

ORDINANCE NO. 2026-____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 21 - ZONING

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ARTICLE I. - IN GENERAL

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

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

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

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

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

* * *

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

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ARTICLE III. - DISTRICT REGULATIONS

DIVISION 2. - R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

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

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

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

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

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

comply with applicable subdivision regulations, without requiring a variance from these or any other standards of this Code.

Sec. 21-99. - Maximum Density.

There shall not be more than one single-family detached dwelling per recorded Lot legally established Lot in the R-1 Single Family Residential District that complies with the minimum Lot area requirements of this Code, without requiring a variance from these or any other standards of this Code in the R-1 Single Family Residential District.

DIVISION 3. - R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

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

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

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

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

(d) Lot Splits and Replats. No Lot shall be divided, split, or replatted in a manner that creates a Lot containing less than ten thousand (10,000) square feet. All such lot divisions shall comply with applicable subdivision regulations, without requiring a variance from these or any other standards of this Code.

Sec. 21-124. - Maximum Density.

There shall not be more than one single-family detached dwelling per ~~recorded Lot~~ legally established Lot in the R-2 Single Family Residential District that complies with the minimum Lot area requirements of this Code, without requiring a variance from these or any other standards of this Code in the R-2 Single Family Residential District.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

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

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

PASSED AND ADOPTED on first reading this 20th day of April, 2026.

PASSED AND ADOPTED on second reading this __ day of _____, 2026.



Mayor Seth E. Salver

ATTEST:

Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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