Regular Council Meeting
Tuesday, October 23, 2018
Agenda
7:00 PM

Statement of Decorum
Any person making a racial or slanderous remark or who becomes boisterous while addressing the Village 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. No signs or placards shall be allowed in the Village Hall. Person exiting the Village Hall shall do so quietly.

"Pursuant to Florida Statutes, Chapter 286.0105: If a person decided to appeal any decision made by the Board, Agency or Committee with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/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."

A. CALL TO ORDER.............................Mayor Claudia V. Cubillos, Presiding

B. SILENT MEDITATION & PLEDGE...........Salute American Flag in Unison

C. ROLL CALL.....................................Yenise Jacobi, Village Clerk

D. APPROVAL OF AGENDA

E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING (S):

F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:
   F1. Brian Andrews- American Heart Association South Florida Region
   F2. David Ward Proclamation

G. GOOD AND WELFARE
   (Note: This section of the agenda is reserved in the spirit of a representative democracy “of, by, and for the people” and is specifically provided as a mechanism for the input and solutions on matters of concern of Villagers. We request that comments be limited to 3 MINUTES PER PERSON, and that speakers and the audience maintain proper decorum at-large.
   The speaker should keep to only issues on the agenda.)

H. AGENDA ITEM:
I. RESOLUTIONS / ORDINANCES:

11. RESOLUTION 2018-27

SITE PLAN APPROVAL
8671 NE Miami Avenue

A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL, FLORIDA GRANTING SITE PLAN APPROVAL FOR NEW CONSTRUCTION OF A ONE-STORY RESIDENCE AT 8671 NE MIAMI COURT IN ZONE 3, SUB-URBAN RESIDENCE, IN THE VILLAGE OF EL PORTAL, AN APPLICATION BY FEATURED MEDIA LLC: PROVIDING FOR FINDINGS, PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

12. RESOLUTION 2018-28

GOVERNMENT WEEK

A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL, FLORIDA GRANTING SITE PLAN APPROVAL FOR NEW CONSTRUCTION OF A ONE-STORY RESIDENCE AT 8671 NE MIAMI COURT IN ZONE 3, SUB-URBAN RESIDENCE, IN THE VILLAGE OF EL PORTAL, AN APPLICATION BY FEATURED MEDIA LLC: PROVIDING FOR FINDINGS, PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

13. ORDINANCE 2018-04

ALCOHOLIC BEVERAGES
HOURS OF SALE

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3: ALCOHOLIC BEVERAGES, SEC. 3-1.-HOURS OF SALE, PROVIDING FOR UPDATED HOURS OF SALE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

14. ORDINANCE 2018-06

MEDICAL MARIJUANA

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 24, APPENDIX B, "FORM-BASED CODE", ARTICLE III "USES", TABLE 1: SPECIFIC
FUNCTION AND USE, SECTION 24-B.8 "DEFINITIONS OF BUILDING FUNCTIONS:USES", AND ARTICLE VI "SPECIFIC TO ZONES", SECTION 24-B.17 "ZONE 5 (Z5) URBAN CENTER", AND ARTICLE X "DEFINITIONS OF TERMS", IN ORDER TO PROVIDE THE CONDITIONS AND REQUIREMENTS FOR THE USE OF MEDICAL MARIJUANA DISPENSARIES, AND MEDICAL MARIJUANA TREATMENT CENTERS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

J. MAYOR, MANAGER, COMMITTEE & ATTORNEY REPORTS:

J1. Village Mayor Report - Mayor Claudia V. Cubillos

J2. Village Manager Report – Christia Alou

J3. Committee Chair Remarks -
   a. Public Affairs  
      Chairperson Harold Mathis
   b. Public Works  
      Chairperson Werner Dreher
   c. Code Enforcement Committee  
      Chairperson Omarr Nickerson
   d. Administration & Finance  
      Chairperson Vimari Roman
   e. Public Safety  
      Chairperson Claudia V. Cubillos
   f. Planning & Zoning  
      Chairperson Claudia V. Cubillos

J4. Village Attorney Reports – Interim Attorney Norman Powell

K. UNFINISHED BUSINESS AND GENERAL ORDERS:

L. NEW BUSINESS:

M. GOOD AND WELFARE
(Note: This section of the agenda is reserved in the spirit of a representative democracy “of, by, and for the people” and is specifically provided as a mechanism for the input and solutions on matters of concern of Villagers. We request that comments be limited to 3 MINUTES PER PERSON, and that speakers and the audience maintain proper decorum at-large. The speaker should keep to only issues on the agenda.)
N. ADJOURNMENT:
Mayor & Councilpersons

In accordance with the American With Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting due to that disability should contact the Village Clerk’s Office at (305) 795-7880 no later than two (2) business days prior to such proceeding.
FOR IMMEDIATE RELEASE

American Heart Association Announces 2018 Miami Heart Walk Chair

Miami, FL. – The American Heart Association/American Stroke Association is pleased to announce Frank G. Fernandez as the chair of the 2018 Miami Heart Walk. Fernandez is Assistant City Manager/Public Safety Director for the City of Coral Gables. He also serves as Chairman of the International Association of Chiefs of Police Firearms Committee.

Fernandez oversees Human Resources, Risk Management, Labor Relations and Information Technology Departments to ensure the highest level of coordination, recruitment, retention, training, and technological innovation.

"I am excited by the opportunity to support the American Heart Association in their efforts to improve the health of our community and serve as chairman of the Miami Heart Walk," said Fernandez. "Events like the Heart Walk are a great way to raise awareness while honoring those who have been impacted by heart disease, stroke and congenital heart defects."

Fernandez is supported by the 2018 Miami Heart Walk Executive Leadership Committee, comprised of community leaders passionate about Miami-Dade and committed to driving local support to fund critical research.

The Miami Heart Walk is set to take place, Sunday, November 18, 2018, at Museum Park in Downtown Miami.

For more information on sponsorship, leadership or volunteer opportunities, please contact Margie Valentin, Heart Walk Director at margie.valentin@heart.org.

American Heart Association

The American Heart Association is devoted to saving people from heart disease and stroke — America’s No. 1 and No. 5 killers. We team with millions of volunteers to fund innovative research, fight for stronger public health policies, and provide lifesaving tools and information to prevent and treat these diseases. The American Heart Association is the nation’s oldest and largest voluntary organization dedicated to fighting heart disease and stroke. To learn more or to get involved, call 1-800-AHA-USA1, visit heart.org.
VILLAGE OF EL PORTAL
PLANNING AND ZONING

500 NE 87th Street
El Portal, FL 33138
PHONE 305-795-7880   FAX 305-795-7884

APPLICANT: Ezgi Fitos (on behalf of owner, Featured Media LLC)
SUBJECT ADDRESS: 8671 NE Miami Court - Zone 3

PUBLIC HEARING(s):
1. Planning and Zoning Committee Meeting (Tabled)
2. Planning and Zoning Committee Meeting
3. Village Council Meeting

DATE AND TIME:
July 17, 2018; 7:00pm | July 31, 2018; 7:00pm | October 23, 2018; 7:00pm

2018-PZ-009
Zoning Site Plan Review – New Construction

1. APPLICATION:
THE APPLICANT IS REQUESTING SITE PLAN APPROVAL FOR THE CONSTRUCTION OF A NEW ONE-STORY RESIDENCE, WHICH PURSUANT TO SECTION 17-57 OF THE CODE OF ORDINANCES, REQUIRES VILLAGE COUNCIL APPROVAL.

A SITE PLAN REVIEW IS PURSUANT OF SECTION 17-53 – REQUIREMENTS AND PROCEDURES FOR SITE PLAN REVIEW, WHICH REQUIRES COUNCIL APPROVAL WITHIN THE ZONE 3 (Z3) SUB-URBAN RESIDENCE.

2. BACKGROUND INFORMATION:
Owner of property: FEATURED MEDIA, LLC

Address: 8671 NE Miami Court, El Portal, FL 33138
Folio number: 18-3112-072-0011
Transect Zone: Zone 3 (Z3) – Sub-Urban Zone

Site: The current 7,650 square foot lot (50 x 153 feet) was acquired in 2017 as a lot for a single-family residential building – as permitted under ‘Sec. 24-3. - RSF single-family residential district’ now Zone 3 of the Code of Ordinances. The property has a Principal Front Setback (west facade) facing NE Miami Court and a Secondary Front Setback (north facade) facing NE 87th Street.

Project: Construction of a 1-story single-family residence consisting of two wings connected by a breeze way. The west wing, with the main entrance facing the Primary Front Setback, consists of public areas: kitchen, dining room, living room, guest bedroom, and home office; the east wing consists of the private areas: bedrooms and laundry room.
The residence is in accordance with the permitted uses of Zone 3 in the Village of El Portal. Staff has reviewed the application for consideration by the Planning and Zoning Board. In this report, Staff presents the applicable Zoning requirements with recommendations.

### Uses Permitted

<table>
<thead>
<tr>
<th>Permitted</th>
<th>Proposed</th>
<th>Recommendation</th>
</tr>
</thead>
</table>

### Site Development Standards

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area: 5,000 sf min</td>
<td>7,650 sf</td>
<td>Complies</td>
</tr>
<tr>
<td>Lot width: 50 ft min</td>
<td>50 ft</td>
<td>Complies</td>
</tr>
<tr>
<td>Principal Front Setback: 25 ft min</td>
<td>West: 25'-0”</td>
<td>Complies</td>
</tr>
<tr>
<td>Secondary Front Setback: 15 ft min</td>
<td>North: 15'-4”</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Setback: 5 ft min</td>
<td>South: 5'-8”</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Setback: 5 ft min</td>
<td>East: 5'-0”</td>
<td>Complies</td>
</tr>
<tr>
<td>Lot coverage: 40% max</td>
<td>33%</td>
<td>Complies</td>
</tr>
<tr>
<td>Green space: 25% min</td>
<td>55.9%</td>
<td>Complies</td>
</tr>
<tr>
<td>Maximum building height: 2 stories max</td>
<td>1 story</td>
<td>Complies</td>
</tr>
<tr>
<td>Story height: 9 ft min 14 ft max</td>
<td>13'-4”</td>
<td>Complies</td>
</tr>
<tr>
<td>Home Office: 25% of the size of the Principal Building up to 500 sq ft max</td>
<td>18%</td>
<td>Complies</td>
</tr>
</tbody>
</table>

### Article IV. Table 1: Minimum Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential: 1.5 per Dwelling Unit + 1 visitor per 10 Units</td>
<td>2 cars (12' by 25' driveway)</td>
<td>Complies</td>
</tr>
</tbody>
</table>

### Article VI. Sec. 24-B.15 (d) Parking Standards (Z3)

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway One 12-foot max width driveway approach or two 10-foot max width approaches separated by</td>
<td>One 12' driveway</td>
<td>Complies</td>
</tr>
</tbody>
</table>
at least 50% of frontage width
Pavement 33% max of front yard

<table>
<thead>
<tr>
<th>Article VI. Sec. 24-B.15 (f) Landscape Standards (Z3)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required</strong></td>
</tr>
<tr>
<td>Minimum two shade trees planted within the first Layer for each 50 feet of Frontage Line</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article VI. Sec. 24-B.15 (g) Walls, Fences and Hedges Standards (Z3)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required</strong></td>
</tr>
<tr>
<td>Location: not permitted in Principal or Secondary Front Setback.</td>
</tr>
<tr>
<td>Height: six feet</td>
</tr>
<tr>
<td>Material: coral rock, concrete block stuccoed on both sides with concrete cap, slump or adobe brick, precast concrete, wire, or wood</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standards</td>
</tr>
<tr>
<td>The plan is consistent with the comprehensive plan and the purpose and intent of the use district in which it is located.</td>
</tr>
<tr>
<td>The plan is in conformance with property development regulations of the zoning district in which it is located.</td>
</tr>
<tr>
<td>The site plan has an adverse impact on the environmental and natural resources of the Village.</td>
</tr>
<tr>
<td>The approval of the site plan has an adverse impact on the necessary public facilities of the Village.</td>
</tr>
</tbody>
</table>
3. APPLICATION REQUEST:

(a) Applicant Request.

The Applicant requests site plan approval in order to construct a 2,526 square foot, one-story residence on a 7,650 square foot lot at 8671 NE Miami Court in Zone 3 (Z3) Sub-Urban Residence.

(b) Site Plan Review Requirements.

Sec. 17-53. Requirements and procedures for site plan review.

(b) Applications subject to site plan review. All applications shall be subject to site plan review and approval by village council after public hearing, except as provided in section 6-4.

Sec. 17-57. Requirements and procedures for administrative site plan review.

(b) Review procedures. Application for administrative site plan review shall be submitted in accordance with the same procedure for a site plan requiring a public hearing.

4. STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS.

Pursuant of Sec. 17-53 Requirements and Procedures for site plan review (a), the Applicant shows good cause for ensuring the congruity of the proposed development and its compatibility with the surrounding area. The plans proposed comply with the land use regulations and the development standards of this chapter and of Chapter 24.

Therefore, APPROVAL is recommended for this new construction of a 1-story residence subject to the following conditions:

Construction of the proposed project shall be in conformance with the following conditions:

2. All representations proffered by the Applicant as part of the review of the application at public hearings.
3. All comments made by Staff reviewers and submitted to the Applicant to be addressed prior to the Building permit.
Project: New 1-Story Residence
Owner: GUREVICH MARI ULL

Site Plan

LEGAL DESCRIPTION

100 FT MEDIAN ON W.E. STREET

GENERAL NOTES

NOTICE: The information in these documents is for use by the authorized parties and is subject to change. The information in these documents is not to be used for any other purpose without the written consent of the owner.

REVISED: 01/01/2023

VENDOR: JM GROGGS

FLORIDA BOND COMPANY

EG Portal, Florida 33138
8371 NE Miami Court
For Everred Media LLC
New 1-Story Residence
VILLAGE OF EL PORTAL, FLORIDA

RESOLUTION NO. 2018-27

A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL, FLORIDA GRANTING SITE PLAN APPROVAL FOR NEW CONSTRUCTION OF A ONE-STORY RESIDENCE AT 8671 NE MIAMI COURT IN ZONE 3, SUB-URBAN RESIDENCE, IN THE VILLAGE OF EL PORTAL, AN APPLICATION BY FEATURED MEDIA LLC: PROVIDING FOR FINDINGS, PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for Site Plan Approval has been submitted by Featured Media LLC ("Applicant") pursuant of Section 17.53 of the Village of El Portal Code of Ordinances; and

WHEREAS, the proposed one-story residence is located in Transect Zone 3 – Sub-Urban Residence of the Village of El Portal, which consists of low density residential areas; and

WHEREAS, the application proposes a development comprising of the construction of a 2,526 square foot one-story single-family residence on a 7,650 square foot lot (50 x153 feet); and

WHEREAS, in order to achieve the development as proposed, the application requests a site plan approval; and,

WHEREAS, in accordance with Section 17-64 of the Village Code, the Village Council noticed a public hearing for October 23, 2018 at 7:00 P.M. at Village Hall, 500 N.E. 87th Street, El Portal, Florida 33138 and all interested parties have had the opportunity to address their comments to the Village Council;

WHEREAS, in accordance with Section 17-64 of the Village Code, public hearings by the Planning and Zoning Committee were held on July 17, 2018 at 7:30 P.M. and July 31, 2018 at 7:30 P.M. at Village Hall, 500 N.E. 87th Street, El Portal, Florida 33138, and recommended approval of the application to the Committee, and this recommendation has been received and considered; and

WHEREAS, the Village Council has considered the application, the requirements of Section 17-53 Requirements and Procedures for Site Plan Review of the Village of El Portal Code of Ordinances, the recommendation of the Planning and Zoning Committee, comments from consultants, and public comments; and

WHEREAS, the Village Council finds that the proposed project has met the standards and conditions set forth in Section 17-53 Requirements and Procedures for Site Plan Review of the Village of El Portal Code of Ordinances; and
WHEREAS, the Village Council has considered the possible impact the proposed project may have on the community.

NOW THEREFORE, BE IT DULY RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals.

The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Section 2. Finding.

In accordance with Section 17-53 of the Village Code, the Village Council finds that the proposed Site Plan to construct a 2,526 square foot one-story single-family residence:

A. prevents adverse visual impacts and the impact of intensity of the proposed use of adjacent lands; and

B. provides sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood; and

C. can be accommodated by the existing community roads, services, and utilities, or the necessary additions are provided by the Applicant; and

D. provides sufficient parking so that it will not be necessary to use the streets in the vicinity for this purpose.

Section 3. Grant.

The Village Council hereby approves the site plan proposed by Featured Media LLC, owner of the property located at 8671 NE Miami Court, El Portal, Florida, 33138.

The Site Plan to construct a 2,526 square foot one-story single-family residence is attached and incorporated herein as Exhibit “A” entitled 8671 NE Miami Court as submitted for hearing on March 8, 2018, including all subsequent revisions is hereby approved.

Section 4. Conditions.

The Site Plan is approved with the condition that the following items are met prior to issuance of a building permit:

A. submittal of a landscape plan, irrigation plan and vegetative survey that meet Miami-Dade County Code Chapter 18A requirements; and
B. payment of the Village’s costs in the amount of $765.00; and

C. building permits and related approvals must be obtained from the Village’s Building Official prior to commencement of construction; and

D. approval of this site plan does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of federal or state law; and

E. all applicable state and federal permits must be obtained before commencement of construction; and

F. Applicant will maintain 25% of the lot area minimum green space requirement; and

G. Applicant will maintain driveway width at a maximum of twelve (12) feet at the Property Line; and

G. this Resolution shall be recorded with the County Recorder’s Office, Miami-Dade County Clerk of the Court.

Section 5. Appeal.

The Applicant or any aggrieved property owner may appeal the decision of the Village Council by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4, if any, shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

Section 7. Effective Date.

This Resolution shall take effect immediately upon adoption. 

PASSED AND ADOPTED by the Village Council of the Village of El Portal Florida, this ___ day of __________, 2018.
Claudia Cubillos, Mayor

ATTEST:  ____________________________
         Yenise Jacobi, Village Clerk

Approved as to form and legal sufficiency:
Interim Village Attorney

By:  __________________________________
      Norman C. Powell, Esq.

Vote:

Councilperson Mathis:  ___(Yes)___(No)
Councilperson Dreher:  ___(Yes)___(No)
Councilperson Roman:  ___(Yes)___(No)
Vice Mayor Nickerson:  ___(Yes)___(No)
Mayor Cubillos:  ___(Yes)___(No)

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2018-__ adopted on April __, 2018, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this ____ day of ___________ 2018.

Yenise Jacobi
Village Clerk
VILLAGE OF EL PORTAL, FLORIDA

RESOLUTION NO.: 2018-28

A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL, FLORIDA RECOGNIZING FLORIDA CITY GOVERNMENT WEEK, OCTOBER 22–28, 2018, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES.

WHEREAS, city government is the government closest to most citizens and the one with the most direct daily impact upon its residents; and

WHEREAS, city government provides services and programs that enhance the quality of life for residents, making their city their home; and

WHEREAS, city government is administered for and by its citizens and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, city government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, Florida City Government Week offers an important opportunity for elected officials and city staff to spread the word to all citizens of Florida that they can shape and influence this branch of government; and

WHEREAS, the Florida League of Cities and its member cities have joined together to teach citizens about municipal government through a variety of activities.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL FLORIDA, AS FOLLOWS:

Section 1. That the Village of El Portal encourages all citizens, Village government officials and employees to participate in events that recognize and celebrate Florida City Government Week.

Section 2. That the Village of El Portal encourages educational partnerships between village government and schools, as well as civic groups and others organizations.

Section 3. That the Village of El Portal supports and encourages all Florida city governments to actively promote and sponsor Florida City Government Week.

Section 4. This Resolution shall take effect immediately upon adoption.

Claudia Cubillos, Mayor

ATTEST: __________________________
Yenise Jacobi, Village Clerk

Approved as to form and legal sufficiency:
Interim Village Attorney

Law Office of Norman C. Powell

By: ______________________________
Norman C. Powell, Esq.

Vote:

Councilperson Mathis: _____ (Yes) _____ (No)
Councilperson Dreher: _____ (Yes) _____ (No)
Councilperson Roman: _____ (Yes) _____ (No)
Vice Mayor Nickerson: _____ (Yes) _____ (No)
Mayor Cubillos: _____ (Yes) _____ (No)

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2018-____ adopted on October _____, 2018, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this _____ day of October, 2018.

Yenise Jacobi
Village Clerk
VILLAGE OF EL PORTAL, FLORIDA

ORDINANCE NO. 2018-04

CODE AMENDMENT FOR ALCOHOLIC BEVERAGES

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3: ALCOHOLIC BEVERAGES, SEC. 3-1.-HOURS OF SALE, PROVIDING FOR UPDATED HOURS OF SALE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 3: Alcoholic Beverages, Sec. 3-1.-Hours of sale, of the Village of El Portal Code of Ordinances, currently prohibits the sale, services or offer to sell or serve any beer, wine or alcoholic beverage for the consumption on premises of businesses holding a valid alcoholic beverage license from the state which permits the sale for consumption on the premises of alcoholic beverages as a Use on Mondays through Saturdays between the hours of 7:00 a.m. and 2:00 a.m. the following day, and on Sundays from 12:00 noon to 2:00 a.m. the following day; and

WHEREAS, the Village desires to aid and encourage the Village's economic vitality and the growth and success of businesses within the Village; and

WHEREAS, the Village of El Portal desires to amend Chapter 3: Alcoholic Beverages, Sec. 3-1.-Hours of sale, of the Village of El Portal Code of Ordinances in order to allow all businesses holding a state and beverage license to sell or serve alcoholic beverages on Monday through Saturday between the hours of 9a.m. and 12a.m. the following day, and on Sunday from 10a.m. to 12a.m. the following day in Zone 4 and on Monday through Saturday between the hours of 7a.m. and 2a.m. the following day and on Sunday from 9a.m. to 2a.m. the following day in Zone 5, and with the opportunity to do so; and
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The provisions and language currently contained in Chapter 3 - Alcoholic Beverages, Sec. 3-1. - Hours of Sale, of the Village of El Portal Code of Ordinance is hereby amended to read as set forth below:

CHAPTER 3 - Alcoholic Beverages

Sec. 3-1. - Hours of Sale

It shall be unlawful for the holder of a license to sell intoxicating liquors and beverages containing alcohol, wines and beers, at retail, for consumption on the premises, on Mondays through Saturdays between the hours of 7:00 9:00 a.m. and 2:00 12:00 a.m. the following day, and on Sundays from 12:00 noon to 2:00 a.m. the following day in Zone 4 and on Mondays through Saturdays between the hours of 7:00 a.m. and 2:00 a.m. the following day, and on Sundays from 9:00 a.m. to 2:00 a.m. the following day in Zone 5. An area of consumption would include a cocktail lounge, nightclub or bar.

SECTION 3. All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Village Council that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2018-04 as amended and known as the "Code of Ordinances" of the Village of El Portal, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 6. If the Official Code of Ordinances of the Village of El Portal Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This ordinance shall become effective . 2018.
PASSED AND ADOPTED by the Village Council of the Village of El Portal Florida, this ___ day of __________, 2018.

Claudia Cubillos, Mayor

ATTEST: _____________________________

Yenise Jacobi, Village Clerk

Approved as to form and legal sufficiency:
Interim Village Attorney

By: _________________________________

Norman C. Powell, Esq.

Vote:

Councilperson Mathis: ___(Yes)___(No)
Councilperson Dreher: ___(Yes)___(No)
Councilperson Roman: ___(Yes)___(No)
Vice Mayor Nickerson: ___(Yes)___(No)
Mayor Cubillos: ___(Yes)___(No)

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2018-___ adopted on October ___, 2018, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this _____ day of __________, 2018.

Yenise Jacobi
Village Clerk
DISCUSSION ITEM:  Zoning Regulations for Medical Marijuana Dispensaries

MEETING:  1. Planning and Zoning Committee

DATE AND TIME:  July 10, 2017

1. Discussion:
There have been inquiries regarding the operation of medical marijuana dispensaries in the Village of El Portal.

2. Background:
On November 8, 2016, Florida voters approved an amendment (Amendment 2) to Article X of the Florida Constitution excluding from criminal or civil liability or sanctions under Florida law the use of medical marijuana by a qualifying patient and certain activities of caregivers, physicians or Medical Marijuana Treatment Centers, their agents or employees, in compliance with Amendment 2.

Since Amendment 2 was approved, counties and cities in Florida must make decisions and draft legislation on how and whether to regulate marijuana dispensaries. There have been inquiries regarding the operation of such dispensaries in the Village of El Portal. Currently, there are no zoning regulations addressing marijuana dispensaries in the Village of El Portal.

3. Zoning Options for the Village to Consider:

(a) A temporary moratorium on the submittal, processing, approval and issuance of any licenses, local business tax receipts, development orders or permits in the The Village of El Portal for any use that involves the cultivation, processing, dispensing or retail sale of cannabis, until appropriate zoning regulations are determined.

(b) Allow Medical Marijuana dispensaries as a Special Exception with clear zoning regulations under the provisions of Amendments to Article VI, Section 24-B.17c BUILDING FUNCTION & DENSITY of the Village of El Portal Zoning Code.

STAFF RECOMMENDATION: ALLOW MEDICAL MARIJUANA DISPENSARIES AS A SPECIAL EXCEPTION, WITH CLEAR ZONING REGULATIONS.

The Staff recommends that the Village consider allowing, in the Zone 5 areas only, the submittal,
processing, approval and issuance of any licenses, local business tax receipts, development orders or permits in The Village of El Portal for any use that involves the cultivation, processing, dispensing or retail sale of cannabis under the provisions of the Amendments to Article VI, Section 24-B. 17.c BUILDING FUNCTION & DENSITY of the Village of El Portal Zoning Code:

ARTICLE VI. SPECIFIC TO ZONES
***
Sec. 24-B.17. ZONE 5 (Z5) URBAN CENTER.
***
(c) BUILDING FUNCTION & DENSITY (Z5)

(5) Medical Marijuana Dispensary may be permitted by process of Special Exception. No Dispensary shall be located closer than 1,000 feet of another Medical Marijuana Dispensary, whether it is located in the Village or in another jurisdiction; closer than 1,000 feet of a Medical Marijuana Treatment Center located in another jurisdiction; closer than 1,000 feet of an elementary, middle or secondary school, child day care facility, county or municipal park, or place of worship, as shown in Figure 4.

Figure 4 - Medical Marijuana Dispensary Potential Locations
Currently, based on existing uses in and around the Village, there are no allowable sites for Medical Marijuana Dispensaries under these proposed regulations, however, certain Zone 5 areas may become eligible in the future if those existing uses change.
VILLAGE OF EL PORTAL, FLORIDA

ORDINANCE NO. 2018-06

CODE OF ORDINANCES: LAND DEVELOPMENT AMENDMENTS

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 24, APPENDIX B, "FORM-BASED CODE", ARTICLE III "USES", TABLE 1: SPECIFIC FUNCTION AND USE, SECTION 24-B.8 "DEFINITIONS OF BUILDING FUNCTIONS:USES", AND ARTICLE VI "SPECIFIC TO ZONES", SECTION 24-B.17 "ZONE 5 (Z5) URBAN CENTER"; AND ARTICLE X "DEFINITIONS OF TERMS", IN ORDER TO PROVIDE THE CONDITIONS AND REQUIREMENTS FOR THE USE OF MEDICAL MARIJUANA DISPENSARIES, AND MEDICAL MARIJUANA TREATMENT CENTERS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provides municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, Section 381.986(8)(b), Florida Statutes, provides that "A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries."); and

WHEREAS, On November 8, 2016, Florida voters approved an amendment (Amendment 2) to Article X of the Florida Constitution excluding from criminal or civil liability or sanctions under Florida law the use of medical marijuana by a qualifying patient and certain activities of caregivers, physicians or Medical Marijuana Treatment Centers, their agents or employees, in compliance with Amendment 2; and

WHEREAS, the Village of El Portal has a substantial and significant public interest in regulation the siting of Medical Marijuana Dispensaries (MMD) and Medical Marijuana Treatment Center (MMTC) dispensing facilities to promote the public health, safety, and general welfare; and
WHEREAS, there exists the potential for misappropriation and diversion of medical marijuana to non-medical uses; and

WHEREAS, the Marijuana Policy Group has published a memorandum called “Municipal Dispensary License Allocation: Florida,” which evaluated the market need for medical marijuana dispensaries and the harmful consequences and secondary effects of over-saturation of medical marijuana dispensaries within the marketplace and that memorandum, in part, concludes that an overabundance of medical marijuana treatment center dispensing facilities can affect the viability of such facilities, result in compliance issues and increased regulatory costs, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare; and

WHEREAS, pharmacies licensed under Chapter 465 are not similar to MMTC dispensing facilities in many respects; and

WHEREAS, significant safety and security concerns have been documented in states where MMD and MMTC are permitted; and

WHEREAS, MMD and MMTC’s are inherently attractive targets for criminals and criminal activity, it is essential for the City to limit the permissible scope and regulate such uses to ensure their compatibility with surrounding businesses, the community, and to protect the public health, safety, and welfare; and

WHEREAS, Special Exception uses may be permitted with certain stipulated conditions that will serve to insure that the use will assimilate properly into its surrounding neighborhood without deleterious effects; and

WHEREAS, the Mayor and Village Council find the proposed amendment is consistent with the Village of El Portal Comprehensive Plan and is in the best interests of the Village.
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The provisions and language currently contained in Chapter 24, Appendix B: Form-Based Code, entitled “Uses”, of the Village of El Portal Code of Ordinance is hereby amended to read as set forth below:

ARTICLE III: USES

ARTICLE III. TABLE 1: SPECIFIC FUNCTION AND USE. A parcel or Building shall be occupied by only the land uses allowed by Table 1 within the zone applied to the site by the Zoning Map. The land uses listed in Table 1 are defined in Section 24-B.8. Definitions of Building Function: Uses.

***

1. COMMERCIAL

<table>
<thead>
<tr>
<th>Z3</th>
<th>Z4</th>
<th>Z5</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Marijuana Treatment Center</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Marijuana Dispensary</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sec. 24-B.8. Definitions of Building Function: Uses

***

(d) COMMERCIAL

(11.) Medical Marijuana Treatment Center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the Department of Health or its successor agency.

(12.) Medical Marijuana Dispensary means a business that sells or otherwise distributes marijuana through one (1) or more primary caregivers to six (6) or more patients for medical use, along with any cultivation of marijuana associated with such sale or distribution. The term "medical marijuana dispensary" shall not include any person or entity that distributes marijuana for medical use exclusively to five (5) or fewer patients, and shall not include the private possession and medical use of marijuana by an individual patient or caregiver to the extent permitted by any applicable state of Florida law or regulation.

SECTION 3. Article VI of the Village of El Portal Code of Ordinances Chapter 24, Appendix B: Form-Based Code, entitled “Specific to Zones”, is amended as follows:

ARTICLE VI: SPECIFIC TO ZONES

***
(H) SPECIAL REGULATIONS (Z5)

(3) Medical Marijuana Treatment Centers/ Medical Marijuana Dispensaries. Permitted by process of special exception. When considering an application for medical marijuana dispensaries/medical marijuana treatment centers the approving body must consider the special exception criteria listed below, in addition to that criteria listed in Section 17-59.-Requirements and procedures for site plan and special exceptions.

a. Whether the request will cause damage, hazard, nuisance or other detrimental impacts to persons or property.
b. Any parking demand created by a medical marijuana dispensary/medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the Village’s parking regulations. An applicant shall be required to demonstrate, with a current traffic and parking study prepared by a certified professional, that on-site traffic and parking attributable to the medical marijuana dispensary/medical marijuana treatment center will be sufficient to accommodate the traffic and parking demands generated by the medical marijuana dispensary/medical marijuana treatment center.
c. No medical marijuana dispensary/medical marijuana treatment center shall be located closer than 1,000 feet of another medical marijuana dispensary/medical marijuana treatment center, whether it is located in the Village or in another jurisdiction; closer than 1,000 feet of an elementary, middle or secondary school, child day care facility, county or municipal park, or place of worship. Locations. Distances shall be measured by drawing a straight line from the closest point of the medical marijuana dispensary/medical marijuana treatment center structure to the closest property line of edge of leased space, whichever is closer, of the school, day care center, place of worship, residentially zoned property, or other medical marijuana dispensary/medical marijuana treatment center.
d. Medical marijuana dispensaries/medical marijuana treatment centers shall ensure that there is no queuing of vehicles in the rights-of-way.
e. No medical marijuana dispensaries/medical marijuana treatment centers shall have a drive-through or drive service aisle.
f. Medical marijuana dispensaries/medical marijuana treatment centers may be required to appear before the Village Council for annual progress reports prior to the issuance of business tax receipts and/or renewals.
g. Medical marijuana dispensaries/medical marijuana treatment centers shall, at all times, be in compliance with federal and state regulations. Miami-Dade County Code of Ordinances, and the Village of El Portal Code of Ordinances, as may be amended.

SECTION 4. Article X of the Village of El Portal Code of Ordinances Chapter 24, Appendix B: Form-Based Code, entitled “Definitions of Terms”, is amended as follows:

ARTICLE X: DEFINITIONS OF TERMS

Marijuana. Marijuana has the meaning given cannabis in Section 893.02(3), Florida Statutes, as amended and in addition, “Low-THC cannabis” as defined in Section 381.986(1)(e), Florida Statutes, as amended, shall also be included in the meaning of the term “marijuana”.

Medical Marijuana Dispensary. See Sec. 24-B.8 Definitions of Building Functions. d. Commercial.
Medical Marijuana Treatment Center. See Sec. 24-B.8 Definitions of Building Functions. d. Commercial.

SECTION 5. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 7. It is the intention of the Village Council that the provisions of this Ordinance shall become and be made a part of Ordinance No. _____ as amended and known as the “Code of Ordinances” of the Village of El Portal, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 8. If the Official Code of Ordinances of the Village of El Portal Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 9. This ordinance shall become effective ______, 2018.
PASSED AND ADOPTED by the Village Council of the Village of El Portal Florida, this ___ day of __________, 2018.

Claudia Cubillos, Mayor

ATTEST: ____________________________
Yenise Jacobi, Village Clerk

Approved as to form and legal sufficiency:
Interim Village Attorney

By: ________________________________
Norman C. Powell, Esq.

Vote:

Councilperson Mathis: ___(Yes) ___(No)
Councilperson Dreher: ___(Yes) ___(No)
Councilperson Roman: ___(Yes) ___(No)
Vice Mayor Nickerson: ___(Yes) ___(No)
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I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2018-___ adopted on October ____, 2018, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this ____ day of __________, 2018.

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