

NOTE: A request form is available from the Deputy Town Clerk or on the Town's website; please fill it in and return it no later than the "Public Comment" section of the meeting if you would like to address the Town Council. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please mute or turn off your cell phone or electronic devices at the start of the meeting. Thank you.

**TOWN OF BAY HARBOR ISLANDS
MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET
BAY HARBOR ISLANDS, FL 33154**

**LOCAL PLANNING AGENCY MEETING
AGENDA**

September 10, 2026
6:30 PM

STATEMENT OF DECORUM

All comments must be addressed to the Council as a body and not to individuals. Any person making a racial or slanderous remark or who becomes boisterous while addressing the Town Council, staff, etc. shall be barred from the audience by the presiding officer. No profanity, shouting, heckling, verbal outbursts, or disruptive behavior in support of or opposition to a speaker or his/her remarks is permitted. Please mute or turn off your cell phone or other electronic devices at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chambers shall do so quietly.

SPECIAL NOTICE

A Local Planning Agency Meeting of the Town of Bay Harbor Islands will take place in-person and virtually through the Zoom platform, on Thursday, September 10, 2026, at 6:30 p.m.

"In an effort to provide greater public access and comment on pending matters, the Town of Bay Harbor Islands is providing a Zoom link to enable members of the public to comment on pending items on the Town Council agenda. Zoom access is provided under the same terms and conditions as in-person access, including length of time and decorum. Anyone desiring to be heard may utilize the Zoom link. However, members of the public must understand that the provision of Zoom access for comments is a courtesy, not a vested right, and that access is provided subject to the availability and functionality of the Town's equipment. There is no guarantee that internet service will be reliable or that the Town's equipment will function as intended. In the event that the Zoom access is unavailable or interrupted for any reason, the Town Council meeting will still proceed forward, and will not be stopped or rescheduled in any regard. Those wishing to be absolutely certain that their comments are heard by the Town Council should present themselves in person at the Council meeting and seek recognition, or alternatively, should submit their comments in advance of the meeting in writing to the Town Clerk, and ask that they be read into the record, subject to the above terms and conditions, such as length and decorum. The validity of any actions taken by the Town Council will in no way be affected by the use or functionality of Zoom access for comments."

Zoom

Meeting

Link:

<https://us06web.zoom.us/j/83647873669?pwd=rsyeYroeMbfiI50Ps6SblYKJ4mdjwA.1>

Meeting ID: 836 4787 3669
Passcode: 976890

To request to speak during Public Comment, please utilize the “raise your hand” Zoom feature on your electronic device. You will be recognized at the direction of the Zoom Meeting Host.

In addition, any member of the public who does not wish, or is unable to participate through the Zoom video conferencing platform, but would still like to participate can do so by listening to the meeting as it happens by dialing the Toll-free numbers below:

US Toll Free Numbers: 877 853 5247 or 888 788 0099
For higher quality, dial a number based on your current location):
US: 1 305 224 1968 or 1 646 558 8656 or 1 301 715 8592

Meeting ID: 836 4787 3669
Passcode: 976890
Participant ID: Press the # key.

To request to speak: Dial *9 on your telephone device to activate the “Raise your Hand” feature on the Zoom platform.

Members of the Public can also submit their request to speak and/or comments via email to the Office of the Town Clerk at eherbello@bayharborislands-fl.gov prior to 4:00 p.m. on September 9, 2026.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PUBLIC COMMENT

Speakers are allowed three (3) minutes and up to no more than five (5) minutes at the discretion of the presiding officer to speak on any items on the agenda only during the Public Comment portion of the meeting. Speakers may apportion their time during Public Comment to various agenda items however they wish. Any person who wishes to speak during a public hearing may be heard for no more than two (2) minutes during each public hearing or ordinance on second reading. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than five (5) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. A request form is available from staff or on the Town's website; please fill it in and return it to the Deputy Town Clerk no later than the conclusion of "Public Comment" section of the meeting, if you would like to address the Town Council. Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.

ORDINANCE ON FIRST READING::

1. Consideration and approval of an ordinance on first reading amending the Town's Zoning Code to establish a new Governmental Property (GP) Zoning District and to provide regulations governing the permitted uses and development standards applicable to properties designated within the GP District. Town Manager

ADJOURNMENT: Approximately 7:00 p.m.

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she 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.



TOWN OF BAY HARBOR ISLANDS PLANNING AND ZONING DEPARTMENT MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Town Manager
CC:	Tania Cruz, Esq., Consultant Town Attorney Evelyn Herbello, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	September 10, 2026
SUBJECT:	Town of Bay Harbor Islands – Ordinance Establishing the Governmental Property (GP) District (Sec. 23.23)

RECOMMENDATION

Town Council discretion to approve on first reading the attached ordinance creating Section 23.23 of Chapter 23 (Zoning and Planning) of the Town Code. The ordinance establishes a new zoning district, the Governmental Property (GP) District, to provide clear and uniform standards for the development and use of government-owned and government-operated properties within the Town.

BACKGROUND

The Town of Bay Harbor Islands currently lacks a specific, tailored zoning designation for its governmentally owned and operated properties. As a result, the review of such projects has sometimes relied on standards not optimally suited to their unique public-service functions, leading to administrative uncertainty and potential delays in the delivery of essential services to the public.

To address this, the proposed ordinance establishes a comprehensive framework for the GP District, creating a predictable and efficient review path for government projects. This aligns with the Town's commitment to efficient administration and proper planning for the health, safety, and welfare of its citizens. The ordinance is designed to ensure that governmental facilities are compatible with surrounding land uses while adhering to best practices in planning and development. Similar to other municipalities, this approach helps streamline the review of projects on government-controlled properties.

ANALYSIS

The attached ordinance adds a new Section 23.23 to Chapter 23 of the Town Code. The key provisions of this new section are as follows:

1. Permitted Uses (Sec. 23.23.A)

The ordinance establishes a clear list of permitted uses within the GP District, ensuring that any development is consistent with the district's intent. Uses include:

- Public parks, playgrounds, and community centers.
- Fire stations and police stations (with a gun range permitted only as an accessory use).
- Public water and sewer treatment facilities, libraries, and public buildings.
- Detention facilities and solid waste disposal facilities.
- Other similar governmental, civic, and institutional uses, as determined by the applicable zoning authority.

2. Development Standards

The ordinance creates specific standards for the GP District to govern new construction and redevelopment, ensuring compatibility and high-quality design.

- **Setbacks (Sec. 23.23.B):**
 - **Front Yard:** A minimum front yard setback of five (5) feet is required.
 - **Rear and Side Yards:** No setback is required along interior property lines, providing flexibility for campus-style government complexes. However, a five (5) foot setback is required along property lines adjacent to a residential lot or a waterfront.
- **Height Limits (Sec. 23.23.C):** Building height is limited to seventy-five (75) feet, measured from the Base Flood Elevation (BFE) plus any required freeboard.
- **Landscape Requirements (Sec. 23.23.D):** A minimum of ten percent (10%) of each plot must be landscaped "green" open space at ground level.
- **Building Roof Design (Sec. 23.23.E):** Flat roofs must be designed to screen mechanical equipment, minimize ponding, and maintain an attractive appearance. The use of roof decks for recreational facilities is encouraged.
- **Rooftop Accessory Structures (Sec. 23.23.F):** All rooftop mechanical equipment must be fully enclosed or screened and shall not exceed twenty (20) feet in height. Recreational facilities on rooftops must be visually screened from neighboring properties.

3. Regulatory Authority (Sec. 23.23.G & H)

To provide administrative efficiency while maintaining oversight, the ordinance vests authority for certain approvals in the Town Manager.

- **Recreational Court Facilities:** The Town Manager, or their designee, has the authority to approve outdoor recreational game court facilities .
- **Unlisted Governmental Uses:** Crucially, the Town Manager is authorized to review and approve governmental uses that are not specifically listed in the ordinance, provided they are substantially similar in nature, character, and intensity to those permitted uses. This "catch-all" provision ensures the Town can respond to future needs without requiring a code amendment for every new service or facility.

4. Conditions of Approval and Limitations

To ensure compatibility with surrounding properties and the intent of the Code, the Town Manager may establish reasonable conditions for approvals related to site and building design, landscaping, parking, access, buffering, and traffic circulation. The ordinance expressly limits this authority, stating that the Town Manager cannot approve a use that is expressly prohibited or waive dimensional, safety, environmental, or other requirements imposed by federal, state, or local law.

CONCLUSION

The approval of this ordinance will create a clear and consistent regulatory framework for the development and use of government properties within Bay Harbor Islands. By establishing specific standards and an administrative approval process, the GP District will provide the Town with the necessary flexibility to serve its residents efficiently while ensuring that all projects are of the highest quality and compatible with the surrounding community. The ordinance represents a proactive step in planning that balances the public necessity for essential services with the Town's commitment to maintaining its unique character and high standards.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

- 1st Reading Ordinance - Governmental Property (GP) District (Sec. 23.23)

ORDINANCE NO. ---

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 23 OF THE TOWN OF BAY HARBOR ISLANDS CODE OF ORDINANCES BY ADDING A NEW SECTION 23.23, ESTABLISHING PERMITTED USES, DEVELOPMENT STANDARDS, AND ADMINISTRATIVE AUTHORITY FOR THE GOVERNMENTAL PROPERTY (GP) DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands finds that the proper planning and regulation of governmental property is essential to the health, safety, and welfare of its citizens; and

WHEREAS, the Town of Bay Harbor Islands desires to establish clear and uniform standards for permitted uses and development within the Governmental Property (GP) District to ensure compatibility with surrounding land uses and adherence to best practices; and

WHEREAS, the Town of Bay Harbor Islands has determined that the public necessity, convenience, and general welfare require the amendments set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA:**

Section 1: That Chapter 23 of the Town of Bay Harbor Islands Code of Ordinances is hereby amended by adding a new Section 23.23, to read as set forth in **Exhibit A** attached hereto and incorporated herein by reference.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, or

phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. EFFECTIVE DATE. That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this ____ day of _____ 2026.

PASSED on Second Reading this ____ day of _____ 2026.

Motion made by: _____

Motion seconded by: _____

FINAL VOTE ON ADOPTION:

Mayor Isaac Salver	_____
Vice Mayor Stephanie Bruder	_____
Council Member Molly Diallo	_____
Council Member Joshua Fuller	_____
Council Member Eric Rappaport	_____
Council Member Elchonon Shagalov	_____
Council Member Robert Yaffe	_____

ISAAC SALVER
MAYOR

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ATTEST:

EVELYN HERBELLO, MMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

ENGLISH & MCCARTER, LLP
TOWN ATTORNEYS
BY: TANIA CRUZ-GIMENEZ, ESQ.

81
82 **EXHIBIT "A"**
83

84 **The Town of Bay Harbor Islands, Florida Code of Ordinances**
85 **is hereby amended as follows:**
86

87 **CHAPTER 23 ZONING AND**

88 **PLANNING**

89 **ARTICLE I. ZONING REGULATIONS**
90

91 **Sec. 23.23 - Governmental Property (GP) District.**

92 **A. Permitted Uses.** No land, body of water, or structure shall be maintained, used, or
93 permitted to be used, and no structure shall be erected, constructed, moved,
94 reconstructed, or structurally altered, or permitted to be erected, constructed, moved,
95 reconstructed, or structurally altered for any purpose in a GP District which is designed,
96 arranged, or intended to be used or occupied for any purpose other than the following:

97 (1) Public parks, playgrounds, and buildings and structures supplementary and
98 incidental to such uses;

99 (2) Community centers;

100 (3) Recreational amenities;

101 (4) Fire stations;

102 (5) Police stations, provided that a gun range shall be permitted only as an
103 accessory use within and in conjunction with a police station and shall not be
104 permitted as a stand-alone use;

105 (6) Public water and sewer treatment and distribution facilities;

106 (7) Public libraries;

107 (8) Public buildings and centers;

108 (9) Public auditoriums, arenas, museums, and art galleries;

109 (10) Detention facilities (both maximum and minimum security);

110 (11) Solid waste collection and disposal facilities;

111 (12) Public maintenance and equipment yards;

- 112 (13) Retail sales, including supermarkets; and
113 (14) Other similar governmental, civic, institutional, and public uses, as determined by
114 the applicable zoning authority.

115 **B. GP Setbacks.**

116 (1) **Front Yard Setback (Any Street Frontage, Including Corner Lots).**

- 117 i. Five (5) feet.

118 (2) **Rear and Side Yard Setbacks.**

- 119 i. No setback is required along interior property lines.
120 ii. For any lot adjacent to a residential lot or a waterfront, a setback of five (5) feet
121 from the property line is required.

122 **C. Height Limits.**

- 123 (1) **Building Height.** No building or portion thereof shall exceed seventy-five (75)
124 feet in height, as measured from the base flood elevation (BFE) plus any
125 additional freeboard required by the Florida Building Code, or as otherwise
126 prescribed by any applicable United States, state, or county flood control laws or
127 regulations.

- 128 **D. Landscape Requirements.** Each plot shall provide a minimum of ten percent (10%)
129 landscaped "green" open space at ground level.

- 130 **E. Building Roof Design.** All rooftops of buildings with flat roof decks, including parking
131 garage roof decks, shall be designed to minimize negative appearances by screening
132 mechanical equipment, minimizing the ponding of stormwater, and maintaining the roof
133 surface in an attractive manner. The use of flat roof decks for on-site recreational
134 facilities is encouraged, including the use of landscape materials for aesthetic and
135 environmental "greenhouse gas reduction" purposes.

- 136 **F. Rooftop Accessory Structures.** The height of all accessory roof structures
137 designed and utilized for the housing of mechanical equipment (such as elevators,
138 water storage, air conditioning, stairwells, chimneys), decorative architectural roof
139 features, accessory recreational facilities, open-air trellises, canopies, fences, walls, and
140 similar facilities shall be limited as follows:

- 141 (1) The structure must be fully enclosed or screened and shall not exceed twenty
142 (20) feet in height.

- 143 (2) Rooftop accessory recreational facilities shall be visually screened horizontally
144 from neighboring properties by fences, walls, or other screening materials or
145 features that are no shorter in height than the object to be screened.

- 146 **G. Outdoor Recreational Game Court Facilities.** The following regulations shall apply
147 to all recreational game court facilities, including but not limited to tennis, racquetball,

handball, basketball, shuffleboard, children's multipurpose, and similar facilities, or any combination thereof:

- (1) Any individual or combination of recreational game court facilities may be approved by the Town Manager, or their designee.

H. Town Manager Authority to Approve and Modify GP Provisions.

- (1) **General Authority.** The Town Manager, or their designee, is hereby authorized to review, approve, and make modifications to any of the provisions of this Section 23.23, as applied to Governmental Property (GP) within the Town.

I. Governmental Property and Unlisted Governmental Uses.

- (1) **Governmental Property and Uses.** Government-owned or government-operated property and facilities may be permitted within the zoning district for governmental, civic, public service, and other similar purposes consistent with this Section.
- (2) **Authority of Town Manager.** The Town Manager, or their designee, shall have the authority to review and approve governmental uses, facilities, structures, site plans, and building designs proposed on government-owned or government-operated property when such use or facility is not specifically listed as a permitted or conditional use within the applicable zoning district.
- (3) **Review Criteria.** In exercising such authority, the Town Manager shall determine whether the proposed use is substantially similar in nature, character, and intensity to the governmental, civic, public service, or institutional uses permitted within the zoning district and whether the proposed development is consistent with the applicable provisions of this Code.
- (4) **Conditions of Approval.** The Town Manager may establish reasonable conditions of approval related to site design, building design, landscaping, parking, access, buffering, screening, lighting, traffic circulation, and other site-related impacts to ensure compatibility with surrounding properties and the intent of this Code.
- (5) **Limitation on Authority.** Nothing in this section shall authorize the Town Manager to approve a use that is expressly prohibited by this Code or to waive dimensional, safety, environmental, or other requirements imposed by federal, state, or local law.

