BAL HARBOUR

- VILLAGE -

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

Village Manager Jorge M. Gonzalez
Village Clerk Juan D. Garcia
Village Attorneys Weiss Serota
Helfman Cole & Bierman, P.L.

Bal Harbour Village Local Planning Agency

Regular Meeting Agenda
November 17, 2026
At 6:30 PM

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

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) or by telephone at 305-865-6449.

BHV Who We Are, Vision, Mission, Values / The Bal Harbour Experience
The Bal Harbour Experience.pdf

1. ROLL CALL / CALL TO ORDER

2. APPROVAL OF MINUTES

2.1. LPA Meeting Minutes – May 19, 2026
VillageCouncil-LocalPlanningAgencyMinutes_May19_2026.pdf

3. HEARINGS

LPA1 Ordinance Amending Architectural Review Board Review Requirements
AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES TO FURTHER 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 - ARB Procedures Amendment (LPA) ADA.pdf
Memorandum - ARB Procedures Amendment (LPA) ADA.pdf
Ordinance - ARB Procedures Amendment ADA.pdf
Business Impact Statement - ARB Procedures Amendment ADA.pdf

4. ADJOURNMENT

One or more members of any Village Committee/Board may attend this meeting of the Council and may discuss matters which may later come before their respective Boards/Committees. The New Business and Council Discussion Section includes a section for Public Comment. On public comment matters, any person is entitled to be

heard by this Council on any matter; however, no action shall be taken by the Council on a matter of public comment, unless the item is specifically listed on the agenda, or is added to the agenda by Council action.

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

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

BAL HARBOUR

- VILLAGE -

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

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

Bal Harbour Village Local Planning Agency

Regular Meeting Minutes
May 19, 2026
At 6:30 PM

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

This meeting will be conducted in-person. The meeting was also broadcast on the Village's website (www.balharbourfl.gov) and members of the public were encouraged to participate by calling 305-865-6449 by emailing meetings@balharbourfl.gov before and during the meeting.

1. ROLL CALL / CALL TO ORDER – Vice Mayor David Wolf called the meeting to order at 6:58 P.M. following the General Employees' Retirement Board meeting and after recessing the Regular Village Council Meeting.

The following were present:
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

The Pledge of Allegiance was led by Vice Mayor Wolf.

2. APPROVAL OF MINUTES

2.1. LPA Meeting Minutes - January 20, 2026

MOTION: A motion to approve the minutes was moved by Councilman Buzzy Skar and seconded by Councilman Jeffrey P. Freimark

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

3. HEARINGS

LPA1 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 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 recommend that the Village Council 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).

LPA2 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 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 recommend that the Village Council 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).

LPA3 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 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.

MOTION: A motion to recommend that the Village Council approve the ordinance on first 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).

LPA4 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 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 Zimerman, 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 recommend that the Village Council approve the ordinance as amended on first 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).

LPA5 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 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."

MOTION: A motion to recommend that the Village Council 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).

4. ADJOURNMENT– The meeting was adjourned at 7:06 P.M.

_____
Mayor Seth E. Salver

Attest:

_____
Dwight S. Danie, Village Clerk

BAL HARBOUR

- VILLAGE -

LOCAL PLANNING AGENCY SUMMARY

Condensed Title:

AN ORDINANCE AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES TO MODIFY PROCEDURES AND REGULATIONS APPLICABLE TO THE ARCHITECTURAL REVIEW BOARD.

Issue:

Should the Local Planning Agency recommend that the Village Council approve the proposed Ordinance, intended to modify the scope of when ARB Certificates of Appropriateness are required, and when the Building Official may approve projects without such approvals.

The Bal Harbour Experience:

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

Item Summary / Recommendation:

Following discussion by the Village Council at its August 2026 Council retreat, the proposed Ordinance clarifies the public view criteria as they apply to applications in OF, PD and RM-5 zoning districts (the districts fronting Collins Avenue). In those districts, enactment of this Ordinance would mean that only applications that are visible from Collins Avenue, 96th Street, any public or private street located to the rear of the property, the 102nd Street Beach Access Path, the Cutwalk along Baker's Haulover Inlet, or from the public paths along the beach will require ARB review and approval of a Certificate of Appropriateness.

The proposed Ordinance would amend Section 2-75(c)(3) to establish an additional exemption from the Certificate of Appropriateness requirement for applications in the OF, PD, and RM-5 zoning districts that are not visible from these identified streets and public paths. Such applications may be reviewed administratively by the Building Official, subject to all other applicable Village regulations.

The principal substantive change in the proposed Ordinance is to define and narrow the public view criteria in the OF, PD and RM-5 districts. This exemption does not apply to any other zoning district within the Village. In determining visibility, the Building Official will disregard existing or proposed landscaping, removable screening, or other temporary or movable features that obstruct visibility, and such features may not be relied upon to avoid ARB review. By its nature, this change is not likely to affect substantial revisions to the facade of structures in these districts of the Village, as such changes would be visible from these public locations.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE.

Sign off:

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

BAL HARBOUR

- VILLAGE -

LOCAL PLANNING AGENCY MEMORANDUM

TO: Local Planning Agency

FROM: Jorge M. Gonzalez, Village Manager

DATE: November 17, 2026

SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES TO FURTHER 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 recommend that the Local Planning Agency recommend that the Village Council adopt the proposed Ordinance amending Chapter 2 of the Code of Ordinances to modify procedures and regulations applicable to the Architectural Review Board (ARB).

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 establishes 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 when the Building Official may approve projects without such approvals. The current Code specifically covers "such portion of a building or structure as is designated to be open to view from a public street, place or way", thereby capturing applications for projects that can be viewed from the front, side, or rear of a property if there is a public street, place or way in those locations. Following discussion by the Village Council at its August 2026 Council retreat, this Ordinance clarifies the public view criteria as they apply to applications in OF, PD and RM-5 zoning districts (the districts fronting Collins Avenue). In those districts, enactment of this Ordinance would mean that only applications that are visible from Collins Avenue, the public paths along the beach, or the other streets and paths identified in the Ordinance will require ARB review and approval of a Certificate of Appropriateness.

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 Code 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 Code provides a very limited range of applications which the Building Official may administratively process without issuance of a Certificate of Appropriateness by the ARB. As relevant to this proposed Ordinance, the Code provides that the Building Official may approve the item if no "External Architectural Feature" is involved, as follows:

> **Section 2-75(c)(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 subsection 5.5-2(b) is involved in the work for which the building permit is sought; or
>
> **Section 5.5-2(b)** *External Architectural Feature*. The architectural style and general arrangements of such portion of a building or structure as is designated to be open to view from a public street, place or way, including the kind, color and texture of the building material of such portion and the type of window, doors, lights, attached or ground signs, and other fixtures appurtenant to such portion.

The proposed Ordinance would amend Section 2-75(c)(3) to establish an additional exemption from the Certificate of Appropriateness requirement for applications in the OF, PD, and RM-5 zoning districts. Under the proposed amendment, the Building Official may administratively review applications that are not visible from Collins Avenue, the public paths along the beach, or the other streets and paths identified in the Ordinance, subject to all other applicable Village regulations.

The principal substantive change in the proposed Ordinance is to define and narrow the public view criteria in the OF, PD and RM-5 districts. This exemption does not apply to any other zoning district within the Village. By its nature, this change is not likely to affect substantial revisions to the façade of structures in these districts of the Village – such changes would be visible from these public locations.

CHANGES SINCE FIRST READING

The Village Council approved the Ordinance on first reading on October 28, 2026. Based on the Council's discussion at that meeting, the following changes have been made for second reading and are shown in the Ordinance in highlighted double underline:

> **Additional public paths.** At the Council's direction, an application is now also subject to ARB review if it is visible from 96th Street, the 102nd Street Beach Access Path adjacent to Oceana, or the Cutwalk along Baker's Haulover Inlet. As discussed

at first reading, these are public areas where a pedestrian can see a project, and including them keeps the standard consistent.

Rear of the property. The Ordinance now specifies that visibility from any public or private street to the rear of the property also requires ARB review. This covers the rear of the properties on the west side of Collins Avenue, which face the gated residential area, consistent with the Council's direction to consider both the front and rear of properties.

Landscaping and screening. In determining whether a project is visible, the Building Official will disregard existing or proposed landscaping, removable screening, or other temporary or movable features that obstruct visibility, and such features may not be relied upon to avoid ARB review. This responds to concerns raised during public comment that a project hidden by hedges could later become visible if the landscaping were removed.

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 projects in the OF, PD and RM-5 districts that are not visible to the general community to be processed administratively, the Village reduces unnecessary delays 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 ARB procedures, and narrow the category of applications in the OF, PD and RM-5 Districts that must obtain a Certificate of Appropriateness from the ARB before permitting. For these reasons, the Administration recommends that the Local Planning Agency recommend approval of this Ordinance to the Village Council.

ORDINANCE NO. 2026____

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES TO FURTHER 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, in June 2026, the Village Council modified the scope of the requirement for the ARB to issue Certificates of Appropriateness, and revised Section 2-75(c)(3). to specify that applications that add less than 30% square footage to existing buildings and do not meet the definition of substantial improvement in Chapter 8.5 in the R-1, R-2 Single Family Residential Districts and PC Private Club need not go to the ARB and may be administratively processed and approved; and

WHEREAS, Section 5.5-2(b) of the Village Code defines "External Architectural Feature" as "the architectural style and general arrangements of such portion of a building or structure as is designated to be open to view from a public street, place or way, including the kind, color and texture of the building material of such portion and the type of window, doors, lights, attached or ground signs, and other fixtures appurtenant to such portion," and Section 2-75 of the Village Code provides that if such a feature is involved in a project, it must go to the ARB for a Certificate of Appropriateness; and

WHEREAS, the Village Council desires to further modify Section 2-75(c)(3). to expand the existing exemption from the Certificate of Appropriateness requirement by defining what

it means for projects in the OF, PD and RM-5 Districts, all fronting Collins Avenue in the Village, to be "open to view from a public street, place or way"; and

WHEREAS, the Administration recommended approval of this Ordinance in its report for the October 28, 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 _____, 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:[1]

CHAPTER 2. - ADMINISTRATION

*** * ***

ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS

*** * ***

DIVISION 3. ARCHITECTURAL REVIEW BOARD

*** * ***

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

*** * ***

[1] Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~strikethrough~~. Any changes between first and second reading are shown by highlighted double underline and ~~double strikethrough~~ font.

(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, 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) 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 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~~.~~, or

d. For applications in the OF Oceanfront, PD Planned Development, and RM-5 Multiple Family Residential Districts, the Building Official shall determine that the application is not visible from Collins Avenue, 96th Street, any public or private street located to the rear of the Lot(s), the 102nd Street Beach Access Path, the public walkway along Baker's Haulover Inlet known as the Cutwalk, or from the public paths along the beach, and therefore is not open to view from a public street, place or way. In determining visibility, the Building Official shall disregard existing or proposed landscaping, removable screening, or other temporary or movable features that obstruct visibility, and such features may not be relied upon to avoid ARB review.

(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.

* * *

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 28th day of October, 2026.

PASSED AND ADOPTED on second reading this 17th day of November, 2026.

_____
Mayor Seth E. Salver

ATTEST:

_____
Juan D. Garcia, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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

BAL HARBOUR

- VILLAGE -

BUSINESS IMPACT STATEMENT

Proposed Ordinance Title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES TO FURTHER 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 further modifies procedures and regulations applicable to the Architectural Review Board and clarifies the scope of applications requiring certificates of appropriateness. The ordinance provides that applications in the OF Oceanfront, PD Planned Development, and RM-5 Multiple Family Residential Districts that are not visible from Collins Avenue, 96th Street, any public or private street located to the rear of the property, the 102nd Street Beach Access Path, the Cutwalk along Baker's Haulover Inlet, or from the public paths along the beach may be processed administratively by the Building Official rather than being required to obtain Certificate of Appropriateness approval from the Architectural Review Board. In determining visibility, the Building Official will disregard existing or proposed landscaping, removable screening, or other temporary or movable features that obstruct visibility, and such features may not be relied upon to avoid ARB 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 and architectural review processes for qualifying applications in the OF, PD, and RM-5 Districts 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 multifamily residential and commercial development, construction, architecture, design, engineering, and property management within the OF, PD, and RM-5 Districts may be impacted by the ordinance.