

ORDINANCE NO. 2018-609

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 2-75 "PROCEDURE FOR CONSIDERATION OF CERTIFICATES OF APPROPRIATENESS AND APPLICATIONS SUBJECT TO ARCHITECTURAL REVIEW BOARD REVIEW" AND SECTIONS 5.5-2 "DEFINITIONS" AND 5.5-5 "CRITERIA FOR APPEARANCE" OF CHAPTER 5.5 "APPEARANCE CODE" TO DEFINE AND AUTHORIZE THE SELECTION AND ENFORCEMENT OF A PAINT COLOR PALETTE; AMENDING SECTION 6-35 "BUILDING PERMIT FEES" TO REMOVE THE PERMIT FEE FOR A SINGLE FAMILY RESIDENTIAL PAINT PERMIT; PROVIDING FOR DEFINITIONS, SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of Bal Harbour Village ("Village") desires to adopt a standard color palette for the painting of the exterior surfaces of those buildings subject to Chapter 5.5 "Appearance Code" of the Code of Ordinances (everything outside of the Business District); and

WHEREAS, the Village's Architectural Review Board ("ARB") is charged by Section 2-75 of the Village Code with holding hearings and deciding on the issuance of certificates of appropriateness (COA) for compliance with Chapter 5.5; and

WHEREAS, currently, those who seek to change the exterior color of buildings regulated by Chapter 5.5 are required to go to a public hearing and obtain ARB approval of a COA, while the adoption of a color palette will allow painting projects that comply with the color palette to require only administrative approval by the Building Official; and

WHEREAS, the Village Council desires to empower the Building Official to determine whether proposed colors comply with color palette, and to send a paint proposal to ARB for approval if it involves the use of more than two colors on a building and raises a question of whether the proposed color scheme is consistent with the intent and purposes of Chapter 5.5, Appearance Code; and

WHEREAS, consistent with state law, the Village desires to remove the permit fee for single family residential painting; and

WHEREAS, the Village Council, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on_____, 2018, and recommended _____; 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," Article III "Boards, Committees And Commissions," Division 3, "Architectural Review Board," Section 2-75 "Procedure for consideration of certificates of appropriateness and applications subject to Architectural Review Board review" is hereby amended to read as follows: ¹

Chapter 2 – ADMINISTRATION

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ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS

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DIVISION 3. - ARCHITECTURAL REVIEW BOARD

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

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(c) Approval by Architectural Review Board.

¹ Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~strikethrough~~.

(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 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 Chapter 5.5, Appearance Code, then the Building Official may schedule the exterior paint application for review and recommendation by the ARB.

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Section 3. Village Code Amended. That Chapter 5.5 "APPEARANCE CODE" is hereby amended to read as follows:

CHAPTER 5.5 - APPEARANCE CODE.

ARTICLE I. IN GENERAL

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Sec. 5.5-2. - Definitions.

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

(b) 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:

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Color Palette shall mean that chart of exterior paint colors approved by the Architectural Review Board and maintained in the Building Department.

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ARTICLE II. - APPEARANCE PLAN.

Sec. 5.5-5. - Criteria for Appearance.

The purpose of the following criteria which constitutes the Appearance Plan, are to establish a checklist of those items which affect the physical aspects of the Village environment. Pertinent to appearance is the design of the site, building and structures, planting, signs, Street Hardware and miscellaneous other objects.

These criteria are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles which can result in creative solutions that will enable the Village to develop and maintain a satisfactory visual appearance.

* * * * *

(2) *Building Design.*

- a. Design and building materials shall have good Architectural Character. Roof finishes must be consistent with the architectural style of the main structure.
- b. All single-family residences shall have pitched roofs with a minimum roof slope of 3:12 or a flat roof.
- c. Building components such as windows, doors, eaves and parapets shall be proportionate with one another.
- d. Colors, ~~including roof colors,~~ shall comply with the Village's approved Color Palette. The main color of a building should be subtle and harmonious with the landscaping and adjacent buildings. Bright or brilliant colors shall be used for accent only. Roof colors shall be subtle and harmonious with the landscaping and adjacent buildings.

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Section 4. Village Code Amended. That Chapter 6 "BUILDINGS AND BUILDING REGULATIONS," Article II "Permits and Inspections," Section 6-35 "Building permit fees," is hereby amended to read as follows:

Chapter 6 - BUILDINGS AND BUILDING REGULATIONS

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ARTICLE II. - PERMITS AND INSPECTIONS

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Sec. 6-35. - Building permit fees.

- (a) Except as otherwise provided in this section, all building permit fees shall be as follows:
- (1) The minimum permit fee shall be \$150.00.
 - (2) Permit fees, including all systems, shall be charged at a rate of 2.0 percent for the first \$1,000,000.00 in construction value and 1.0 percent for every dollar over \$1,000,000.00 in construction value.
- (b) Permit fees to be calculated in the manner provided in subsection (a) of this section shall include, but not be limited to, fees for the following types of construction:

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- (9) New buildings, additions, alterations and/or remodeling.
- (10) Exterior Painting, excluding single family residential.
- (11) Roofing.

* * * * *

Section 5. 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.

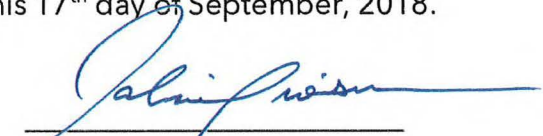
Section 6. Inclusion in the Code. That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become effective and made part of the Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7. 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 8. Effective Date. That this Ordinance shall become effective upon adoption.

PASSED AND ADOPTED on first reading this 17th day of July, 2018.

PASSED AND ADOPTED on second reading this 17th day of September, 2018.



Mayor Gabriel Groisman




ATTEST:



Dwight S. Dante, Village Clerk

APPROVED AS TO FORM:



WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
VILLAGE ATTORNEY