation. He said March was a record month for collections, but the Village expected challenges for the rest of the fiscal year because the Ritz-Carlton closed on April 6 for renovations.

Councilman Sklar said that the closure might not affect collections as much in that the hotel had already been operating with reduced room inventory, and that new restaurants had opened at Bal Harbour Shops.

Mr. Inguanzo said Miami would host World Cup matches and teams scheduled for June matches in Miami included Brazil, Portugal, Colombia, Uruguay, Scotland, and Saudi Arabia, adding that Brazil and Uruguay were important markets for Bal Harbour.

He presented a proposed activation involving artist John Paul in which the main feature would be a nine-foot soccer ball sculpture to be placed in the Bal Harbour Shops from June 10 through June 28, then move it to either Founders Circle or the beach path near the 96th Street entrance.

He said the purpose of placing the ball at Bal Harbour Shops was to promote Village restaurants during the summer and provide content for public relations and influencer promotion. He said the installation would include a monitor about the artist's process and an interactive component near Makoto where guests could draw and submit soccer ball designs.

Councilman Freimark said he was conflicted about placing Village-funded art at Bal Harbour Shops but understood the restaurant-support. He said Bal Harbour Village needed clear credit and raised concerns about Founders Circle because of traffic and access issues.

Councilman Sklar said the activation needed stronger Bal Harbour branding and asked that the Bal Harbour logo be incorporated into the installation so the Village would receive marketing value.

Councilman Sklar asked why the ball would leave the Shops while World Cup matches continued in July and different visitors would come for later matches, to which Mr. Inguanzo said there was a conflict with the Shops and a public relations concern about overexposure.

Councilman Freimark said the Village should not let its dispute with Shops ownership interfere with supporting restaurants.

Councilman Sklar said he supported the restaurants but wanted the Village to receive branding value, to which Mr. Gonzalez said staff should work with the artist on better Village identification.

Councilman Levy said he supported the restaurants and workers in the Village but not making a large advertising statement for the Shops.

Mike Manzi, 10160 Collins Avenue, at the Admiralty, suggested to use the soccer ball as part of the signage spelling Bal Harbour, such as placing the ball in the "A" in Bal or Harbour, or in the "O" in Harbour, so that the soccer ball would be tied into the Village's name.

Babal Raheb, 128 Bal Balfour Drive, said his major concern was that Bal Harbour Shops was a ghost town. He said he had spoken to people at the Shops and that stores and restaurants were complaining. He said that he had no problem supporting the restaurants because tax revenue would continue through them, but he questioned whether this activation was the best way to spend the money.

Anna Marie Stoppa said that she found it annoying that the Village would choose Bal Harbour Shops as the location after what the Shops had put the Village through and said it was the wrong time to reward Bal Harbour Shops with the benefit of something Miami was fortunate to receive.

Councilman Sklar asked whether the Village was providing the kiosk, paying for rental, installation, materials, and products, while the artist would keep the proceeds, to which Mr. Inguanzo said that was the arrangement and said the kiosk was an amenity that might draw people because visitors could see the artist.

Councilman Freimark asked whether the activation could be limited to 96th Street, to which Mr. Inguanzo said that it could, but his recommendation was based on tourism and resort-tax considerations. He said that Bal Harbour Shops plays a major role in attracting visitors to the Village, and that those visitors support the restaurants located there, which in turn generate resort-tax revenue for the Village.

**MOTION: A Motion to approve the Resolution, subject to the inclusion of appropriate branding for Bal Harbor Village, and that a second ball be removed was moved by Councilman Jeffrey P. Freimark and seconded by Councilman Buzzy Sklar.**

Councilman Levy said that his support was based on promoting the restaurants and the inclusion of Bal Harbour Village branding.

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

## **R9 - NEW BUSINESS AND COUNCIL DISCUSSION**

**R9A** Discussion Item - Plastics Ordinance Revisions - Councilman Buzzy Sklar

### **R9B PUBLIC COMMENT**

Patricia Cohen, 10275 Collins Avenue, said that she had not been aware of that and did not know anyone else who knew it either people could flag down a Freebee. She said that if flag-down rides are allowed when the vehicle is empty, that is useful and should be addressed and encouraged. She said that earlier Freebee service might help children from buildings or from the gated community travel to Bay Harbor Elementary.

Anna Marie Stoppa said that she had been burglarized at the Sea View and that many family heirlooms had been taken, saying that she brought the issue to the Council because she found there to be a lack of interest. She said that, as of 10:00 a.m. that morning, she had heard from the Police Department that nothing further would be done.

David Sanchez, 94th Bay Harbour Island suggested that the Village collaborate with Surfside and Bay Harbour Islands in unifying July 4 and possibly New Year's fireworks events among the three municipalities.

Babak Raheb, 128 Balfour Drive, said the Council moved through the consent agenda too quickly and that there should be a way for the public to say that an item should be pulled before the consent agenda is approved. He said that in most municipalities, Freebee vehicles take people somewhere and also bring them back, but in Bal Harbour, if Freebee takes someone to Surfside or drops the person at Publix, it will not pick that person up for the return trip. He suggested that the Village should look at whether the service area could be expanded to places such as Sunny Isles. He said that when presentations are given, even if they are not agenda items, the public should have an opportunity to ask questions of the presenter.

Neca Logan, 64 Camden Drive, said that she was concerned about traffic on 96th Street. She said no one is respecting the box and that the Bal Harbour Shops light is stalling everyone traveling west. She said the bridge in Bay Harbor is a problem, but that the municipalities and police departments need to work together so that drivers coming from Byron across the light stop and do not block the box.

**R10 - VILLAGE MANAGER REPORT**

**R11 - VILLAGE CLERK REPORT**

**R11A** Lobbyist Report

**R12 - VILLAGE ATTORNEY REPORT**

**R12A** Village Attorney Report

**END OF REGULAR AGENDA**

**ADJOURNMENT-** The meeting was adjourned at 9:22 P.M.



Attest:

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Mayor Seth E. Salver

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Dwight S. Danie, Village Clerk

# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

A RESOLUTION ACCEPTING THE DETERMINATION OF THE VILLAGE BUILDING OFFICIAL THAT CGBH, LLC, D/B/A/ CHINA GRILL APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO FOR THE RESTAURANT'S 4COP LICENSE THAT IS LOCATED IN THE BAL HARBOUR SHOPS IS COMPATIBLE WITH VILLAGE ZONING REGULATIONS.

### Issue:

Should the Village Council accept the determination of the Village Building Official for the CGBH LLC, D/B/A/ China Grill, located in the Bal Harbour Shops, application for a 4COP State of Florida Department of Alcoholic Beverages and Tobacco?

### The Bal Harbour Experience:

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

### Item Summary / Recommendation:

CGBH LLC, D/B/A/ China Grill restaurant located at the Bal Harbour Shops, 9700 Collins Ave #D-135 in the Village's Business District, has taken over the space previously occupied by Le Zoo Restaurant. CGBH LLC, D/B/A/ China Grill restaurant has submitted DBPR ABT - 6001 - Division of Alcoholic Beverages and Tobacco Application to the State of Florida Department of Business and Professional Regulation for a 4COP Alcoholic Beverage License. As part of said application, the zoning authority governing the business location is required to review and sign the application for approval. In the Village, the zoning authority is the Village Building Official.

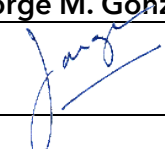
I am recommending that the Village Council approve the application for a 4COP State of Florida Department of Alcoholic Beverages and Tobacco license, submitted by CGBH LLC, D/B/A/ China Grill.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.**

### Financial Information:

|  | Amount | Account | Account # |
|--|--------|---------|-----------|
|  | X      | X       | X         |

### Sign off:

| Building Director | Chief Financial Officer | Village Manager                                                                       |
|-------------------|-------------------------|---------------------------------------------------------------------------------------|
| Eliezer Palacio   | Claudia Dixon           | Jorge M. Gonzalez                                                                     |
|                   |                         |  |

# BAL HARBOUR

- V I L L A G E -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager



DATE: June 16, 2026

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE DETERMINATION OF THE VILLAGE BUILDING OFFICIAL THAT CHINA GRILL APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO FOR THE RESTAURANT'S 4COP LICENSE THAT IS LOCATED IN THE BAL HARBOUR SHOPS IS COMPATIBLE WITH VILLAGE ZONING REGULATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

I am recommending the Village Council approve the ratification of the application for a liquor license, submitted by CGBH, LLC, d/b/a/China Grill restaurant, requesting their State of Florida Department of Alcoholic Beverages and Tobacco 4COP license series.

### **BACKGROUND**

CGBH, LLC, d/b/a/China Grill restaurant located at the Bal Harbour Shops, 9700 Collins Ave #D-135 in the Village's Business District, has taken over the space previously occupied by Le Zoo Restaurant. CGBH, LLC, d/b/a/China Grill restaurant has submitted DBPR ABT - 6001 - Division of Alcoholic Beverages and Tobacco Application to the State of Florida Department of Business and Professional Regulation for a 4COP Alcoholic Beverage License. As part of said application, the zoning authority governing the business location is required to review and sign the application for approval. In the Village, the zoning authority is the Village Building Official. As part of the application review, the Building Official examined the Village Zoning Code. The Business district zoning regulations and Section 4-3. - *Sale prohibited in filling stations, theaters; sales near churches, schools* dictate the permissible locations of such establishments. Such section reads:

*(a) No liquor, beer or wine shall be sold in any gasoline filling station or motion picture theater, including any room opening directly or indirectly into or having a direct connection with any motion picture theater.*

*(b) No liquor, beer or wine shall be sold within 300 feet of any church, nor within 300 feet of any public-school property, nor any property upon which there is maintained a private school operated for the instruction of minors in the common branches of learning, except such places of business as were established at the time of the adoption of this section. In ascertaining the proximity of any school or church referred to in this subsection, the method of measurement shall be made or taken*

*from the main or front entrance of the church or school or the main or front place of such business along the route of ordinary pedestrian traffic along the public thoroughfare.*

China Grill restaurant location complies with the above Village Code provision. Therefore, zoning approval may be granted.

Historically, however, the Village Council has approved such license requests via Resolution. Records show that there are dozens of locations on Collins Avenue that have been granted licenses to sell alcoholic beverages. There are also several locations in similar zoning districts with active licenses to sell alcoholic beverages, such as the one being sought by China Grill restaurant.

Some of the residential locations include:

- Bal Harbour 101 Restaurant located at 10155 Collins Avenue
- Bal Harbour Tower Condo located at 9999 Collins Avenue
- The Ballerina Beach Club located at 10201 Collins Avenue
- The Palace Café located at 10101 Collins Avenue
- The Balmoral Restaurant located at 9801 Collins Avenue

Some of the non-residential locations that have active licenses to sell alcoholic beverages include:

- Sea View Terrace Restaurant at 9909 Collins Avenue
- Artisan Beach House at 10295 Collins Avenue (Ritz-Carlton)
- Café Avenue 31 at 9700 Collins Ave (BHS)
- Makoto 9700 Collins Ave (BHS)
- Slim's Restaurant 9700 Collins Ave (BHS)

### **ANALYSIS**

China Grill restaurant is the new food and beverage operator that will replace the Le Zoo Restaurant. Their current 4COP alcoholic beverage license permits the sale of beer, wine, and liquor for consumption on the licensed premises. This application reflects the change in operator from Le Zoo to China Grill.

### **THE BAL HARBOUR EXPERIENCE**

The Department of Business and Professional Regulation requires businesses to apply for and obtain an Alcoholic Beverage license. By enforcing this regulation, the Village furthers our mission of being the safest residential community with the highest quality of life for our residents and visitors from around the world.

### **CONCLUSION**

China Grill restaurant location complies with the Village zoning regulations for establishments authorized to sell alcoholic beverages. Therefore, I am recommending approval of this Resolution.

### **Attachments:**

1. CGBH, LLC, d/b/a/China Grill application DBPR ABT-6001

RESOLUTION NO. 2026\_\_\_\_\_

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE DETERMINATION OF THE VILLAGE BUILDING OFFICIAL THAT CGBH, LLC, D/B/A/CHINA GRILL APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO FOR THE RESTAURANT'S 4COP LICENSE THAT IS LOCATED IN THE BAL HARBOUR SHOPS IS COMPATIBLE WITH VILLAGE ZONING REGULATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, CGBH, LLC, d/b/a/China Grill restaurant is located in the Bal Harbour Shops at 9700 Collins Avenue Suite D-135, and has taken over the space previously occupied by Le Zoo restaurant. China Grill has submitted an application to the State of Florida Division of Alcoholic Beverages for a 4COP license for the sale of alcoholic beverages (the "Application"); and

**WHEREAS**, the Application contains a section for completion by the Village confirming that the Application complies with the Village zoning regulations regarding the sale of alcoholic beverages; and

**WHEREAS**, the Village Building Official is generally charged with implementing Chapter 21, Zoning; and

**WHEREAS**, the Village Building Official has determined that the Application is compatible with Village zoning regulations.

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

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

**Section 2. Determination Accepted.** That the determination of the Village Building Official that the Application is compatible with the Village zoning regulations is hereby accepted.

**Section 3. Implementation.** That the Village Manager is hereby directed to take any action necessary to implement the purposes of this Resolution.

**Section 4. Effective Date.** That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this 16<sup>th</sup> day of June, 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.

**DBPR ABT-6001 – Division of Alcoholic Beverages and Tobacco  
Application for New Alcoholic Beverage License**

**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**DBPR Form  
ABT-6001  
Revised 08/2013**

*If you have any questions or need assistance in completing this application, please contact the Division of Alcoholic Beverages & Tobacco's (AB&T) local district office. Please submit your completed application and required fee(s) to your local district office. This application may be submitted by mail, through appointment, or it can be dropped off. A District Office Address and Contact Information Sheet can be found on AB&T's web site at the link provided below:*

**Local ABT District Licensing Offices**

| <b>SECTION 1 - CHECK LICENSE CATEGORY</b>                                                                                                                                                                                                       |                                    |                                                                                                                     |                          |                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------------------------------------|
| License Series Requested<br><b>4COP</b>                                                                                                                                                                                                         | Type/Class Requested<br><b>SFS</b> | Do you wish to purchase a Temporary License?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |                          |                                                        |
| Child License Requested                                                                                                                                                                                                                         | Number of Child Licenses Requested |                                                                                                                     |                          |                                                        |
| <input checked="" type="checkbox"/> Retail Alcoholic Beverages <input type="checkbox"/> Alcoholic Beverage Manufacturer<br><input type="checkbox"/> Beer/Wine/Liquor Wholesaler <input type="checkbox"/> Passenger Waiting Lounge               |                                    |                                                                                                                     |                          |                                                        |
| <input checked="" type="checkbox"/> Retail Tobacco Products Dealer Permit (must check one or more of the below)<br><input type="checkbox"/> Pipes <input checked="" type="checkbox"/> Over the Counter <input type="checkbox"/> Vending Machine |                                    |                                                                                                                     |                          |                                                        |
| <b>SECTION 2 – LICENSE INFORMATION</b>                                                                                                                                                                                                          |                                    |                                                                                                                     |                          |                                                        |
| If the applicant is a corporation or other legal entity, enter the name and the document number as registered with the Florida Department of State Division of Corporations on the line below.                                                  |                                    |                                                                                                                     |                          |                                                        |
| FEIN Number<br><b>85-3357135</b>                                                                                                                                                                                                                | Business Telephone Number          | E-Mail Address (Optional)                                                                                           |                          |                                                        |
| Full Name of Applicant(s): (This is the name the license will be issued in)<br><b>CGBH, LLC</b>                                                                                                                                                 |                                    |                                                                                                                     |                          | Department of State Document #<br><b>L200000300727</b> |
| Business Name (D/B/A)<br><b>CHINA GRILL</b>                                                                                                                                                                                                     |                                    |                                                                                                                     |                          |                                                        |
| Location Address (Street and Number)<br><b>9700 COLLINS AVENUE, SUITE #135</b>                                                                                                                                                                  |                                    |                                                                                                                     |                          |                                                        |
| City<br><b>BAL HARBOUR</b>                                                                                                                                                                                                                      | County<br><b>MIAMI-DADE</b>        | State<br><b>FL</b>                                                                                                  | Zip Code<br><b>33154</b> |                                                        |
| Mailing Address (Street or P.O. Box)<br><b>9700 COLLINS AVENUE, SUITE #135</b>                                                                                                                                                                  |                                    |                                                                                                                     |                          |                                                        |
| City<br><b>BAL HARBOUR</b>                                                                                                                                                                                                                      |                                    | State<br><b>FLORIDA</b>                                                                                             | Zip Code<br><b>33154</b> |                                                        |
| <b>Contact Person - This section is optional, see application instructions for details</b>                                                                                                                                                      |                                    |                                                                                                                     |                          |                                                        |
| Contact Person<br><b>LOUIS J. TERMINELLO, ESQ - GREENSPOON MARDER LL</b>                                                                                                                                                                        |                                    | Telephone Number<br><b>305-789-2763</b> ext.                                                                        |                          |                                                        |
| E-Mail Address (Optional)<br><b>licensing@gmlaw.com</b>                                                                                                                                                                                         |                                    |                                                                                                                     |                          |                                                        |
| Mailing Address (Street or P.O. Box)<br><b>600 BRICKELL AVENUE, SUITE 3600</b>                                                                                                                                                                  |                                    |                                                                                                                     |                          |                                                        |
| City<br><b>MIAMI</b>                                                                                                                                                                                                                            |                                    | State<br><b>FLORIDA</b>                                                                                             | Zip Code<br><b>33131</b> |                                                        |

| SECTION 3 -- RELATED PARTY PERSONAL INFORMATION                                                                                        |                                                                                                                                                                                                                                                                                                                                                            |     |          |                       |                |               |
|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------|-----------------------|----------------|---------------|
| <b>This section must be completed for <u>each</u> person directly connected with the business, unless they are a current licensee.</b> |                                                                                                                                                                                                                                                                                                                                                            |     |          |                       |                |               |
| 1.                                                                                                                                     | Business Name (D/B/A)<br>CHINA GRILL                                                                                                                                                                                                                                                                                                                       |     |          |                       |                |               |
| 2.                                                                                                                                     | Full Name of Individual<br>ALL APPLICANTS ARE CURRENT LICENSEES                                                                                                                                                                                                                                                                                            |     |          |                       |                |               |
|                                                                                                                                        | Social Security Number*                                                                                                                                                                                                                                                                                                                                    |     |          | Home Telephone Number |                | Date of Birth |
|                                                                                                                                        | Race                                                                                                                                                                                                                                                                                                                                                       | Sex | Height   | Weight                | Eye Color      | Hair Color    |
| 3.                                                                                                                                     | Are you a U.S. citizen?<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>If no, immigration card number or passport number:                                                                                                                                                                                                                  |     |          |                       |                |               |
| 4.                                                                                                                                     | Home Address (Street and Number)                                                                                                                                                                                                                                                                                                                           |     |          |                       |                |               |
|                                                                                                                                        | City                                                                                                                                                                                                                                                                                                                                                       |     |          |                       | State          | Zip Code      |
| 5.                                                                                                                                     | Do you currently own or have an interest in any business selling alcoholic beverages, wholesale cigarette or tobacco products, or a bottle club?<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>If yes, provide the information requested below. The location address should include the city and state.                                   |     |          |                       |                |               |
|                                                                                                                                        | Business Name (D/B/A)                                                                                                                                                                                                                                                                                                                                      |     |          |                       | License Number |               |
|                                                                                                                                        | Location Address                                                                                                                                                                                                                                                                                                                                           |     |          |                       |                |               |
| 6.                                                                                                                                     | Have you had any type of <u>alcoholic beverage</u> , or bottle club license, or cigarette, or tobacco permit refused, revoked or suspended anywhere in the past 15 years?<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>If yes, provide the information requested below. The location address should include the city and state.          |     |          |                       |                |               |
|                                                                                                                                        | Business Name (D/B/A)                                                                                                                                                                                                                                                                                                                                      |     |          |                       | Date           |               |
|                                                                                                                                        | Location Address                                                                                                                                                                                                                                                                                                                                           |     |          |                       |                |               |
| 7.                                                                                                                                     | Have you been convicted of a <u>felony</u> within the past 15 years? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>If yes, provide the information requested below and provide a <b>Copy of the Arrest Disposition</b> , as requested in the Application Requirements checklist.                                                             |     |          |                       |                |               |
|                                                                                                                                        | Date                                                                                                                                                                                                                                                                                                                                                       |     | Location |                       |                |               |
|                                                                                                                                        | Type of Offense                                                                                                                                                                                                                                                                                                                                            |     |          |                       |                |               |
| 8.                                                                                                                                     | Have you been convicted of an offense involving <u>alcoholic beverages or tobacco products</u> anywhere within the past 5 years? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>If yes, provide the information requested below and provide a <b>Copy of the Arrest Disposition</b> , as requested in the Application Requirements checklist. |     |          |                       |                |               |
|                                                                                                                                        | Date                                                                                                                                                                                                                                                                                                                                                       |     | Location |                       |                |               |
|                                                                                                                                        | Type of Offense                                                                                                                                                                                                                                                                                                                                            |     |          |                       |                |               |



**SECTION 4 – DESCRIPTION OF PREMISES TO BE LICENSED  
TO BE COMPLETED BY THE APPLICANT**

Business Name (D/B/A)  
**CHINA GRILL**

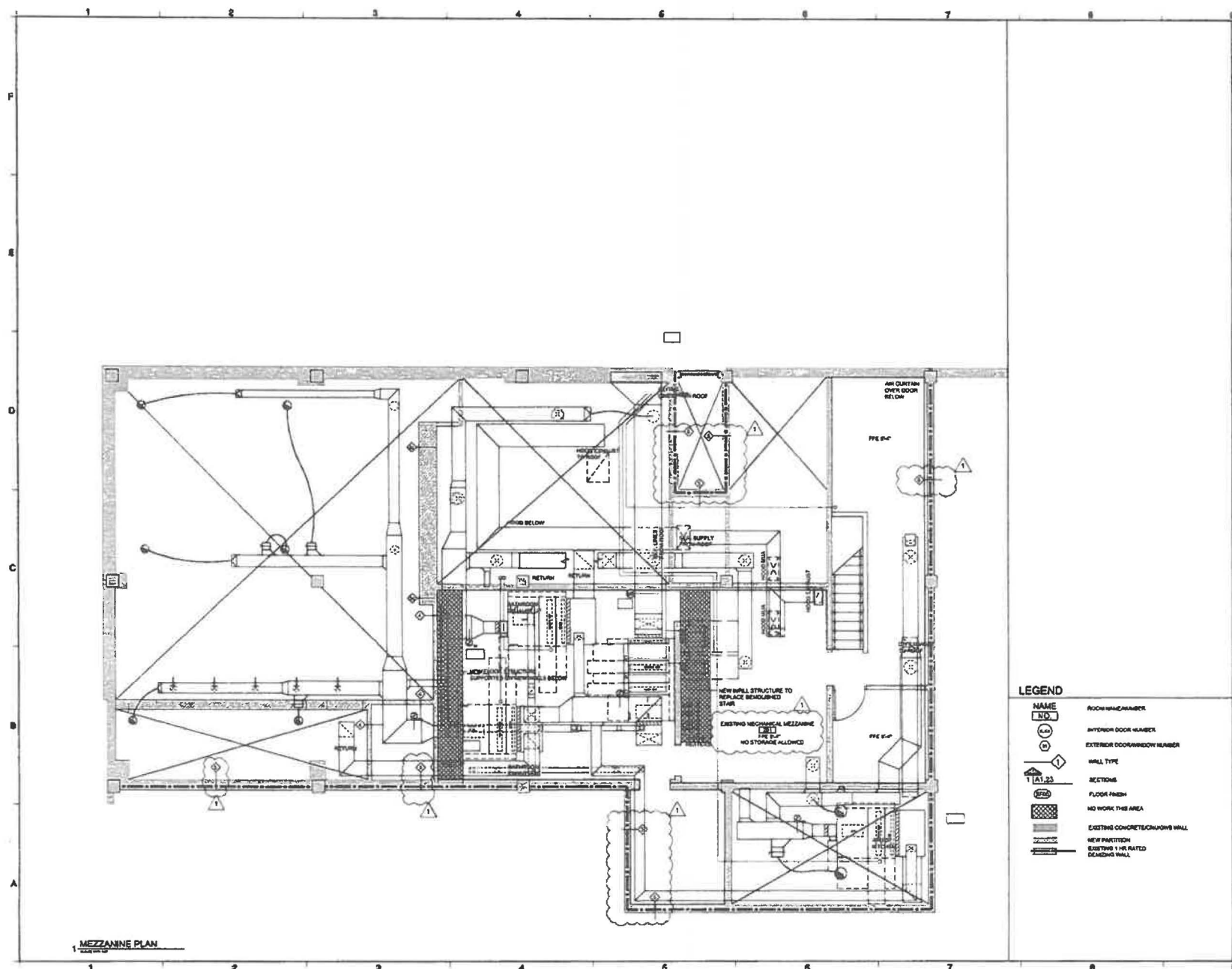
- |    |                              |                                        |                                                                                                                                                                                          |
|----|------------------------------|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Is the proposed premises movable or able to be moved?                                                                                                                                    |
| 2. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Is there any access through the premises to any area over which you do not have dominion and control?                                                                                    |
| 3. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Is the business located within a Specialty Center? If yes, check the applicable statute:<br><input type="checkbox"/> 561.20(2)(b)1, F.S. or <input type="checkbox"/> 561.20(2)(b)2, F.S. |
| 4. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Are there any mobile vehicles used to sell or serve alcoholic beverages?                                                                                                                 |
| 5. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Are there more than 3 separate rooms or enclosures with permanent bars or counters?                                                                                                      |

Neatly draw a floor plan of the premises in ink, including sidewalks and other outside areas which are contiguous to the premises, walls, doors, counters, sales areas, storage areas, restrooms, bar locations and any other specific areas which are part of the premises sought to be licensed. A multi-story building where the entire building is to be licensed must show the details of each floor.

PLEASE SEE ATTACHED FLOOR PLAN











| SECTION 6 – APPLICANT ENTITY FELONY CONVICTION                                                                                                                                                         |                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Business Name (D/B/A)                                                                                                                                                                                  |                                        |
| CHINA GRILL                                                                                                                                                                                            |                                        |
| Has the applicant entity been convicted of a felony in this state, any other state, or by the United States in the last 15 years?                                                                      |                                        |
| <input type="checkbox"/> Yes                                                                                                                                                                           | <input checked="" type="checkbox"/> No |
| If the answer is "Yes," please list all details including the date of conviction, the crime for which the entity was convicted, and the city, county, state and court where the conviction took place. |                                        |
|                                                                                                                                                                                                        |                                        |
|                                                                                                                                                                                                        |                                        |
|                                                                                                                                                                                                        |                                        |
|                                                                                                                                                                                                        |                                        |
|                                                                                                                                                                                                        |                                        |
|                                                                                                                                                                                                        |                                        |
|                                                                                                                                                                                                        |                                        |
|                                                                                                                                                                                                        |                                        |
| (Attach additional sheets if necessary)                                                                                                                                                                |                                        |

| <b>SECTION 7 – SPECIAL LICENSE REQUIREMENTS</b><br><b>(DOES NOT APPLY TO BEER AND WINE LICENSES)</b>                                                         |                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Please check the appropriate box of the license for which you are applying. Fill in the corresponding requirements for the license type sought.              |                                                                                             |
| <input type="checkbox"/> Quota Alcoholic Beverage License<br><input type="checkbox"/> Club Alcoholic Beverage License                                        | <input checked="" type="checkbox"/> Specialty Alcoholic Beverage License (e.g. SRX, S, etc) |
| This license is issued pursuant to _____, Florida Statutes or Special Act, and as such we acknowledge the following requirements must be met and maintained: |                                                                                             |
| <b>PLEASE SEE ATTACHED AMENDED SECTION 7</b>                                                                                                                 |                                                                                             |
|                                                                                                                                                              |                                                                                             |
|                                                                                                                                                              |                                                                                             |
|                                                                                                                                                              |                                                                                             |
|                                                                                                                                                              |                                                                                             |
|                                                                                                                                                              |                                                                                             |
|                                                                                                                                                              |                                                                                             |
| Please initial and date:                                                                                                                                     |                                                                                             |
| Applicant's Initials _____                                                                                                                                   | Date _____                                                                                  |

### SECTION 5 – APPLICATION APPROVALS

Full Name of Applicant: (This is the name the license will be issued in)

CGBH, LLC

Business Name (D/B/A)

CHINA GRILL

Street Address

9700 COLLINS AVENUE, SUITE #135

City

BAL HARBOUR

County

MIAMI-DADE

State

FL

Zip Code

33154

### ZONING

#### TO BE COMPLETED BY THE ZONING AUTHORITY GOVERNING YOUR BUSINESS LOCATION

- A. The location complies with zoning requirements for the sale of alcoholic beverages or wholesale tobacco products pursuant to this application for a Series: 4COP Type: SFS license.
- B. This approval includes outside areas which are contiguous to the premises which are to be part of the premises sought to be licensed and are identified on the sketch?" ☒ Yes ☐ No

Check either: Please do not skip, this is important for license fee sharing

☒ Location is within the city limits or ☐ Location is in the unincorporated county

Signed

Date

5-18-26

Title

B.O.

This approval is valid for \_\_\_\_\_ days.

### SALES TAX

#### TO BE COMPLETED BY THE DEPARTMENT OF REVENUE

The named applicant for a license/permit has complied with the Florida Statutes concerning registration for Sales and Use Tax.

1. This is to verify that the current owner as named in this application has filed all returns and that all outstanding billings and returns appear to have been paid through the period ending \_\_\_\_\_ or the liability has been acknowledged and agreed to be paid by the applicant. This verification does not constitute a certificate as contained in Section 213.758 (4), F.S. (Not applicable if no transfer involved).
2. Furthermore, the named applicant for an Alcoholic Beverage License has complied with Florida Statutes concerning registration for Sales and Use Tax, and has paid any applicable taxes due.

Signed

Date

Title

Department of Revenue Stamp

This approval is valid for \_\_\_\_\_ days.

### HEALTH

#### TO BE COMPLETED BY THE DIVISION OF HOTELS AND RESTAURANTS OR COUNTY HEALTH AUTHORITY OR DEPARTMENT OF HEALTH OR DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

The above establishment complies with the requirements of the Florida Sanitary Code.

Signed

Date

Title

Agency

This approval is valid for \_\_\_\_\_ days.

Special License Requirements for Special Food Service – General Law – effective July 1, 2023

| SECTION 7 – SPECIAL LICENSE REQUIREMENTS<br>(DOES NOT APPLY TO BEER AND WINE LICENSES)                                                                                                                                                                                                                                                                                                           |                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Please check the appropriate box of the license for which you are applying. Fill in the corresponding requirements for the license type sought.                                                                                                                                                                                                                                                  |                                                                                             |
| <input type="checkbox"/> Quota Alcoholic Beverage License                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> Specialty Alcoholic Beverage License (e.g. SRX, S, etc) |
| <input type="checkbox"/> Club Alcoholic Beverage License                                                                                                                                                                                                                                                                                                                                         |                                                                                             |
| This license is issued pursuant to <u>561.20(2)(a)(4)</u> , Florida Statutes or Special Act, and as such we acknowledge the following requirements must be met and maintained:                                                                                                                                                                                                                   |                                                                                             |
| A bona fide food service establishment that has a minimum of 2,000 sq ft of service area, is equipped to serve meals to 120 persons at one time, has at least 120 physical seats available for patrons to use during operating hours, holds itself out as a restaurant, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages. |                                                                                             |
| ***Continued below                                                                                                                                                                                                                                                                                                                                                                               |                                                                                             |
| Please Initial and date:                                                                                                                                                                                                                                                                                                                                                                         |                                                                                             |
| Applicant's Initials <u>                    </u>                                                                                                                                                                                                                                                                                                                                                 | Date <u>3/3/25</u>                                                                          |

\*\*\*during the first 120-day operating period and the first 12-month operating period thereafter. Subsequent audit time frames must be based upon the audit percentage established by the most recent audit and conducted on a staggered scale as follows: level 1, 51 percent to 60 percent, every year; level 2, 61 percent to 75 percent, every 2 years; level 3, 76 percent to 90 percent, every 3 years; and level 4, 91 percent to 100 percent, every 4 years. A licensee under this subparagraph may sell or deliver alcoholic beverages in a sealed container for off-premises consumption if the sale or delivery is accompanied by the sale of food within the same order. Such authorized sale or delivery includes wine-based and liquor-based beverages prepared by the licensee or its employee and packaged in a container sealed by the licensee or its employee. This subparagraph may not be construed to authorize public food service establishments licensed under this subparagraph to sell a bottle of distilled spirits sealed by a manufacturer. Any sale or delivery of malt beverages must comply with the container size, labeling, and filling requirements imposed under s. 563.06. Any delivery of an alcoholic beverage under this subparagraph must comply with s. 561.57. An alcoholic beverage drink prepared by the vendor and sold or delivered for consumption off the premises must be placed in a container securely sealed by the licensee or its employees with an unbroken seal that prevents the beverage from being immediately consumed before removal from the premises. Such alcoholic beverage also must be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the alcoholic beverage and food must be provided by the licensee and attached to the bag or container. If transported in a motor vehicle, an alcoholic beverage that is not in a container sealed by the manufacturer must be placed in a locked compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle. It is a violation of the prohibition in s. 562.11 to allow any person under the age of 21 to deliver alcoholic beverages on behalf of a vendor. The vendor or the agent or employee of the vendor must verify the age of the person making the delivery of the alcoholic beverage before allowing any person to take possession of an alcoholic beverage for the purpose of making a delivery on behalf of a vendor under this section. A food service establishment granted a special license on or after January 1, 1958, pursuant to general or special law may not operate as a package store and may not sell intoxicating beverages under such license after the hours of serving or consumption of food have elapsed. Failure by a licensee to meet the required percentage of food and nonalcoholic beverage gross revenues during the covered operating period shall result in revocation of the license or denial of the pending license application. A licensee whose license is revoked or an applicant whose pending application is denied, or any person required to qualify on the special license application, is ineligible to have any interest in a subsequent application for such a license for a period of 120 days after the date of the final denial or revocation;

### SECTION 8 – DISCLOSURE OF INTERESTED PARTIES

**Note:** Failure to disclose an interest, direct or indirect, could result in denial, suspension and/or revocation of your license. You **MUST** list all persons and entities in the entire ownership structure. To determine which of those persons must submit fingerprints and a Related Party Personal Information, sheet, see the fingerprint section in the application instructions.

Business Name (D/B/A)

**CHINA GRILL**

1. When applicable, complete the appropriate section below. Attach extra sheets if necessary.

| Title/Position | Name | Stock % |
|----------------|------|---------|
|----------------|------|---------|

**CORPORATION**– List all officers, directors, and stockholders

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**GENERAL PARTNERSHIP** – List all general partners

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**LIMITED LIABILITY COMPANY** – List all managers (member & non-member), directors, officers, and members

|             |                  |      |
|-------------|------------------|------|
| SOLE MEMBER | JEFFREY CHODOROW | 100% |
|             |                  |      |
|             |                  |      |

**LIMITED PARTNERSHIP** – List all general and limited partners.

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |

**LIMITED LIABILITY PARTNERSHIP** – List all partners

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |

**Bar Manager (Fraternal Organizations of National Scope only):**

#### OTHER INTERESTS

These questions must be answered about this business for every person or entity listed as the applicant

|                                                                                                                                                                                                                                                                                |                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 1. Are there any persons or entities not disclosed who have loaned money to the business?                                                                                                                                                                                      | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. Are there any persons or entities not disclosed that derive revenue from the license solely through a contractual relationship with the licensee, the substance of which is not related to the control of the sale of alcoholic beverages, or is exempt by statute or rule? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Are there any persons or entities not disclosed that have the right to receive revenue based on a contractual relationship related to the control of the sale of alcoholic beverages?                                                                                       | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Are there any persons or entities not disclosed who have a right to a percentage payment from the proceeds of the business pursuant to the lease?                                                                                                                           | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. Are there any persons or entities not disclosed who have guaranteed the lease or loan?                                                                                                                                                                                      | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 6. Are there any persons or entities not disclosed who have co-signed the lease or loan?                                                                                                                                                                                       | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Is there a management contract, franchise agreement, or concession agreement in connection with this business?                                                                                                                                                              | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 8. Have you or anyone listed on this application, accepted money, equipment or anything of value in connection with this business from any industry member as described in 61A-1.010, Florida Administrative Code?                                                             | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

**If you answered yes to any of the above questions, a copy of the agreement must be submitted with this application. The terms of the agreement may require the interested persons or parties related to an entity to submit fingerprints and a related party personal information sheet.**

**SECTION 9 - AFFIDAVIT OF APPLICANT  
NOTARIZATION REQUIRED**

Business Name (D/B/A)  
**CHINA GRILL**

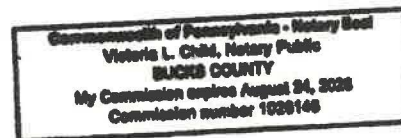
"I, the undersigned individually, or on behalf of a legal entity, hereby swear or affirm that I am duly authorized to make the above and foregoing application and, as such, I hereby swear or affirm that the attached sketch is a true and correct representation of the entire area and premises to be licensed and agree that the place of business, if licensed, may be inspected and searched during business hours or at any time business is being conducted on the premises without a search warrant by officers of the Division of Alcoholic Beverages and Tobacco, the Sheriff, his Deputies, and Police Officers for the purposes of determining compliance with the beverage and retail tobacco laws."

"I swear under oath or affirmation under penalty of perjury as provided for in Sections 559.791, 562.45 and 837.06, Florida Statutes, that the foregoing information is true and that no other person or entity except as indicated herein has an interest in the alcoholic beverage license and/or tobacco permit, and all of the above listed persons or entities meet the qualifications necessary to hold an interest in the alcoholic beverage license and/or tobacco permit."

STATE OF Pennsylvania

COUNTY OF Bucks

Jeffrey Chodorow  
APPLICANT/AUTHORIZED REPRESENTATIVE NAME



[Signature]  
APPLICANT/AUTHORIZED REPRESENTATIVE SIGNATURE

The foregoing was ( ) Sworn to and Subscribed OR ( ) Acknowledged Before me this 31st Day  
of March, 2025, By JEFFREY CHODOROW who is ( ) personally  
(print name(s) of person(s) making statement)

known to me OR ( ) who produced FL Drivers License as identification.

Victoria L. Child

Notary Public

Commission Expires:

August 24, 2028

| SECTION 10 - CURRENT LICENSEE UPDATE DATA SHEET                                                                                                                                    |  |                                              |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------|-------------------|
| This section is to be completed for all current alcoholic beverage and/or tobacco license holders listed on the application to ensure the most up to date information is captured. |  |                                              |                   |
| Business Name (D/B/A)<br>CHINA GRILL                                                                                                                                               |  |                                              |                   |
| Last Name<br>CHODOROW                                                                                                                                                              |  | First<br>JEFFREY                             | M.I.              |
| Current Alcohol Beverage and/or Tobacco License Permit/Number(s)<br>BEV2337828, BEV2333713, BEV2336133                                                                             |  |                                              |                   |
| Date of Birth<br>03/02/1950                                                                                                                                                        |  | Social Security Number*<br>On file with DABT |                   |
| Street Address<br>19925 NE 39th Place, #701N                                                                                                                                       |  |                                              |                   |
| City<br>Aventura                                                                                                                                                                   |  | State<br>FL                                  | Zip Code<br>33180 |
| Last Name                                                                                                                                                                          |  | First                                        | M.I.              |
| Current Alcohol Beverage and/or Tobacco License Permit/Number(s)                                                                                                                   |  |                                              |                   |
| Date of Birth                                                                                                                                                                      |  | Social Security Number*                      |                   |
| Street Address                                                                                                                                                                     |  |                                              |                   |
| City                                                                                                                                                                               |  | State                                        | Zip Code          |
| Last Name                                                                                                                                                                          |  | First                                        | M.I.              |
| Current Alcohol Beverage and/or Tobacco License Permit/Number(s)                                                                                                                   |  |                                              |                   |
| Date of Birth                                                                                                                                                                      |  | Social Security Number*                      |                   |
| Street Address                                                                                                                                                                     |  |                                              |                   |
| City                                                                                                                                                                               |  | State                                        | Zip Code          |
| Last Name                                                                                                                                                                          |  | First                                        | M.I.              |
| Current Alcohol Beverage and/or Tobacco License Permit/Number(s)                                                                                                                   |  |                                              |                   |
| Date of Birth                                                                                                                                                                      |  | Social Security Number*                      |                   |
| Street Address                                                                                                                                                                     |  |                                              |                   |
| City                                                                                                                                                                               |  | State                                        | Zip Code          |
| Last Name                                                                                                                                                                          |  | First                                        | M.I.              |
| Current Alcohol Beverage and/or Tobacco License Permit/Number(s)                                                                                                                   |  |                                              |                   |
| Date of Birth                                                                                                                                                                      |  | Social Security Number*                      |                   |
| Street Address                                                                                                                                                                     |  |                                              |                   |
| City                                                                                                                                                                               |  | State                                        | Zip Code          |
| Last Name                                                                                                                                                                          |  | First                                        | M.I.              |
| Current Alcohol Beverage and/or Tobacco License Permit/Number(s)                                                                                                                   |  |                                              |                   |
| Date of Birth                                                                                                                                                                      |  | Social Security Number*                      |                   |
| Street Address                                                                                                                                                                     |  |                                              |                   |
| City                                                                                                                                                                               |  | State                                        | Zip Code          |

# BAL HARBOUR

- V I L L A G E -

## COUNCIL ITEM 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 Council adopt an Ordinance amending Chapter 2 "ADMINISTRATION" to modify procedures and regulations applicable to the Architectural Review Board in the R-1 and R-2 Single-Family Residential and PC 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, 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.

This Ordinance was read on first reading at the May 19, 2026 Council Meeting.

The administration recommends that the Village Council approve the attached ordinance on second reading.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE.**

### Advisory Board Recommendation:

At its May 19, 2026 meeting, the Local Planning Agency reviewed the proposed ordinance and recommended approval 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 -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: June 16, 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**

I am recommending that the Village Council adopt the proposed Ordinance on second reading, 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.

At its May 19, 2026 meeting, the Local Planning Agency reviewed the proposed Ordinance and recommended approval to the Village Council. Subsequently, at the Regular Village Council meeting held on May 19, 2026, the proposed Ordinance was considered on first reading. By unanimous vote, the Council amended the Ordinance to require that square footage be measured as of July 1, 2026, with the allowable 30% increase in square footage calculated based on that measurement.

## **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 as calculated by the existing square footage as of July 1, 2026, or if the project exceeds 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>Quantity</b> |
|---------------------------------------------------|-----------------|
| New Single Family                                 | 18              |
| Addition                                          | 6               |
| Alteration                                        | 3               |
| Minor                                             | 3               |
| Roof                                              | 1               |
| <b>Total</b>                                      | <b>31</b>       |

In addition, there have been 15 revisions to projects previously approved by ARB.

### **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, the Administration recommends that the Village Council consider adoption of the Ordinance on Second reading.

### **Attachments:**

1. BHV Staff Report

**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 or does 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 19, 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 19, 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 (i) that the application involves an increase of less than 30% of the square footage of an existing Building(s) on the Lot(s), with such square footage measured as of July 1, 2026, and (ii) 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 16<sup>th</sup> day of June, 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:**         **June 9<sup>th</sup>, 2026**

**Subject:**      **Bal Harbour Village**  
                 **Possible Land Development Code Revisions**  
                 **Architectural Review Board (ARB) Project Reviews**  
                 **MMPA Acct. No. 00-1103-0100**

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### **BACKGROUND**

Under current Florida Law (Chapter 163.3202 F.S) ,each local government is required to adopt a set of Land Development Regulations (LDRs) to implement their Comprehensive Plans and to regulate most land development activities. The Village's adopted Comprehensive Plan includes a number of so-called "Elements" (subject matter) as required by state law that includes both Supporting Documentation (Data / Text / Analysis / Maps / Exhibits / Etc.) and a set of Goals, Objectives, and Policies (GOPs). One of the required / provided Elements is the Future Land Use Element (FLUE). Within the Village's Code of Ordinances are various subject matters including a number of Chapters / Sections addressing all aspects of Land Development such as Zoning, Building, Landscaping, Subdivisions, Maintenance of Premises, Urban Design, Signage, and Other subjects.

The original land development in the Village was controlled by the developer under a set of private Deed Restrictions including Architectural Guidelines, which was common as modern Zoning type regulations became more prevalent in the 1950s – 1970s in America. Most of the development sites in the Village were originally approved by the developer. When the master developer sold the lands off the Village and local residents became involved with land development activities (new / renovations). The Village adopted its first Zoning Code in 1974 based mostly on the criteria set for in the original master developer Deed Restrictions (density / setbacks / building height /etc.). The Village was always envisioned as being a high-end community so many regulations are more strict.

In September 1992 the Village created its first Code provisions for an Architectural Review Board (ARB) which are located in Chapter 2 under Article III in Division 3. Also, Chapter 5.5 entitled Appearance Code was adopted setting forth the design standards for most Village land development.

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Over the years amendments have been made the various Codes which is common and suggested to keep Codes modern, up-to-date, compliant with state laws, and reflective of community desires. Most local governments have professional staff (Building Dept. / Code Enforcement / Planning & Zoning) to ensure Code compliance, and most also have an assigned entity (Architectural Review Board / Design Review Board / Planning & Zoning Board) to publicly review selected matters (new construction / major renovations / additions) for aesthetic and neighborhood compatibility purposes. Local government typically adopted lists of what needs to be reviewed by the appointed entity with exceptions for minor changes if the overall approved plans are in substantial conformity with the original approved plans. Sometimes this can be controversial if staff finds a change “minor” but a member of the Council / Advisory Board / neighbor(s) feel the plans that were presented / approved at a public meeting must be built. Typically these are exterior items (not interior floor plan changes). The Village has used this method for many years with the Building Official making a determination of what is “major” and “minor” or what must be reviewed / re-reviewed by the ARB. Obviously staff reviews all land development plans for Code compliance (FBC / Local Codes).

Recently some residents in the single-family gated area west of Collins Avenue have expressed some frustration with a formal ARB process for what are felt to be “minor” changes, even though the Building Official deems them “major” or too significant. This is often a “gray area” and staff can feel vulnerable to criticism – so a more conservative determination is made. Some residents are asking to expand the list of what can be approved administratively or what must be reviewed by the ARB.

## **ANALYSIS**

Following are applicable excerpts from the Village’s adopted FLUM GOPs:

### **BAL HARBOUR VILLAGE COMPREHENSIVE PLAN GOALS, OBJECTIVES, AND POLICIES FUTURE LAND USE ELEMENT**

**GOAL:** Maintain the high quality built environment of Bal Harbour by ensuring that all physical development activities adhere to the Village’s Land Development Regulations.

**Objective:** Maintain and enforce a current comprehensive set of Land Development Regulations (LDR’s).

**Policy:** Periodically review LDR’s to ensure they properly address all land development activities.

**Policy:** Those Density and Intensity Standards found in the Future Land Use Element shall be enforced rigidly.

## **SUMMARY / RECOMMENDATION**

The Civic Association recently approached the Village to look at this issue and possibly consider modifications to allow more “minor” changes to be approved administratively. They feel their HOA can chose to adopt / enforce private design standards for themselves.

MMPA suggests the Village Council consider the above analysis in their deliberations, and if found to be appropriate, amend the Code. MMPA believes BHV still needs some basic design control.

# BAL HARBOUR

- V I L L A G E -

## 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

- VILLAGE -

## COUNCIL 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 Village Council adopt 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 and revises off-street parking requirements for single-family detached dwellings.

This Ordinance was read on first reading at the May 19, 2026 Council Meeting. The administration recommends that the Village Council approve the attached Ordinance on second reading.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE.**

### Advisory Board Recommendation:

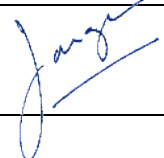
At its May 19, 2026 meeting, the Local Planning Agency reviewed the proposed ordinance and recommended approval to the Village Council.

### 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 -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager



DATE: June 16, 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 Village Council adopt the proposed second reading 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. Because this issue was not fully discussed during the first reading, it has been removed from the proposed Ordinance. Staff will continue to evaluate the matter and will bring it back to the Village Council for consideration at a future date.

At its May 19, 2026 meeting, the Local Planning Agency reviewed the proposed Ordinance and recommended approval to the Village Council. Subsequently, at the Regular Village Council meeting held on May 19, 2026, the proposed Ordinance was considered on first reading and approved by the Village Council.

### **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 garages.
- Residences containing more than three bedrooms must provide at least two enclosed garage parking spaces. During the first reading of the proposed Ordinance at the May 19, 2026, Regular Village Council meeting, the Council unanimously approved an amendment removing this limitation; and

- No dwelling unit may provide more than three garage parking spaces at the finished floor elevation. During the first reading of the proposed Ordinance at the May 19, 2026, Regular Village Council meeting, the Council unanimously approved an amendment removing this limitation.

These amendments are intended to ensure that residential properties continue to provide adequate on-site parking accommodation. 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, the Administration recommends that the Village Council consider adoption of the ordinance on second reading.

### **Attachments:**

1. BHV Staff Report

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.~~

~~No garage in the R-1 Single Family Residential District shall have an entry directly facing~~

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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 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 16<sup>th</sup> day of June, 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:**         **June 9<sup>th</sup>, 2026**

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

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### **BACKGROUND**

Under current Florida Law (Chapter 163.3202 F.S) ,each local government is required to adopt a set of Land Development Regulations (LDRs) to implement their Comprehensive Plans and to regulate most land development activities. One of those listed LDR criteria is for onsite motor vehicle traffic circulation and parking requirements. 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 some 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. Since the adoption of the original Village Zoning Code (LDRs) in 1974, the Code has included Off-Street Parking requirements for all land uses, including the minimum amount of required parking spaces, driveway design, parking lot design and other features. As related to single-family homes, the Code has required a minimum of two (2) parking spaces since inception. Some later Code refinements over the years included the location of those parking spaces (in a garage / carport), garage door orientation (allow door facing a street or not), driveway design, etc.

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## **ISSUE / ANALYSIS**

Most Zoning Codes have fairly common basic design standards such as quantity of parking spaces, the size of parking spaces, driveway design widths, etc. In some higher-end communities the Codes require higher design standards or more detailed standards. These may include items such as driveway materials (ex. no asphalt pavement), parking space location (inside structure / outdoors) and other design items such as vehicle visibility screening. In earlier times (1940s-1970s) the Village required mostly basic criteria (quantity of parking spaces) but left more detailed design features up to the builders / owners. In comparable modern high-end communities to the Village, at least two (2) parking spaces are typically required for a single-family home and they must be located within the home (garage). At some point we believe the Village required this in new homes. Some communities allow carports but they must be architecturally designed to match the home. Few still allow a free-standing carport made of exposed metal framing with canvas / other covering (BHV still has a few of these). Some newer homes in the Village include an integrated carport within the house envelope (ground level under a 2<sup>nd</sup> story portion above / no garage door / open sides. Some years ago, the Village modified the Zoning Code to require “at least one” of the two required parking spaces to be in an enclosed garage within a new home. Some owners seeking more A/C living area in older homes remodeled their homes to have only one parking space in a garage. The premise is that enclosed parking spaces will be used to park vehicles; however, because most Florida homes have limited storage areas, often parking garages become storage facilities – so the vehicles are parked outdoors, often in front yards which affects landscaping / drainage. In a few rare instances we have encountered a homeowner who collects exotic cars and wants them onsite, so they seek a home design with a smaller A/C area, but with a large parking garage (6+ vehicles often with lifts). As an example, nearby Bay Harbor Islands received a new home application with a 3-Bedroom home with a 15+/- enclosed parking garage – they recently changed their Code to limit interior garages to no more than 30% of a home floor area. Similarly that community does not require any enclosed garages for parking – but they noticed the front yards were mostly paved so they limited that as well.

In addition to local government LDRs, some developers include even more detailed design standards in their private Deed Restrictions. For some large lot developments (wide lots / multiple enclosed parking spaces in a garage) to avoid an unsightly architectural appearance along streets they ban front facing (toward a street) garage doors.

As mentioned above, some owners use their garages as storage facilities for household times – which can be very unsightly if a garage door is kept open. In 1999, a former Mayor of the Village brought this item before the Village Council – and the Village amended the Code as it is today – prohibiting new homes from having a garage door facing a street (front of house). Although the Village’s lots are larger than most in the area this has occasionally created hardships in some redevelopment homesites.

The Civic Association recently approached the Village to look at some existing design criteria and possibly consider modifications to allow more design freedom. They feel their HOA can choose to adopt / enforce private design standards for themselves.

## **RECOMMENDATION**

MMPA suggests the Village Council consider the above analysis in their deliberations, and if found to be appropriate, amend the Code. MMPA believes BHV still needs some basic design control.

# BAL HARBOUR

- V I L L A G E -

## 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 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 and garage design 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 -

## COUNCIL 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; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

### Issue:

Should the Village Council adopt 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:

- |                                                  |                                           |                                                                        |
|--------------------------------------------------|-------------------------------------------|------------------------------------------------------------------------|
| <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 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.

This Ordinance was read on first reading at the May 19, 2026 Council Meeting.

The administration recommends that the Village Council approve the attached Ordinance on second reading.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE.**

### Advisory Board Recommendation:

At its May 19, 2026 meeting, the Local Planning Agency reviewed the proposed ordinance and recommended approval 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 -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager



DATE: June 16, 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**

I am recommending that the Village Council adopt the proposed Ordinance on second reading 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.

At its May 19, 2026 meeting, the Local Planning Agency reviewed the proposed Ordinance and recommended approval to the Village Council. Subsequently, at the Regular Village Council meeting held on May 19, 2026, the proposed Ordinance was considered on first reading and approved by the Village Council.

During first reading, the proposed Ordinance was revised to clarify the following (1) cantilever projection allowance applies to the rear waterfront setbacks; (2) clarifying the definition of vacant lots subject to hedge screening requirements to include lots under unity of titles.

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, the Administration recommends that the Village Council consider adoption of the Ordinance on second reading.

#### **Attachments:**

1. BHV Staff Report

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 waterfront 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).

\* \* \*

#### **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. For purposes of this subsection, "vacant lots" includes, without limitation, any lot without a building that is being used for such purposes, whether or not it is

subject to a unity of title or other legal relationship with an adjacent lot with a building.

(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.

\* \* \*

**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 16<sup>th</sup> day of June, 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:** June 9<sup>th</sup>, 2026

**Subject:** Bal Harbour Village  
Possible Land Development Code Revisions  
Zoning Code Modifications – Supplemental District Regulations  
Outdoor Stairs / SFR Yard Encroachment / Hedges, Fences & Walls / Misc.)  
MMPA Acct. No. 00-1103-0100

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### **BACKGROUND**

Under current Florida Law (Chapter 163.3202 F.S), each local government is required to adopt a set of Land Development Regulations (LDRs) to implement their Comprehensive Plans and to regulate most land development activities. The Village's adopted Comprehensive Plan includes a number of so-called "Elements" (subject matter) as required by state law that includes both Supporting Documentation (Data / Text / Analysis / Maps / Exhibits / Etc.) and a set of Goals, Objectives, and Policies (GOPs). One of the required / provided Elements is the Future Land Use Element (FLUE). Within the Village's Code of Ordinances are various subject matters including a number of Chapters / Sections addressing all aspects of Land Development such as Zoning, Building, Landscaping, Subdivisions, Maintenance of Premises, Urban Design, Signage, and Other subjects.

The original land development in the Village was controlled by the developer under a set of private Deed Restrictions including Architectural Guidelines, which was common as modern Zoning type regulations became more prevalent in the 1950s – 1970s in America. Most of the development sites in the Village were originally approved by the developer. When the master developer sold the lands off the Village and local residents became involved with land development activities (new / renovations). The Village adopted its first Zoning Code in 1974 based mostly on the criteria set for in the original master developer Deed Restrictions (density / setbacks / building height /etc.).

The Village was always envisioned as being a high-end community so many regulations are more strict than basic zoning criteria found in more mid-level suburban communities.

Included in the Village's original 1974 Zoning Code (Chapter 21) was a subsection entitled "Supplemental District Regulations" found in Article IV. This Code section is a "catch-all" for miscellaneous zoning regulations that apply mostly throughout the Village rather than being specific to a certain Zoning District. These include provisions for yard encroachments such as architectural features on buildings protruding from an exterior wall, fences, walls and hedging criteria, stairs, patios & terraces, fire escapes, mechanical equipment placement and screening, pools / spas / pool decks, recreational facilities (tennis / other courts), etc. Over the years amendments have been made the various Codes which is common and suggested to keep Codes modern, up-to-date, compliant with state laws, and reflective of community desires. MMPA notes the Village's LDRs are fairly basic compared to other higher-end communities we have worked in (others much more detailed / strict).

Recently some residents in the single-family gated area west of Collins Avenue have expressed some interest in modifying certain LDRs or creating new LDRs to address desired site features - such as a fences and walls particularly related to FEMA flood requirements, accessory recreational courts such as tennis court, accessory shade structures over patios, other. In the Village staff's review of the applicable Code sections we discovered some outdated text as well.

## **ANALYSIS**

Following are applicable excerpts from the Village's adopted FLUM GOPs:

### **BAL HARBOUR VILLAGE COMPREHENSIVE PLAN GOALS, OBJECTIVES, AND POLICIES FUTURE LAND USE ELEMENT**

**GOAL:** Maintain the high quality built environment of Bal Harbour by ensuring that all physical development activities adhere to the Village's Land Development Regulations.

**Objective:** Maintain and enforce a current comprehensive set of Land Development Regulations (LDR's).

**Policy:** Periodically review LDR's to ensure they properly address all land development activities.

**Policy:** Those Density and Intensity Standards found in the Future Land Use Element shall be enforced rigidly.

The Ordinance that staff has prepared covers a number of suggested Zoning Code text modifications, but all in the Zoning Code (Chapter 21) and all in Article IV Supplemental District Regulations.

- In Section 21-354(b) Projections into Setback Areas additional clarification text is suggested to address outside stairs or landings when exiting a home. The height of such structures is suggested to stay the same but due to FEMA flood criteria the measurement will be adjusted due to common lot filling.

- In Section 21-354(e) Projections into Setback Areas for listed Architectural Features a new subsection (4) is proposed to allow R-1 waterfront lots an ability to add a cantilevered cover of an exterior patio. If allowed, such structures cannot be enclosed and no support structures (columns / posts) would be allowed. At present the Village Code does not allow any accessory structures within the 40' waterfront setback (trellis / pergola / etc.) that some owners have requested. At present they must use portable furniture like umbrellas (not a permanent structure).
- In Section 21-354(g) the Code has limited the placement of any mechanical equipment in minimum side yard setback for decades due to noise / appearance. Such equipment is allowed in the front / rear setback if screened properly or on a rooftop also if screened properly. Common mechanical equipment includes A/C units / pool equipment / Emergency Power Generators (EPG) / water softeners / etc.). Designers now place such equipment in built-in recesses of the home facades with door panels (metal / wood / other) or on rooftops with screening. Typically FPL / other utility boxes and associated conduit is located on the side of a home (in side setbacks) – a question arises about if that is considered a piece of mechanical equipment – staff feels it is not and wants to add clarity to the Code. Some communities (ex. Golden Beach) require that those facilities be painted to match the main home color. However, recently a new product has appeared referred to an “exterior tankless gas hot water heater” mounted on the exterior of a home versus a traditional electric / gas water heater found inside a garage or utility room. The water heater boxes are not very large, but for some reason the installation include an unsightly large “spaghetti” array of conduit / pipes / wiring. Staff suggests the Code be clarified to allow FPL / other utility boxes and water heater boxes but staff will require screening (enclosure / etc.) for any related conduit / piping.
- In Section 21-358 Walls, Fence and Landscape Plantings a number of Code modifications are suggested. First issue is where the allowable height of fences / walls / hedges is measured from. Since the Code was written in 1974, the height measurement has been from the average crown of road adjoining the site. When homes were built before FEMA existed and now homes must be built 5' +/- above the adjoining street / original lot grade a 5' tall fence or wall may have been acceptable and effective for privacy screening – but now almost ineffective. In today's world it is common to measure fence / wall heights from the finished grade of the lot (most new homes are elevated with a retaining wall and filled. The second issue is the allowable height of fence & walls. Since the 1974 Code was written the maximum allowed height has been 5' (4' max. in waterfront 40' setback). This is unusually short as compared to most cities – commonly 6' is allowed and is suggested. Lastly the Village Code is silent as to any regulations for recreational sports courts (tennis / racquet / basketball / padel / pickleball / etc.) such as location, setbacks, lighting, hours of operation, etc. There are just few tennis courts existing in the Village at this time – all are on larger lots and meet setbacks. Recently the Village received an application for a tennis court on a dry / interior lot (209 BBD). Due to the size of a typical regulation tennis court it was difficult for the owner to meet Code setback / fence heights even though the lot where the court is proposed is larger than most. As approved a portion of the “end” fence of the tennis court encroaches into the front (street) setback. They are requesting either a variance or Code modification to build that portion of the fence in the front 30' setback up to 10' tall with adequate landscape screening (hedges) fronting the street. Staff has drafted suggested Code modifications to address this current request and for future requests.

- In Section 21-358 Walls, Fence and Landscape Plantings in subsection (g) suggested Code amendments are proposed for hedges / other screening methods for vacant lots or lots used temporarily for construction staging / storage.

#### **RECOMMENDATION**

MMPA suggests the Village Council consider the above analysis in their deliberations, and if found to be appropriate, amend the Code.

# 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.



# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**A RESOLUTION SETTING THE METHOD OF ASSESSING COSTS AND DIRECTING THE PREPARATION OF THE ASSESSMENT ROLL RELATING TO THE PROVISION OF SECURITY AND LANDSCAPE SERVICES, FACILITIES AND PROGRAMS IN THE GATED RESIDENTIAL SECTION OF BAL HARBOUR VILLAGE.**

### Issue:

Should the Village Council direct the preparation of the Security and Landscape Assessment Roll and approve the initial assessment for FY 2026-27?

### The Bal Harbour Experience:

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

### Item Summary / Recommendation:

At its most recent meeting, the Bal Harbour Civic Association (BHCA) requested that the Village Council establish the assessment rates for Fiscal Year 2026-2027. Staff recommends approval of the request and the adoption of an initial assessment of \$8,500 per Single-Family Residential Unit, \$4,250 per Unimproved Property, and \$34,000 per Private Recreational Facility.

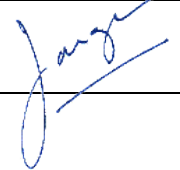
Compared to the current fiscal year, the assessment for Single-Family Residential Units would increase from \$6,500 to \$8,500. The assessments for Unimproved Properties and Private Recreational Facilities would also increase, from \$3,250 to \$4,250 and from \$26,000 to \$34,000, respectively.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.**

### Financial Information:

|  | Amount         | Account    | Account #    |
|--|----------------|------------|--------------|
|  | \$1,935,012.25 | Assessment | 11-29-325200 |

### Sign off:

|  |                         |                                                                                       |
|--|-------------------------|---------------------------------------------------------------------------------------|
|  | Chief Financial Officer | Village Manager                                                                       |
|  | Claudia Dixon           | Jorge M. Gonzalez                                                                     |
|  |                         |  |

# BAL HARBOUR

- V I L L A G E -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: June 16, 2026

SUBJECT: **A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE PROVISION OF SECURITY AND LANDSCAPE SERVICES, FACILITIES AND PROGRAMS IN THE GATED RESIDENTIAL SECTION OF BAL HARBOUR VILLAGE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SECURITY AND LANDSCAPE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE GATED RESIDENTIAL SECTION OF BAL HARBOUR, FLORIDA; DETERMINING THE COST OF SECURITY AND LANDSCAPE SERVICES, FACILITIES AND PROGRAMS AND THE INITIAL SECURITY AND LANDSCAPE ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

At its most recent meeting, the Bal Harbour Civic Association (BHCA) requested that the Village Council increase the assessment for Fiscal Year 2026-2027. It is recommended that the Council approve the request, direct the preparation of an initial Security and Landscape Assessment Roll for the FY 2026-27, and approve the Security and Landscape Assessment Rate sufficient to provide services within the gated community throughout the coming fiscal year. The proposed assessment rate as requested by the BHCA for FY 2026-27 would be \$8,500 for each Single-Family Residential Unit, half that number, \$4,250, for each Unimproved Property and \$34,000 for each Private Recreational Facility. Compared to the current fiscal year, the assessment for Single-Family Residential Units would increase from \$6,500 to \$8,500. The assessments for Unimproved Properties and Private Recreational Facilities would also increase, from \$3,250 to \$4,250 and from \$26,000 to \$34,000, respectively. For 239.63 units, it is estimated that these rates will generate at ninety-five percent approximately \$1,935,012.25.

### **BACKGROUND**

In FY 2012, the Village began the use of the tax bill method of collection for the imposition and collection of annual Security and Landscape Assessments for the provision of security and landscape services, facilities or programs against certain properties located within the gated residential section of the Village. As authorized by Section 18-121 of the Village Code, the Uniform Method of Collection is used to facilitate collection through the tax bills for the assessment.

The Security and Landscape Assessment provides for the maintenance of the security wall surrounding the Assessment Area, the maintenance and operation of the security gate; the provision, whether direct or indirect, of security personnel to operate the security gate; the provision, whether direct or indirect, of landscaping services (including the care, maintenance, replacement, installation of landscape materials on swales, medians, open space and parks), and paving and repaving of the roads within the Assessment Area. During Fiscal Year 2020-2021, paving costs were added as an eligible expense.

On January 30, 2018, the Village Council approved a Settlement Agreement between the Village and Bal Harbour Yacht Club, Inc.; Flamingo Way Enterprises, LLC; Park Preservation, LLC; Bal Harbour Civic Association, Inc.; and FSH Bal Harbour, LLC. In this agreement, the Village committed to continue to assess and collect the Village's security and landscape assessments for the gated portion of the residential section of Bal Harbour (the "Gated Community") to October 1, 2019, and for an additional period of eight years. At the June 16, 2020 Village Council meeting, amendments to the Milestone Agreement were approved by the Village Council. The amendment restated certain obligations, clarified responsibilities and extended the end date for collection of the assessment through FY 2047. The Village and the Bal Harbour Civic Association are currently negotiating amendments to the Milestone Agreement. Once both parties reach a consensus on the proposed changes, the amended agreement will be presented to the Village Council for consideration and approval.

### **ANALYSIS**

Village staff met with the BHCA representatives to review their budget, the expected expenses and to discuss the appropriate rate for the assessments for FY 2027. The gated community has requested that the assessment rate be set at for FY 2027 at \$8,500 for each Single-Family Residential Unit, half that number, \$4,250, for each Unimproved Property and \$34,000 for each Private Recreational Facility. Compared to the current fiscal year, the assessment for Single-Family Residential Units would increase from \$6,500 to \$8,500. The assessments for Unimproved Properties and Private Recreational Facilities would also increase, from \$3,250 to \$4,250 and from \$26,000 to \$34,000, respectively. The proposed rates are expected to fully fund anticipated recurring operating expenses, including a Property Manager and Construction Compliance Program, while also supporting key capital improvement initiatives. These initiatives include the streetlight replacement project, funding reserves for future paving repairs and replacements, and the development of a long-term capital improvement program. Funds collected for capital projects will be accumulated and reserved until sufficient funding is available to fully cover project costs. Capital projects will not be awarded or initiated until they are fully funded, ensuring prudent financial management and avoiding the need for debt financing or unplanned impacts on other Security and Landscape Fund resources.

Milling and repaving for the north phase were completed in November 2023. On the south side, Project 5A curb and gutter improvements were completed, and milling and paving were finished in November 2025. For the remaining south phase, Project 6B water main installation, including all curb and gutter work, was completed in November 2025. Final milling and paving are 98% complete and are expected to be finished in November 2026. Project 6A water main

installation was completed in April 2026, curb and gutter work was completed in June 2026, and milling and paving are anticipated to be completed by August 2026.

Looking ahead, Projects 5C, 5B, 3C/3D, and 7 are progressing on a staggered schedule through early 2027, with completion anticipated from mid- to late-FY 2027. These projects include sanitary sewer main replacement, stormwater infrastructure upgrades, curb and gutter improvements, and associated milling and paving work.

The action before Village Council is to approve the assessment rate to provide for services, for the coming fiscal year. The Proposed FY 2026-27 Budget for the Security and Landscape assessment will be presented in conjunction with the items at the first budget hearing in September 2026. The Final Assessment Resolution must be adopted no later than September 15, 2026.

In addition, following discussions held at the 2026 Council Retreat, staff will return at a future meeting with a proposal to establish a stormwater fee billing schedule. The purpose of this fee is to ensure that stormwater-related costs incurred within the gated area are fully funded by the properties that directly benefit from these services, rather than being subsidized by the Village's General Fund. Establishing a dedicated stormwater fee will provide a sustainable funding source for ongoing operations, maintenance, and future infrastructure needs, while helping to preserve General Fund resources for Village-wide services and priorities.

### **THE BAL HARBOUR EXPERIENCE**

Approving the initial assessment rate will ensure the Security and Landscape Assessment will be sufficient to provide services within the gated community throughout the coming fiscal year resulting in both a Beautiful Environment as well to provide enhanced Safety.

### **CONCLUSION**

As requested by the BHCA, adoption of this Resolution is recommended to direct the preparation of an initial Security and Landscape Assessment Roll for FY 2026-27 and approve an initial assessment rate equal to \$8,500 for each Single-Family Residential Unit, \$4,250 for each Unimproved Property, and \$34,000 for each Private Recreational Facility, an amount sufficient to provide for security and landscape program services for the coming fiscal year.

### **Attachments:**

1. Resolution Appendix A - Form of Notice to be Published

**RESOLUTION NO. 2026-\_\_\_\_**

**A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE PROVISION OF SECURITY AND LANDSCAPE SERVICES, FACILITIES AND PROGRAMS IN THE GATED RESIDENTIAL SECTION OF BAL HARBOUR VILLAGE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SECURITY AND LANDSCAPE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE GATED RESIDENTIAL SECTION OF BAL HARBOUR, FLORIDA; DETERMINING THE COST OF SECURITY AND LANDSCAPE SERVICES, FACILITIES AND PROGRAMS AND THE INITIAL SECURITY AND LANDSCAPE ASSESSMENTS; PROVIDING FOR A MAXIMUM RATE; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council (the "Council") of Bal Harbour Village, Florida (the "Village"), via Ordinance No. 2012-562, previously adopted Section 18-121 "Uniform Method of Collection of Security and Landscape Special Assessments" of Chapter 18 of the Village Code, which authorizes the use of the Uniform Method of Collection for the imposition and collection of annual Security and Landscape Assessments for the provision of security and landscape services, facilities or programs against certain properties located within the gated residential section of the Village (the "Assessment Area"), as described in Exhibit "A", a copy of which is attached hereto and incorporated herein); and

**WHEREAS**, the imposition of Security and Landscape Assessments for the provision of security and landscape services, facilities or programs is an equitable and efficient method of allocating and apportioning Security and Landscape Costs among parcels located in the Assessment Area; and

**WHEREAS**, the Council desires to continue the use of the Uniform Method of Collection of the annual Security and Landscape Assessments within the Assessment Area, in accordance with Village Ordinance No. 552, which is codified as Article IX ("Assessments" of Chapter 2) "Administration" of the Village Code (the "Master Assessment Ordinance"), and Section 18-121 "Uniform Method of Collection of Security and

Landscape Special Assessments” of Chapter 18 of the Village Code, for the Fiscal Year beginning on October 1, 2026, and

**WHEREAS**, the Bal Harbour Civic Association, Inc. has requested the assessment rate for FY 2027 be set at \$8,500 for each Single-Family Residential Unit, half that number, \$4,250, for each Unimproved Property and \$34,000 for each Private Recreational Facility; and

**WHEREAS**, the Village may establish a Maximum Assessment Rate, which is the maximum assessment rate in which the Village may impose without the need for providing mailed notice pursuant to the Uniform Assessment Collection Act (as defined in the Ordinance).

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

**Section 1. Authority.** This resolution is adopted pursuant to the provisions of Article IX of Chapter 2 and Section 18-121 of Chapter 18 of the Village Code, and Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

**Section 2. Purpose and Definitions.** This resolution constitutes the Initial Assessment Resolution as defined in the Master Assessment Ordinance. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Master Assessment Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Initial Assessment Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

**“Assessed Property”** means all parcels of land included on the Assessment Roll that receive a special benefit from the delivery of the service, facility or program identified in the Initial Assessment Resolution.

**“Assessment Area”** means the gated residential section of the Village as described in Exhibit “A”, attached hereto.

**“Building”** means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind.

**"Dwelling Unit"** means a Building, or a portion thereof, which is located upon Residential Property and lawfully used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family unit only. The term Dwelling Unit shall include individual units located within Multifamily Residential Establishments.

**"Maximum Assessment Rate"** means the maximum rates established under Section 5(D) herein for Security and Landscape Program Assessments.

**"Multifamily Residential Establishment"** means any structure other than a Single Family Residential Unit which is used, or constructed for use, as a multiple dwelling facility. Multifamily Residential Establishments shall include, without limitation, rooming houses, tourist courts, trailer parks, apartment buildings with rental or cooperative apartments, or multiple-story condominiums with common means of ingress and egress.

**"Private Recreational Facility"** means a privately owned facility located within the Assessment Area that is designed to provide recreational and social activities for its users and may include boat docks, tennis courts, swimming pools and buildings directly related to and supportive of the recreational activities.

**"Residential Property"** means all Improved Property containing a Single Family Residential Unit or Multifamily Residential Establishment.

**"Single Family Residential Unit"** means any structure which is used, or constructed for use, as a single-family dwelling, duplex or townhouse, and which is located on a single lot, parcel or tract of land. The term "Single Family Residential Unit" shall not include any Multifamily Residential Establishment.

**"Security and Landscape Program Assessment Roll"** means the Assessment Roll as defined in the Ordinances (Master Assessment Ordinance and Village Code Section 18-121) relating to the Security and Landscape Program Assessments.

**"Security and Landscape Program Assessment"** means an Assessment, as defined in the Master Assessment Ordinance, lawfully imposed by the Village against Assessed Property to fund all or any portion of the cost of the provision of Security and Landscape services, facilities, or programs (the "Security and Landscape Program") providing a special

benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the Assessed Property.

**"Security and Landscape Program Cost"** means the amount necessary to fund the Village's provision of the Security and Landscape Program that are allocable to Assessed Property during a Fiscal Year and shall include, but not be limited to: (A) the cost, whether direct or indirect, of all services, programs or facilities provided by the Village, or through contractual arrangements with the Village relating to the provision of security services, facilities or programs within the Assessed Area; (B) the cost, whether direct or indirect, of all services, programs or facilities provided by the Village or through contractual arrangements with the Village relating to the provision of landscaping services (including the care, maintenance, replacement, and installation of landscape materials on swales, medians, open space and parks) within the Assessed Area; (C) the cost of any indemnity or surety bonds and premiums for insurance; (D) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (E) the cost of computer services, data processing, and communications; (F) the cost of training, travel and per diem; (G) the recovery of unpaid or delinquent fees or charges advanced by the Village and due to the provision of Security and Landscape services, programs or facilities allocable to specific parcels; (H) the cost of engineering, financial, legal or other professional services; (I) all costs associated with the structure, implementation, collection, and enforcement of the Security and Landscape Program Assessments or a prior year's assessment for a comparable service, facility or program, including any service charges of the Tax Collector or Property Appraiser; (J) all other costs and expenses necessary or incidental to the acquisition, provision, or delivery of the services, programs or facilities funded by the Security and Landscape Program Assessment, and such other expenses as may be necessary or incidental to any related financing authorized by the Village Council; (K) a reasonable amount for contingency to provide for Security and Landscaping services within the Assessed Area of the Village during hurricanes or other extreme weather events; (L) a reasonable amount for contingency and anticipated delinquencies and uncollectible Security and Landscape Program Assessments; (M) expenditures made in the defense or support of the Security and Landscape Program and (N) reimbursement to the Village or

any other person for any monies advanced for any costs incurred by the Village or such person in connection with any of the foregoing items of Security and Landscape Cost.

**"Security and Landscape Program"** means the maintenance of the security wall surrounding the Assessment Area, the paving and repaving of the roads serving the Assessment Area, the maintenance and operation of the security gate; the provision, whether direct or indirect, of security personnel to operate the security gate; the provision, whether direct or indirect, of landscaping services (including the care, maintenance, replacement, and installation of landscape materials on swales, medians, open space and parks) within the Assessment Area.

**"Improved Property"** means all property within the Assessment Area on which a Building or other improvements have been placed or constructed, or for which a building permit for a Principal Building, as defined in Chapter 21 of the Village Code of Ordinances, has been issued and remains valid.

**Section 3. Legislative Determinations of Special Benefit and Fair Apportionment.** It is hereby ascertained, declared and determined that the Security and Landscape Program provides a special benefit to the Assessed Property based upon the following legislative determinations:

#### **General**

(A) Upon the adoption of this Initial Assessment Resolution determining the Security and Landscape Costs and identifying the Assessed Property to be included in the Assessment Roll, the legislative determinations of special benefit ascertained and declared in Section 2-372 of the Village Code are hereby ratified and confirmed.

(B) Pursuant to Section 18-121 of the Village Code, the Village has the general authority to impose fees for the provision of the Security and Landscape Program within its jurisdiction.

(C) The imposition of a recurring annual Security and Landscape Program Assessments is an alternative, equitable and efficient method to fairly and reasonably apportion and recover the Security and Landscape Costs experienced by the Village for the provision of the Security and Landscape Program within the Assessment Area.

#### **Special Benefit**

(D) The Security and Landscape services, facilities, and programs furnished by the Village possess a logical relationship to the use and enjoyment of the Assessed Property by providing: (1) Security and Landscaping services, facilities, and programs to the Owners and occupants of Assessed Property, (2) better service to Owners and tenants, (3) the enhancement of the aesthetic appeal and enjoyment of Assessed Property, and (4) the protection of property values and the health and safety of the Owners and occupants of Assessed Property resulting from the uniform delivery and availability of such services, facilities, and programs.

(E) The provision of comprehensive Security and Landscape services, facilities and programs furnished by or through the Village to Assessed Property enhances and strengthens the relationship of such services and programs to the use and enjoyment of Assessed Property within the Village.

#### **Apportionment**

(F) The size or value of Assessed Property does not determine the scope and cost of the Security and Landscape Program to be provided to such property. The use of Security and Landscape services, facilities, and programs is primarily driven by the existence of a Dwelling Unit or Private Recreational Facility, but also applies to Unimproved Property to a lesser extent.

(G) Apportioning the Security and Landscape Costs for Security and Landscape services provided to Residential Units within the Assessment Area on a per Dwelling Unit basis to Single Family Residential Properties as identified in Tax Roll data base, is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of apportioning Security and Landscape Costs. Unimproved Property shall be assessed at 50% of the rate established for Single Family Residential Properties. Private Recreational Facilities shall be assessed at 400% of the rate established for Single Family Residential Properties.

(H) Apportioning the Security and Landscape Costs for Security and Landscape Services provided to Multifamily Residential Establishments within the Assessment Area on a Dwelling Unit basis as identified in the Tax Roll data base, is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of

apportioning Security and Landscape Costs. Unimproved Property shall be assessed at 50% of the rate established for Single Family Residential Properties and Private Recreational Facilities shall be assessed at 400% of the rate established for Single Family Residential Properties in order to ensure there is a fair and reasonable apportionment of Security and Landscape Costs. Each Multifamily Residential Establishment shall be assessed at a rate which is the sum of (a) the Single Family Residential Unit rate for the first unit in the Multifamily Residential Establishment and (b) the product of 40% of the Single Family Residential Unit Rate multiplied by the number of remaining units in the Multifamily Residential Establishment. Each Dwelling Unit within a Multifamily Residential Establishment shall be apportioned an equal share of the Multifamily Residential Establishment rate. The Maximum Assessment Rate for any future fiscal year for each Dwelling Unit within a Single Family Residential Unit, for each Unimproved Property, and on each Multifamily Residential Establishment shall not exceed annually (5%) five percent of the prior fiscal year's annual assessment rate; unless notified otherwise.

**Section 4. Security and Landscape Services, Facilities and Programs.**

(A) Upon the imposition of Security and Landscape Program Assessments for the provision of Security and Landscape services, facilities or programs against Assessed Property located within the Assessment Area, the Village shall cause Security and Landscape services, facilities or programs to be provided to such Assessed Property. Security and Landscape Costs shall be paid from proceeds of the Security and Landscape Program Assessments.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property will be benefited by the Village's provision of Security and Landscape services, facilities or programs in an amount not less than the Security and Landscape Program Assessment upon such parcel computed in the manner set forth in this Initial Assessment Resolution.

**Section 5. Determination of Security Cost and Landscape Cost; Establishment of Initial Security and Landscape Program Assessments.**

(A) The Security and Landscape Cost to be assessed and apportioned among benefited parcels for the Fiscal Year beginning October 1, 2026, is \$2,036,855. The

approval of this Initial Assessment Resolution determines the amount of the Security and Landscape Cost.

(B) For the Fiscal Year in which Security and Landscape Service Assessments for the provision of Security and Landscape services, facilities or programs are imposed, the Security and Landscape Cost shall be allocated among all Assessed Property within the Assessment Area, based upon the number of Dwelling Units for such parcels. The portion of the Security and Landscape Service Assessment attributable to the cost of providing security and landscape services is \$8,500 for each Single Family Residential Unit, \$4,250 for each Unimproved Property and \$34,000 for each Private Recreational Facility. Each Multifamily Residential Establishment shall be assessed at a rate which is the sum of (a) the Single Family Residential Unit rate for the first unit in the Multifamily Residential Establishment and (b) the product of 40% of the Single Family Residential Unit Rate multiplied by the number of remaining units in the Multifamily Residential Establishment. Each Dwelling Unit within a Multifamily Residential Establishment shall be apportioned an equal share of the Multifamily Residential Establishment rate.

(C) The rate of the Security and Landscape Program Assessments established in this Initial Assessment Resolution shall be the rates applied by the Village Manager in the preparation of the initial Security and Landscape Program Assessment Roll for the Fiscal Year commencing October 1, 2026, as provided in Section 6 of this Initial Assessment Resolution.

(D) In order to provide for increases in Security and Landscape Program Costs subsequent to the Fiscal Year commencing October 1, 2026, a Maximum Assessment Rate for any future fiscal year for each Dwelling Unit within a Single Family Residential Unit, for each Unimproved Property, on each Multifamily Residential Establishment and the Private Recreational Facility shall not exceed annually (5%) five percent of the prior fiscal year's annual assessment rate; unless notified otherwise.

**Section 6. Security and Landscape Program Assessment Roll.**

(A) The Village Manager is hereby directed to prepare, or cause to be prepared, an initial Security and Landscape Program Assessment Roll for the Fiscal Year beginning October 1, 2026. Such initial Security and Landscape Program Assessment Roll shall

contain the following: (1) a summary description of all Assessed Property within the Village conforming to the description contained on the Tax Roll, (2) the name and address of the owner of record of each Assessed Property as shown on the Tax Roll, (3) the amount of the initial Security and Landscape Program Assessment for Security and Landscape services, facilities or programs, and (4) an accounting demonstrating the amount of the Security and Landscape Program Assessment attributable to the cost of providing security and landscaping services, facilities and programs. The initial Security and Landscape Program Assessment Roll shall be open to public inspection. The foregoing shall not be construed to require that the initial Security and Landscape Program Assessment Roll be in printed form if the amount of the Security and Landscape Program Assessment for each parcel of property can be determined by use of a computer terminal available to the public. Such Security and Landscape Program Assessment for each parcel of Assessed Property shall be computed by multiplying the applicable assessment rate by the number of Dwelling Units on the Assessed Property in accordance with Section 5 (B) above.

(B) It is hereby ascertained, determined, and declared that the foregoing method of determining the Security and Landscape Program Assessments for the provision of Security and Landscape services, facilities or programs (1) is a fair and reasonable method of apportioning the Security and Landscape Cost among parcels of Assessed Property and (2) is an equitable and efficient mechanism to address payment delinquencies and recover funds advanced for Security and Landscape services, facilities or programs which are allocable to specific parcels of Assessed Property.

**Section 7. Authorization of Public Hearing.**

There is hereby established a public hearing to be held at \_\_\_\_\_P.M., on\_\_\_\_\_, the \_\_\_\_ day of September 2026, in the Village Council Chamber, Village Hall, 655 - 96th Street, Bal Harbour, Florida, for the purpose of receiving and considering any comments on the Security and Landscape Program Assessments from affected property owners, including establishing the Maximum Rates.

**Section 8. Notice by Publication**

The Village Clerk shall publish a notice, as required by Section 2-384 of the Village Code and Chapter 50 Florida Statutes, in substantially the form attached hereto as

Appendix A. Such notice shall be published not later than 20 days prior to the date of the public hearing provided in Section 7, which is \_\_\_\_\_, 2026 on the Miami-Dade County website established for posting of legal notices in accordance with Chapter 50, Florida Statutes.

**Section 9. Notice by Mail.**

The Village Manager shall ensure that proper and timely notice is provided, if required, to the Owners of Assessed Property in a manner consistent with the requirements of the Village's Master Ordinance and Section 197.3632, Florida Statutes, which is at least 20 days prior to the date of the public hearing provided in Section 7 hereof.

**Section 10. Adjustment of Public Hearing Date.**

In the event that the public hearing date or time which is provided for herein is revised because of scheduling or other conflicts, the Village Manager shall revise or direct the revision of the required public notices to conform to the revised date and time of the public hearing.

**Section 11. Effective Date.**

This Initial Assessment Resolution shall take effect immediately upon its passage and adoption and shall serve to ratify any action earlier taken by the Village in furtherance of the purposes of this Resolution.

PASSED AND ADOPTED this 16<sup>th</sup> day of June, 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.

## APPENDIX A

### FORM OF NOTICE TO BE PUBLISHED

To Be Published by \_\_\_\_\_, 2026

#### **NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR SECURITY AND LANDSCAPE PROGRAM SPECIAL ASSESSMENTS**

Notice is hereby given that the Village Council of Bal Harbour Village, Florida, will conduct a public hearing to consider continuing to impose security and landscape special assessments against residential properties located within the Gated Residential Section of the Village, as described in Exhibit "A" attached hereto, and to authorize the continued collection of such assessments on the tax bill for the fiscal year beginning October 1, 2026, and future fiscal years.

The security and landscape special assessments will be imposed to fund the cost of providing security and landscaping services, facilities and programs provided to such properties. The Security and Landscape Cost to be assessed and apportioned among benefited parcels for the Fiscal Year beginning on October 1, 2026 is \$2,036,855.

The hearing will be held at \_\_\_\_\_ **P.M., on \_\_\_\_\_, the \_\_\_\_ day of September, 2026, in Council Chamber**, Village Hall, 655 - 96th Street, Bal Harbour, Florida, for the purpose of receiving public comment on the proposed assessments, and to impose the assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Village Council within 20 days of this notice. If a person decides to appeal any decision made by the Village Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Village Clerk at (305) 866-4633, at least two days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Village Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

The security and landscape assessments will be computed by multiplying the number of dwelling units on each parcel by the applicable rate of assessment. The annual rate of assessment for the upcoming fiscal year shall be \$8,500 for each Single Family Residential Unit, \$4,250 for each Unimproved Property and \$34,000 for each Private Recreational Facility. The Maximum Rates shall not exceed annually (5%) five percent of the prior fiscal year's annual assessment rate; unless notified otherwise. Each Multifamily Residential Establishment shall be assessed at a rate which is the sum of (a) the Single Family Residential Unit rate for the first unit in the Multifamily Residential Establishment and (b) the product of 40% of the Single Family Residential Unit Rate multiplied by the number of remaining units in the Multifamily Residential Establishment. Each Dwelling Unit within a Multifamily Residential Establishment shall be apportioned an equal share of the Multifamily Residential Establishment rate. Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessments are available for inspection at the office of the Village Clerk, located at Village Hall, 655 - 96th Street, Bal Harbour, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2026, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the Village at (305) 866-4633, Monday through Friday between 9:00 a.m. and 5:00 p.m.

**[INSERT MAP OF VILLAGE WHICH DEPICTS THE GATED RESIDENTIAL SECTION]**

VILLAGE CLERK

**EXHIBIT "A"**  
**GEOGRAPHIC BOUNDARIES OF ASSESSED AREA**

A portion of territorial boundaries of the municipality of Bal Harbour Village, in the County of Miami-Dade and State of Florida, described as follows:

- a. Lots 1 through 3, Block 12A, Resubdivision of Residential Section of Bal Harbour, Plat Book 53, page 15.
- b. All of Blocks 1, 2, 3, 4, 5 and 6, Residential Section of Bal Harbour, Plat Book 44, page 98.
- c. All of Blocks 9, 10, 11 and 12, Residential Section of Bal Harbour, Plat Book 44, page 98.
- d. Tract E, Residential Section of Bal Harbour, Plat Book 44, page 98.

(Excluding Lots 1 and 2 of Block 1 and Lot 3 of Block 12 A of District 3 as such District 3 is described in Village Code Sec. 18-111(a)(3)).



# BAL HARBOUR

- V I L L A G E -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**A RESOLUTION RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN BAL HARBOUR VILLAGE; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN BAL HARBOUR VILLAGE.**

### Issue:

Should the Village Council direct the preparation of the Solid Waste Assessment Roll and approve the initial Solid Waste Assessment for FY 2026-27?

### The Bal Harbour Experience:

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

### Item Summary / Recommendation:

It is recommended that the Village Council approve the initial Solid Waste Assessment for FY 2026-27 at a rate of \$344.89 per dwelling unit for multifamily residential properties and \$737.13 per single-family residential unit. The proposed assessment will fund residential solid waste and recycling collection and disposal services. This represents an increase from the current FY 2025-26 rates of \$328.47 per multifamily dwelling unit and \$702.03 per single-family residential unit.

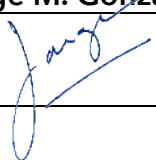
The proposed rate adjustment is intended to address rising operational costs and maintain the long-term financial sustainability of the program. Additional funding is needed to support: (1) anticipated contractually required cost increases associated with the solid waste services contract, and (2) increasing internal service costs that would otherwise place additional pressure on the General Fund. These adjustments will help ensure continued service reliability, fiscal stewardship, and the Village's ability to meet future service and operational needs.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.**

### Financial Information:

|  | Amount       | Account                | Account #    |
|--|--------------|------------------------|--------------|
|  | \$997,033.70 | Solid Waste Assessment | 01-34-325200 |

### Sign off:

|  |                         |                                                                                       |
|--|-------------------------|---------------------------------------------------------------------------------------|
|  | Chief Financial Officer | Village Manager                                                                       |
|  | Claudia Dixon           | Jorge M. Gonzalez                                                                     |
|  |                         |  |

# BAL HARBOUR

- V I L L A G E -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: June 16, 2026

SUBJECT: **A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN BAL HARBOUR VILLAGE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN BAL HARBOUR VILLAGE, FLORIDA; DETERMINING THE SOLID WASTE COST AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

It is recommended that the Council approve the initial Solid Waste Assessment for Fiscal Year Ending (FYE) 2026-27 at a rate of assessment equal to \$344.89 for each Dwelling Unit within a Multifamily Residential Establishment and \$737.13 for each Single-Family Residential Unit. These rates provide for Solid Waste and Recyclable Materials collection and disposal services to residential customers, which is an increase from the current year rate of \$328.47 within a Multifamily Residential Establishment and \$702.03 for each Single-Family Residential Unit. The proposed rate increases are intended to address rising operational costs by providing additional funding for two key areas: (1) anticipated cost increases under the renegotiated solid waste contract, and (2) increased internal service costs that impact the General Fund. These adjustments will help maintain service levels, support fiscal responsibility, and ensure the Village's long-term financial sustainability.

### **BACKGROUND**

To provide solid waste and recyclable materials services, the imposition of an annual Solid Waste Service Assessment was implemented in 2011 as an equitable and efficient method of allocating and apportioning solid waste costs among parcels of assessed property by Ordinance No. 2011-552. Adoption of this initial assessment Resolution provides for the determination of Solid Waste Costs and the identification of the assessed property for inclusion in the assessment roll for the provision of solid waste services. The provision of Additional Solid Waste and Recyclable Materials Services to any Single Family Residential Unit or any Multifamily Residential Establishments, which increases the Solid Waste Cost to the Village shall be billed separately to those Single Family Residential Units or Multifamily Residential Establishment that request and receive such Additional Solid Waste and

Recyclable Materials Services and must be paid in addition to the Solid Waste Service Assessment.

### **ANALYSIS**

Based on a combined 2,844 units, the rate of \$344.89 for each Dwelling Unit within a Multifamily Residential Establishment and \$737.13 for each Single-Family Residential Unit will generate approximately \$997,033.70 budgeted at ninety-five percent to provide for solid waste collection services through FY 2026-27 using the tax bill method of collection.

On April 27, 2012, Bal Harbour Village entered into an agreement with Progressive Waste Solutions of FL, Inc. d/b/a Waste Connections of Florida for residential solid waste, bulk waste, and recycling collection services. To secure a long-term commitment, the parties approved an amendment to the agreement on November 27, 2017, followed by an additional amendment approved by the Village Council in September 2025. Under the current agreement, service rates are adjusted annually based on the Consumer Price Index (CPI), with increases capped at 5%.

In April 2026, the Council approved a fee schedule for additional solid waste and recycling services requested by single-family residences and multifamily residential properties. The cost of these additional services is billed directly to the requesting property and must be paid separately from the annual Solid Waste Service Assessment.

The Final Assessment Resolution must be adopted no later than September 15, 2026. The required public hearing for the final solid waste assessment will coincide with the Village's first public budget hearing, no later than September 15, 2026.

### **THE BAL HARBOUR EXPERIENCE**

Approving the initial assessment rate will ensure the Solid Waste Assessment is sufficient to provide Solid Waste and Recycling Materials collection and disposal services to residential customers throughout the coming fiscal year, resulting in a Resilient and Sustainable Community.

### **CONCLUSION**

Adoption of this Resolution is recommended to direct the preparation of an initial Solid Waste Assessment Roll for FY 2026-27 and approve an initial assessment rate equal to \$344.89 for each Dwelling Unit within a Multifamily Residential Establishment and \$737.13 for each Single-Family Residential Unit, an amount sufficient to provide for solid waste and recyclable materials collection and disposal services for the coming fiscal year.

### **Attachments:**

1. Resolution Appendix A - Form of Notice to be Published

RESOLUTION NO. 2026-\_\_\_\_

A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN BAL HARBOUR VILLAGE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN BAL HARBOUR VILLAGE, FLORIDA; DETERMINING THE SOLID WASTE COST AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; PROVIDING FOR A MAXIMUM ASSESSMENT RATE; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Village Council (the "Council") of Bal Harbour Village, Florida (the "Village"), currently provides for the imposition of an annual Solid Waste Service Assessment for Solid Waste and Recyclable Materials collection and disposal services, facilities or programs against certain Assessed Property within the Village; and

**WHEREAS**, the continued imposition of a Solid Waste Service Assessment for Solid Waste and Recyclable Materials Services, facilities or programs for Residential Properties is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessed Property located in the Village; and

**WHEREAS**, the Council desires, as provided herein, to continue an annual Solid Waste and Recyclable Materials assessment program within the Village, using the Uniform Method of Collection for the Fiscal Year which commences on October 1, 2026.

**WHEREAS**, pursuant to the provisions of the Ordinance, the Village may establish a Maximum Assessment Rate, which is the maximum assessment rate in which the Village may impose without the need for providing mailed notice pursuant to the Uniform Assessment Collection Act (as defined in the Ordinance); and

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

**Section 1.**    **Authority.** This resolution is adopted pursuant to the provisions of Section 16-5 of the Village Code, and Article IX of Chapter 2 of the Village Code

(collectively, the "Ordinance"), and sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

**Section 2. Purpose and Definitions.** This resolution constitutes the Initial Assessment Resolution as defined in the Ordinance. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Initial Assessment Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

**"Additional Solid Waste and Recyclable Materials Services"** means those Solid Waste and Recyclable Materials Services requiring a total number of bins in excess of the number of bins provided to each Dwelling Unit and additional collection times for such collection and disposal service to any Single Family Residential Unit and any Multifamily Residential Establishment. Such Additional Solid Waste and Recyclable Materials Services include additional bins or additional collections above that which are to be provided to each Dwelling Unit for each Multifamily Residential Establishment.

**"Assessed Property"** means all parcels of land included on the Assessment Roll that receive a special benefit from the delivery of the Solid Waste and Recyclable Materials Services, facility or program identified in the Initial Assessment Resolution.

**"Biohazardous Waste"** means any waste which may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts, laboratory and veterinary waste which contains human disease-causing agents, used disposable sharps, human blood, and human blood products and body fluids, and other materials which represent a significant risk of infection to persons outside of the generating facility.

**"Building"** means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a Building.

**"Commercial Establishment"** means any structure used or constructed for use for business operations. For purposes of this article, hotels, hotel-condominiums and motels

are commercial establishments. The term "commercial establishment" shall not include any residential unit or multifamily residential establishment.

**"Construction Debris"** means materials generally not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, or roofing material, pipe, gypsum wallboard, and lumber. Construction Debris shall include materials from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, stumps, and other vegetative matter which normally results from land clearing or land development operations for a construction or home improvement project.

**"Dwelling Unit"** means a Building, or a portion thereof, which is located upon Residential Property and lawfully used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family unit only. The term Dwelling Unit shall include individual units located within Multifamily Residential Establishments.

**"Garbage"** means every refuse accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of, meats, fish, fowl, fruit or vegetables, and decay, putrefaction and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ carrying insects.

**"Hazardous Waste"** means waste which requires special handling, including, but not limited to explosives, wet cell lead acid batteries, pathological wastes, radioactive materials, acidic, caustic, toxic, highly flammable chemicals, paints, petroleum products or cleaning fluids.

**"Improved Property"** means all Residential Property within the incorporated area of the Village on which a Building or other improvements have been placed or constructed, which improvements result in such property generating Solid Waste or being capable of generating Solid Waste.

**"Maximum Assessment Rate"** means the maximum rates established under Section 5(D) herein for Solid Waste Service Assessments.

**"Multifamily Residential Establishment"** means any structure, other than a Single-Family Residential Unit, which is used, or constructed for use, as a multiple dwelling facility. Multifamily residential establishments shall include, without limitation, rooming houses, tourist courts, trailer parks, apartment buildings with rental or cooperative apartments, or multiple-story condominiums with common means of ingress and egress. The term Multifamily Residential Establishments shall not include buildings operated as hotel-condominiums. Hotel-condominiums constitute Commercial Establishments hereunder.

**"Noncombustible Refuse"** means refuse materials that are unburnable at ordinary incinerator temperature, eight hundred (800) degrees to eighteen hundred (1800) degrees, such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts and other similar material or refuse not usual to housekeeping or to operation of stores or offices.

**"Prohibited Waste"** means any Noncombustible Refuse, Hazardous Waste, Biohazardous Waste, or Special Waste.

**"Recyclable Materials"** means materials which would be Garbage, commercial refuse, industrial refuse or rubbish but for the fact that it is usable and/or has commercial value.

**"Residential Property"** means all Improved Property containing a Single-Family Residential Unit or Multifamily Residential Establishment.

**"Single Family Residential Unit"** means any structure which is used, or constructed for use, as a single-family dwelling, duplex or townhouse, and which is located on a single lot, parcel or tract of land. The term "Single Family Residential Unit" shall not include any Multifamily Residential Establishment.

**"Solid Waste"** includes Garbage, Trash, Yard and Garden Waste, White Goods, or other discarded material resulting from normal housekeeping activities, and shall exclude Prohibited Waste. The term Solid Waste shall also include debris that accumulates on property within the Village during hurricanes and other extreme storm events.

**"Solid Waste and Recyclable Materials Services"** means those services relating to Solid Waste and Recyclable Materials collection and disposal provided to each Single Family Residential Unit and each Multifamily Residential Establishment, which includes the

number of bins provided and the number of days of collection to each Single Family Residential Unit and each Multifamily Residential Establishment which is necessary to service a typical Dwelling Unit in a Multifamily Residential Establishment and a typical Single Family Residential Unit.

**"Solid Waste Assessment Roll"** means the Assessment Roll as defined in the Ordinance relating to the Solid Waste Service Assessments.

**"Solid Waste Service Assessment"** means an Assessment, as defined in the Ordinance, lawfully imposed by the Village against Assessed Property to fund all or any portion of the cost of the provision of Solid Waste and Recyclable Materials Services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the Assessed Property.

**"Solid Waste Cost"** means the amount necessary to fund the Village's collection and disposal of Solid Waste and the recycling activities of Recyclable Materials that are allocable to Assessed Property during a Fiscal Year and shall include, but not be limited to: (A) the cost, whether direct or indirect, of all services, programs or facilities provided by the Village, or through contractual arrangements with the Village relating to Solid Waste and Recyclable Materials collection and disposal services, facilities or programs; (B) the cost of any indemnity or surety bonds and premiums for insurance; (C) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (D) the cost of computer services, data processing, and communications; (E) the cost of training, travel and per diem; (F) the recovery of unpaid or delinquent fees or charges advanced by the Village and due for Solid Waste and Recyclable Materials management and disposal services, programs or facilities allocable to specific parcels; (G) the cost of engineering, financial, legal or other professional services; (H) all costs associated with the structure, implementation, collection, and enforcement of the Solid Waste Service Assessments or a prior year's assessment for a comparable service, facility or program, including any service charges of the Tax Collector or Property Appraiser; (I) all other costs and expenses necessary or incidental to the acquisition, provision, or delivery of the services, programs or facilities funded by the Solid Waste Service Assessment, and such

other expenses as may be necessary or incidental to any related financing authorized by the Village Council; (J) a reasonable amount for contingency to provide for clearing, removing and disposal of debris accumulated on property within the Village during hurricanes or other extreme weather events; (K) a reasonable amount for contingency and anticipated delinquencies and uncollectible Solid Waste Service Assessments; and (L) reimbursement to the Village or any other Person for any monies advanced for any costs incurred by the Village or such Person in connection with any of the foregoing items of Solid Waste Cost.

**"Special Waste"** means Solid Waste that requires special handling and management, including, but not limited to, asbestos, whole tires, used tires, used oil, lead acid batteries, and Biohazardous Wastes and shall include items that exceed any size limitations for Yard and Garden Waste or other bulk trash.

**"Trash"** means refuse, accumulations of paper, excelsior, rags or wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places; and any bottles, cans or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water breeding insects. Trash shall not include Noncombustible Refuse.

**"Unimproved Property"** means any vacant lot located within the Village.

**"White Goods"** means discarded appliances, including but not limited to stoves, refrigerators, dishwashers, washing machines, dryers, water heaters, air conditioners, and heating units.

**"Yard and Garden Waste"** means grass, leaves, tree or shrubbery cuttings incidental to the care of lawns and gardens. This includes large tree or shrubbery cuttings including tree limbs and logs less than four (4) inches in diameter and no more than five (5) feet in length, stumps less than fifteen (15) inches in diameter or fifty (50) pounds in weight and palm fronds, but excluding debris from unimproved lots, soil and sod.

**Section 3. Legislative Determinations of Special Benefit and Fair Apportionment.** It is hereby ascertained, declared and determined that the Solid Waste

Costs provide a special benefit to the Assessed Property based upon the following legislative determinations:

### **General**

(A) Upon the adoption of this Initial Assessment Resolution determining the Solid Waste Costs and identifying the Assessed Property to be included in the Assessment Roll, the legislative determinations of special benefit ascertained and declared in Section 2-372 of the Village Code are hereby ratified and confirmed.

(B) Pursuant to Section 16-5 of the Village Code, the Village has the general authority to impose fees for the collection and transport of Solid Waste and Recyclable Materials generated within its jurisdiction to appropriate disposal facilities.

(C) The existence of any Building or other improvement on Improved Property results in such property generating Solid Waste and Recyclable Materials or being capable of generating Solid Waste and Recyclable Materials.

(D) The imposition of a recurring annual Solid Waste Service Assessment is an alternative, equitable and efficient method to fairly and reasonably apportion and recover the Solid Waste Costs experienced by the Village for the provision of Solid Waste collection services to Residential Property within the area assessed.

### **Special Benefit**

(E) The Solid Waste and Recyclable Materials Services, facilities, and programs furnished by the Village possess a logical relationship to the use and enjoyment of Assessed Property by providing: (1) Solid Waste and Recyclable Materials Services, facilities, and programs to the Owners and occupants of Residential Property for proper, safe, and cost effective disposal of Solid Waste and Recyclable Materials generated on such property, (2) better service to Owners and tenants, (3) the enhancement of environmentally responsible use and enjoyment of Residential Property, and (4) the protection of property values and the health and safety of the Owners and occupants of Residential Property resulting from the uniform delivery and availability of such Solid Waste and Recyclable Materials Services, facilities, and programs.

(F) The provision of comprehensive Solid Waste and Recyclable Materials Services, facilities and programs furnished by or through the Village to Assessed Property enhances and strengthens the relationship of such services, facilities and programs to the use and enjoyment of Assessed Property within the Village.

### **Apportionment**

(G) The size or value of Assessed Property does not determine the scope and cost of Solid Waste and Recyclable Materials Services to be provided to such property. The use of Solid Waste and Recyclable Materials Services, facilities, and programs is driven by the existence of a Dwelling Unit.

(H) Apportioning the Solid Waste Costs for Solid Waste and Recyclable Materials Services provided to each Single Family Residential Units within the incorporated area of the Village on a per Dwelling Unit basis to single family residential properties as identified in Tax Roll data base, is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of apportioning Solid Waste Costs for providing Solid Waste and Recyclable Materials Services.

(I) Apportioning the Solid Waste Costs for Solid Waste and Recyclable Materials Services provided to Multifamily Residential Establishments within the incorporated area of the Village on a Dwelling Unit basis as identified in the Tax Roll data base, is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of apportioning Solid Waste Costs for providing Solid Waste and Recyclable Materials Services.

(J) The owners of Commercial Properties shall obtain Solid Waste and Recyclable Materials collection and disposal services from an authorized franchisee of the Village at their own expense. The Village shall not provide for the collection of Solid Waste and Recyclable Materials from Commercial Properties located within the Village. Accordingly, Commercial Properties shall not be assessed pursuant to this Resolution.

(K) The provision of Additional Solid Waste and Recyclable Materials Services to any Single Family Residential Unit or any Multifamily Residential Establishment which increases the Solid Waste Cost to the Village shall be billed separately to those Single

Family Residential Units or Multifamily Residential Establishments that request and receive such Additional Solid Waste and Recyclable Materials Services and must be paid in addition to the Solid Waste Service Assessment.

**Section 4. Solid Waste and Recyclable Materials Services.**

(A) Upon the imposition of Solid Waste Service Assessment against Assessed Property located within the Village, the Village shall cause Solid Waste and Recyclable Materials Services, facilities or programs to be provided to such Assessed Property. Solid Waste Costs for Solid Waste and Recyclable Material Services, facilities or programs shall be paid from proceeds of the Solid Waste Service Assessments. Any Solid Waste Cost relating to the provision of Additional Solid Waste and Recyclable Materials Services shall be separately billed and paid by the recipient of such Additional Solid Waste and Recyclable Materials Services.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property will be benefited by the Village's provision of Solid Waste and Recyclable Materials Services, facilities or programs in an amount not less than the Solid Waste Service Assessment upon such parcel computed in the manner set forth in this Initial Assessment Resolution.

**Section 5. Determination of Solid Waste Cost; Establishment of Initial Solid Waste Service Assessments.**

(A) The Solid Waste Cost to be assessed and apportioned among benefited parcels for the Fiscal Year beginning October 1, 2026, is \$1,049,509.16 for Solid Waste and Recyclable Materials Services, facilities or programs. The approval of this Initial Assessment Resolution determines the amount of the Solid Waste Cost for Solid Waste and Recyclable Materials Services, facilities or programs.

(B) For the Fiscal Year in which Solid Waste Service Assessments for Solid Waste and Recyclable Materials Services, facilities or programs are imposed, the Solid Waste Cost shall be allocated among all Assessed Property within the Village, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. A rate of assessment equal to \$344.89 for each Dwelling Unit within a Multifamily Residential Establishment and \$737.13 for each Single-Family Residential Unit for Solid

Waste and Recyclable Materials Services, facilities and programs is hereby approved for the Fiscal Year beginning October 1, 2026. The assessment rates established herein do not exceed five percent (5%) of last year's assessment rates and are therefore within the Maximum Rate established.

(C) The rate of the Solid Waste Service Assessments established in this Initial Assessment Resolution shall be the rates applied by the Village Manager in the preparation of the initial Solid Waste Assessment Roll for the Fiscal Year commencing October 1, 2026, as provided in Section 6 of this Initial Assessment Resolution.

(D) In order to provide for increases in Solid Waste Costs for Solid Waste and Recyclable Materials Services, facilities and programs subsequent to the Fiscal Year commencing October 1, 2026, a Maximum Assessment Rate for any future fiscal year for each Dwelling Unit within a Multifamily Residential Establishment and for each Single-Family Residential Unit on each parcel shall not exceed annually (5%) five percent of the prior fiscal year's annual assessment rate; unless notified otherwise.

**Section 6. Solid Waste Assessment Roll.**

(A) The Village Manager is hereby directed to prepare, or cause to be prepared, an initial Solid Waste Assessment Roll for the Fiscal Year beginning October 1, 2026. Such initial Solid Waste Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the Village conforming to the description contained on the Tax Roll, (2) the name and address of the owner of record of each Assessed Property as shown on the Tax Roll, and (3) the amount of the initial Solid Waste Service Assessment. The initial Solid Waste Assessment Roll shall be open to public inspection. The foregoing shall not be construed to require that the initial Solid Waste Assessment Roll be in printed form if the amount of the Solid Waste Service Assessment for each parcel of property can be determined by use of a computer terminal available to the public. Such Solid Waste Service Assessment for each parcel of Assessed Property shall be computed by multiplying the applicable assessment rate by the number of Dwelling Units on the Assessed Property in accordance with Section 5 (B) above.

(B) It is hereby ascertained, determined, and declared that the foregoing method of determining the Solid Waste Service Assessments (1) is a fair and reasonable

method of apportioning the Solid Waste Cost for Solid Waste and Recyclable Materials Services, facilities or programs among parcels of Assessed Property and (2) is an equitable and efficient mechanism to address payment delinquencies and recover funds advanced for Solid Waste and Recyclable Materials Services, facilities or programs which are allocable to specific parcels of Assessed Property.

**Section 7. Authorization of Public Hearing.**

There is hereby established a public hearing to be held at \_\_\_\_\_ P.M., on \_\_\_\_\_, the \_\_\_\_ day of September 2026, in the Village Council Chamber, Village Hall, 655 - 96th Street, Bal Harbour, Florida, for the purpose of receiving and considering any comments on the Solid Waste Service Assessments from affected property owners, including the proposed Maximum Assessment Rate.

**Section 8. Notice by Publication.**

The Village Clerk shall publish a notice, as required by Section 2-384 of the Village Code and Chapter 50, Florida Statutes, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than twenty days prior to the date of the public hearing established in Section 7, which is \_\_\_\_\_, 2026 on the Miami-Dade County website established for posting of legal notices in accordance with Chapter 50, Florida Statutes.

**Section 9. Notice by Mail.**

The Village Manager shall ensure that proper and timely notice is provided, if required, to the Owners of Assessed Property in a manner consistent with the requirements of the Village's Ordinance and Section 197.3632, Florida Statutes.

**Section 10. Adjustment of Public Hearing Date.**

In the event that the public hearing date or time which is provided for herein is revised because of scheduling or other conflicts, the Village Manager shall revise or direct the revision of the required public notices to conform to the revised date and time of the public hearing.

**Section 11. Effective Date.**

This Initial Assessment Resolution shall take effect immediately upon its passage and adoption and shall serve to ratify any action earlier taken by the Village in furtherance of the purposes of this Resolution.

PASSED AND ADOPTED this 16<sup>th</sup> day of June, 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.

## APPENDIX A

### FORM OF NOTICE TO BE PUBLISHED

To Be Published by \_\_\_\_\_, 2026

#### **NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS SERVICE SPECIAL ASSESSMENTS**

Notice is hereby given that the Village Council of Bal Harbour Village, Florida, will conduct a public hearing to consider continuing to impose solid waste and recyclable materials special assessments against residential properties located within the incorporated area of the Village and to authorize the continued collection of such assessments on the tax bill for the fiscal year which commences on October 1, 2026 and future fiscal years.

The Solid Waste Service Assessments will be imposed to fund the cost of Solid Waste and Recyclable Materials Services, facilities and programs provided to such properties. The Solid Waste Costs to be assessed and apportioned among benefited parcels for the Fiscal Year beginning on October 1, 2026 is \$1,049,509.16.

The hearing will be held at \_\_\_\_\_ **P.M., on \_\_\_\_\_, the \_\_\_\_ day of September, 2026, in Council Chamber,** Village Hall, 655 - 96th Street, Bal Harbour, Florida, for the purpose of receiving public comment on the proposed assessments and to impose the assessment. All affected property owners have a right to appear at the hearing and to file written objections with the Village Council within 20 days of this notice. If a person decides to appeal any decision made by the Village Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Village Clerk at (305)866-4633, at least two days prior to the date of the hearing.

**Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Village Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.**

| The                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Solid | Waste | Service |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|---------|
| Assessments will be computed by multiplying the number of dwelling units on each parcel by the applicable rate of assessment. The annual rate of assessment for the upcoming fiscal year shall be \$344.89 for each Multifamily Residential Establishment's Dwelling Unit within a multifamily residential building and \$737.13 for each Single-Family Residential Unit Dwelling Unit on each parcel. The Maximum Assessment Rate shall not exceed annually (5%) five percent from the prior fiscal year's annual assessment rate, unless notified otherwise. Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessments are available for inspection at the office of the Village Clerk, located at Village Hall, 655 - 96th Street, Bal Harbour, Florida. |       |       |         |

The assessments will be collected on the ad valorem tax bill to be mailed in November 2026, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the Village at (305) 866-4633, Monday through Friday between 9:00 a.m. and 5:00 p.m.

**[INSERT MAP OF VILLAGE]**

**VILLAGE CLERK  
BAL HARBOUR VILLAGE, FLORIDA**



# BAL HARBOUR

- V I L L A G E -

## DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: Seth E. Salver, Mayor

DATE: June 16, 2026

SUBJECT: **Discussion Regarding Establishing a Threshold for Multi-Family Projects  
Requiring an ARB Certificate of Appropriateness**

Please place an item on the June 16, 2026, Village Council Meeting Agenda for a discussion regarding establishing a threshold for multi-family projects requiring an ARB Certificate of Appropriateness.



# BAL HARBOUR

- V I L L A G E -

## DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: Alejandro Levy, Councilman

DATE: June 16, 2026

SUBJECT: **Discussion Regarding a Pilot Program to Extend Morning Fitness Room Hours at the Bal Harbour Village Waterfront Park**

Please place an item on the June 16, 2026, Village Council Meeting Agenda for a discussion regarding a pilot program to open the Bal Harbour Village Waterfront Park fitness room at 6:00 or 7:00 a.m. instead of 9:00 a.m. With several buildings currently undergoing renovations to their common areas, and a growing number of residents requesting earlier access, it would be worthwhile to consider a pilot program to extend the fitness room operating hours in the mornings.



# BAL HARBOUR

- V I L L A G E -

## DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: Alejandro Levy, Councilman

DATE: June 16, 2026

SUBJECT: **Discussion Regarding a Community CPR and AED Training Program for Residents**

Please place an item on the June 16, 2026, Village Council Meeting Agenda for a discussion regarding offering Community CPR and AED training to our residents. As we enter the summer months and our parks and recreational facilities become increasingly busy, I would like to explore offering CPR and AED training to our residents. This could also be extended to Village staff and the many nannies and caregivers who spend significant time caring for children within our community.

Early CPR and AED intervention can make a critical difference in cardiac emergencies, drowning incidents, and other life-threatening situations. Providing this training would help strengthen community preparedness and potentially save lives.



# BAL HARBOUR

- V I L L A G E -

## DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: Buzzy Sklar, Councilman

DATE: June 16, 2026

SUBJECT: **Discussion Regarding Enforcement Measures Against Developers Who Continually Violate the Village's Code**

Please place an item on the June 16, 2026, Village Council Meeting Agenda for a discussion regarding what measures the Village can take against developers who continually violate our code enforcement rules.



# BAL HARBOUR

- V I L L A G E -

## DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: Buzzy Sklar, Councilman

DATE: June 16, 2026

SUBJECT: **Discussion Regarding an Update on the Electric Bike and Scooter Ordinance**

Please place an item on the June 16, 2026, Village Council Meeting Agenda for a discussion regarding an update on the status of the electric bike and scooter ordinance.



# BAL HARBOUR

- V I L L A G E -

## MEMORANDUM

TO: Honorable Mayor and Council

FROM: Dwight S. Danie, Village Clerk 

DATE: June 10, 2026

RE: Lobbyist Registration Report

| Name of Lobbyist     | Principal Represented                                    | Date Registered |
|----------------------|----------------------------------------------------------|-----------------|
| Ian DeMello          | Mathew Whitman Lazenby                                   | 12/23/25        |
| John Shubin          | Mathew Whitman Lazenby                                   | 12/23/25        |
| Robert Lincoln       | Mathew Whitman Lazenby                                   | 12/23/25        |
| Thomas Robertson     | Bal Harbour Civic Association                            | 01/13/26        |
| Wesley Hevia         | Richard Alman & Robin Alman                              | 01/20/26        |
| Carter McDowell      | LK Hotel, LLC                                            | 01/20/26        |
| Nicholas Noto        | Carlton Terrace Owner                                    | 01/20/26        |
| Caroline Travis      | Bal Harbour Shops LLC                                    | 01/27/26        |
| Ivor Nicholas Massey | Bal Harbour Shops LLC                                    | 01/27/26        |
| Benjamin Elias       | Bal Harbour Shops LLC                                    | 01/27/26        |
| Eitan Zimerman       | Bal Harbour Civic Association                            | 04/20/26        |
| Amanda Quirke Hand   | Bal Harbour North South<br>Condominium Association, Inc. | 04/27/26        |



# BAL HARBOUR

- VILLAGE -

## MEMORANDUM

TO: Honorable Mayor and Council

FROM: Susan L. Trevarthen *SLT*

DATE: June 16, 2026

RE: Monthly Report of Village Attorney for May 2026 Activities

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Here is the monthly report on the Village Attorney's activities. While we attend to Village business and confer with Village officials continuously, this report highlights specific tasks and projects for the month. Please contact me or Robert Meyers if you have any questions about this report.

### **Retainer Services**

Within the fixed fee retainer in May 2026 (106), we completed our work for the May Council and ARB meeting agendas, attended the meetings and began to review, advise, and prepare documents for agenda items for the June Council meeting. We attended the weekly staff meetings and the monthly agenda review and after action meetings.

Specific additional matters included:

- We conferred with Village Manager regarding state building permit fee legislation; analyzed and reviewed implications of HB 803 and commenced drafting guidance memorandum on subject. We commenced an initial review of SB 1614.
- We conferred with staff, examined potential indemnification issues, and followed up regarding FPL/Murphy claim.
- We reviewed the utility easement and hold harmless agreement and proposed revisions to access, sovereign immunity and insurance language. We conferred with staff, and revised easement along the bike path.
- We prepared summary/chart of TCO and Final TCO requirements related to Shops development agreements and approvals.
- We analyzed and developed a strategy regarding changing federal medical marijuana policy.
- We engaged in follow up, and prepared a memorandum on inquiry re preemption on banning plastic bottles. We reviewed and advised on the enforcement of E-mobility ordinance.
- We finalized the termination letter to Tourism Economics for breach of contract.

- We reviewed information re the Village trademark.
- We reviewed and responded to unity of title request and provided guidance.
- We met with Lt. Amago, drafted outline for code enforcement hearing, and prepared for and attended the hearing.
- We reviewed multiple correspondence regarding a presuit claim tied to motor vehicle accident and prepared a response.
- We examined the tax reform legislation.

### **Additional Services**

For the Security/Landscape Assessment matter, we conferred with staff, reviewed additional comments, revised the draft second amended and restated milestone agreement, examined and reviewed stormwater regulations and issues to be included in the agreement, and prepared for and attended a meeting with the BHCA attorney.

For the Zyscovich Architects matter, we conferred with staff, reviewed multiple correspondence regarding settlement offer, engaged in settlement communications with client and opposing counsel, and reviewed reply to correspondence regarding extension of offer.

For the Bal Harbour Shops (Live Local Act) matter, we held conferences with litigators and the client concerning pending cases regarding taking claims and analyzed additional defenses, claims and procedural issues.

For Investigation of Employee matter, we reviewed and responded to correspondence regarding status of matter; attended post investigation review session; followed up from meeting and drafted investigation finding memorandum; reviewed and responded to correspondence regarding close-out memorandum and mediation; and prepared mediation ground rules.