Regular Council Meeting
Tuesday, September 24, 2019
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):
   E1. Approval of the Minutes for July 23rd, 2019 Regular Council Meeting

F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:
   F1. Child Cancer 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.)
Regular Council Meeting  
September 24, 2019  
Meeting Agenda  

H. AGENDA ITEM:  
H1. Presentation by Javier Betancourt, Executive Director of the Citizen’s Independent Transportation Trust  

I. RESOLUTIONS/ORDINANCES:  

I1. RESOLUTION 2019-09  
SITE PLAN CONVERSION  
YOGA STUDIO  
A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL, FLORIDA GRANTING APPROVAL PURSUANT TO SECTION 17-53 OF THE VILLAGE CODE OF ORDINANCES, OF A PROPOSED ADDITION AND CONVERSION OF AN EXISTING STRUCTURE FROM A RESIDENTIAL USE TO A COMMERCIAL USE FOR THE PROPERTY LOCATED AT 8780 N.E. 2ND AVENUE, EL PORTAL, FLORIDA 33138, PROVIDING FOR FINDINGS, PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.  

I2. RESOLUTION 2019-10  
SOLSMART PERMIT FEES  
A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL, FLORIDA WAIVING PERMIT FEES FOR THE INSTALLATION OF PHOTOVOLTAIC SYSTEMS, PROVIDING FOR FINDINGS, PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.  

I3. ORDINANCE 2019-04  
CODE AMENDMENT FOR WALLS, FENCES AND HEDGES STANDARDS IN ZONE 3  
AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 24: ZONING AND LAND DEVELOPMENT CODE, SEC. 24-B.15.(G) – WALLS, FENCES AND HEDGES STANDARDS (Z3), PROVIDING FOR UPDATED SPECIFIC REGULATIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.
4. ORDINANCE 2019-05 CODE AMENDMENT FOR-RIGHT-OF-WAY VACATION PROCEDURES

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 24: ZONING AND LAND DEVELOPMENT CODE, ARTICLE VI. – OTHER ADMINISTRATIVE PROVISIONS, PROVIDING FOR UPDATED SPECIFIC REGULATIONS; 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. 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.
PLANNING AND ZONING
STAFF REPORT

VILLAGE OF EL PORTAL
PLANNING AND ZONING
500 NE 87th Street
El Portal, FL 33138
PHONE 305-795-7880  FAX 305-795-7884

APPLICANT: Horacio and Marcela Segal, property owners
SUBJECT ADDRESS: 8780 NE 2nd Avenue - Zone 4
APPLICATION: 2019-PZ-001 – Site Plan Review

PUBLIC HEARING(s):
Regular Council Meeting
September 24, 2019; 7:00pm

2019-PZ-001
Site Plan Review

1. APPLICATION:
THE APPLICANT IS REQUESTING SITE PLAN APPROVAL FOR THE PROPOSED ADDITION AND CONVERSION OF THE EXISTING STRUCTURE FROM A RESIDENTIAL USE TO A COMMERCIAL ESTABLISHMENT, WHICH PURSUANT TO SECTION 17-53 OF THE CODE OF ORDINANCES, REQUIRES APPROVAL BY VILLAGE COUNCIL AFTER PUBLIC HEARING.

2. BACKGROUND INFORMATION:
Owner of property: Horacio and Marcela Segal
Address: 8780 NE 2nd Avenue, El Portal, FL 33138
Folio number: 18-3101-032-0070
Transect Zone: Zone 4 (Z4) – Main Street Zone

Site: The current 7,344 square foot lot (54 x 136 feet) was acquired as a lot for a single-family residential building – as permitted under ‘Sec. 24-3. - RSF single-family residential district’ now Zone 4 – Main Street of the Code of Ordinances. The property has a Principal Front Setback (west façade) facing NE 2nd Avenue and a Secondary Front Setback (north façade) facing NE 88th Street. The current right-of-way on NE 88th Street provides five (5) angled public parking spaces.

Proposed Development: The ground floor of the existing structure is to be converted into a yoga/ holistic center and will function primarily as a welcoming area and break room. Construction of a new addition in the rear will be used as a yoga studio and the second story will be used as office spaces.

The new commercial use cannot accommodate the off-street parking requirements due to the location of the septic tank and drainage field and a large oak tree in the rear of the lot. To satisfy the parking requirements for the new commercial use, the Applicant requests improving and reusing the on-street parking on the right-of-way north of the property on NE 88th Street.

The Applicant requests to convert the area on the ROW on NE 88th Street with five (5) angled public parking spaces into nine (9) 90° standard 8.5 feet x 18 feet stalls and one
In order to ensure that the proposed parking spaces do not encroach on the travel lane or sidewalk, the Applicant proposes to provide a 15-inch wide easement along the north side of the property. The Applicant also proposes to increase the width of the sidewalk from 4'-9" to 5'-0".

**ARTICLE IV. TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS.**

(a) Parking Requirements.

*On Street Parking shall be counted towards the total Parking count within a development in Z4 and Zone Z5 only.*

*Minimum one (1) bicycle rack space for every 10 Parking Spaces required.*

*Parking may be provided by ownership or lease offsite within 1000 feet by process of Administrative Adjustment in Z4 and Z5 only.*

*Parking requirements shall be rounded up to the nearest full parking space.*

*Standard stall: 8.5 ft x 18 ft minimum.*

*Handicapped parking stalls shall be provided in accordance with applicable federal and state standards.*

Staff has reviewed the application for consideration by the Planning and Zoning Committee and Village Council. In this report, Staff presents the applicable Zoning requirements per the Code of Ordinances, Chapter 24, Appendix B, with recommendations.

**Article III. Uses**

<table>
<thead>
<tr>
<th>Permitted</th>
<th>Proposed</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential: Single Family Residence, Community Residence, Ancillary Unit, Two Family Residence, Multi Family Housing, Home Office, Live-Work, Bed &amp; Breakfast, Inn, Office, General Commercial, Food Service Establishment, Recreational Establishment, Learning Center, Recreational Facility, Religious Facility</td>
<td>Commercial: Recreational Establishment</td>
<td>Complies</td>
</tr>
</tbody>
</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>7,344 sf</td>
<td>Complies</td>
</tr>
<tr>
<td>Lot width: 50 ft min</td>
<td>54 ft</td>
<td>Complies</td>
</tr>
<tr>
<td>Principal Front Setback: 10 ft min</td>
<td>West: 18.97 ft to bldg. (existing)</td>
<td>Complies</td>
</tr>
</tbody>
</table>
### Article VI. Sec. 24-B.16 (b) Building Configuration (Z4)

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hedges and fences: 8 ft max</td>
<td></td>
<td>Complies</td>
</tr>
<tr>
<td>Second and Third Layers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary Front Setback (Side Street): 10 ft</td>
<td>North: 5.75 ft (existing)</td>
<td>Complies</td>
</tr>
<tr>
<td>min</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Setback: 0 ft min</td>
<td>South: 2.07 ft</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Setback: 20 ft min</td>
<td>East: 42.72 ft</td>
<td>Complies</td>
</tr>
<tr>
<td>Lot coverage: 60% max</td>
<td>33.25% (2,442 sq ft)</td>
<td>Complies</td>
</tr>
<tr>
<td>Open space: 10% min</td>
<td>62.33% (4,581 sq ft)</td>
<td>Complies</td>
</tr>
<tr>
<td>Green space: 5% min</td>
<td>50.57% (3,722 sq ft)</td>
<td>Complies</td>
</tr>
<tr>
<td>Primary Frontage build-out: 70% min</td>
<td>Existing</td>
<td>Complies</td>
</tr>
<tr>
<td>Secondary Frontage build-out: 50% min</td>
<td>57% (77.49 ft)</td>
<td>Complies</td>
</tr>
<tr>
<td>Maximum building height: 3 stories max</td>
<td>2 stories (existing)</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>1 story (addition)</td>
<td></td>
</tr>
<tr>
<td>Ground Floor Height: 14 ft min 25 ft max</td>
<td>9'-6&quot; (existing)</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>11'-6&quot; (addition)</td>
<td></td>
</tr>
<tr>
<td>Upper Floor Height: 14 ft max</td>
<td>8'-6&quot; (existing)</td>
<td>Complies</td>
</tr>
<tr>
<td>Density: 36 du/acre max.</td>
<td>N/A</td>
<td>Complies</td>
</tr>
<tr>
<td>Floor Lot Ratio (FLR): 1.25 max.</td>
<td>0.43</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>Commercial: 3 spaces per 1000 sf</td>
<td>10 spaces (altering existing public right-of-way)</td>
<td>Complies</td>
</tr>
<tr>
<td>2340 sf of commercial space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>= 7 parking spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>830 sf of office space = 3 parking spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total = 10 parking spaces (including handicapped parking)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bicycle rack: 1 bicycle rack space for every 10 Parking Spaces</td>
<td>1</td>
<td>Complies</td>
</tr>
</tbody>
</table>

### Article VI. Sec. 24-B.16 (d) Parking Standards (Z4)

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking located in Second and Third Layers, masked from Frontage, accessed by Alley</td>
<td>Septic tank and existing tree prohibit parking in rear of lot</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Driveway max. width on a Frontage at the Property Line: 12 ft  N/A  N/A

Shared driveway width at Property Line combining ingress and egress: 20 ft max  N/A  N/A

**Article VI. Sec. 24-B.16 (f) Landscape Standards (Z4)**

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum one shade tree planted for every 50 feet of Primary Frontage, either in front setback or street tree in ROW</td>
<td>Existing</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**Findings**

<table>
<thead>
<tr>
<th>Standards</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<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>
<td>Yes</td>
</tr>
<tr>
<td>The plan is in conformance with property development regulations of the zoning district in which it is located.</td>
<td>Yes</td>
</tr>
<tr>
<td>The site plan has an adverse impact on the environmental and natural resources of the Village.</td>
<td>No</td>
</tr>
<tr>
<td>The approval of the site plan has an adverse impact on the necessary public facilities of the Village.</td>
<td>No</td>
</tr>
</tbody>
</table>

**3. APPLICATION REQUEST:**

(a) Applicant Request.

The Applicant is requesting site plan approval for the proposed addition and conversion of the existing structure from a residential to a commercial establishment, altering the public right-of-way in order to satisfy the parking requirement for said use (improving its current condition).

(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.
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. Furthermore, the change of use from residential into a yoga studio supports the Village's Vision Plan in creating a commercial corridor on NE 2nd Avenue.

Therefore, APPROVAL is recommended for this Site Plan Review Application: subject to the following conditions:

1. Prior to the issuance of a building permit, the submittal of a landscape plan, irrigation plan and vegetative survey which meet Miami-Dade County Code Chapter 18A requirements.
2. In the event the Village makes improvements to the street that changes the number of parking spaces adjacent to the Property, the Applicant shall find alternate means of parking to satisfy the parking requirements for the use and the issuance of future Certificates of Use shall require the availability of parking.
3. The right of way parking shall remain public and the Property may use the parking spaces to satisfy the zoning requirements and any person may park on said public parking spaces regardless of patronage.
4. The Applicant shall provide landscaping and ensure improvements to the right-of-way do not cause danger to pedestrians walking on the sidewalk.
5. The Applicant shall provide parking stops for all spaces in order to keep the sidewalk clear of obstacles.
6. The Applicant shall ensure that no parking spaces shall encroach on the travel lanes.
7. In the event the Applicant converts the septic system and connects to the sewer system, the Applicant shall remove the septic tank and drainage field from the rear of the Property and submit a site plan application and apply for a new Site Plan Review to comply with the off-street parking requirements of the Village Zoning Code.
8. The Applicant shall comply with Miami-Dade County, Ordinance No.: 89-8 for any tree removal.
VILLAGE OF EL PORTAL, FLORIDA

RESOLUTION NO.: 2017-09

A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL, FLORIDA GRANTING APPROVAL PURSUANT TO SECTION 17-53 OF THE VILLAGE CODE OF ORDINANCES, OF A PROPOSED ADDITION AND CONVERSION OF AN EXISTING STRUCTURE FROM A RESIDENTIAL USE TO A COMMERCIAL USE FOR THE PROPERTY LOCATED AT 8780 N.E. 2ND AVENUE, EL PORTAL, FLORIDA 33138, 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 Horacio and Marcela Segal ("Applicant") pursuant of Section 17.53 of the Village of El Portal Code of Ordinances; and

WHEREAS, the proposed development, located at 8780 N.E. 2nd Avenue, El Portal, Florida 33138, is to convert the ground floor of the existing structure into a yoga and holistic center that will function primarily as a welcoming area and break room; and

WHEREAS, the application proposes an addition in rear of the building that will be used as a yoga studio and a second story that will be used as office space; and

WHEREAS, the proposed commercial use will not comply with the off-street parking requirements because of the location of the septic tank and drainage field and a large oak tree in the rear of the lot; and,

WHEREAS, in order to satisfy the parking requirements for the new commercial use, the Applicant requests the improvement and re-use of the on-street parking on the right-of-way located on the north side of the Property on N.E. 88th Street and to convert the area existing with five (5) angled public parking spaces into nine (9) 90° standard 8.5 feet by 18 feet stalls and one (1) handicapped stall; and

WHEREAS, to ensure that the proposed parking spaces do not encroach on the travel lane or sidewalk, the Applicant proposes to provide a 15-inch wide easement along the north side of the Property and to increase the width of the sidewalk from 4'-9" to 5'-0"; and

WHEREAS, in accordance with Section 17-64 of the Village Code, the Village Council noticed public hearings for July 17, 2019 at 7:00 P.M. and September 24, 2019 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, the Planning and Zoning Committee held a public hearing on July 17, 2019 at 7:00 P.M. at Village Hall, 500 N.E. 87th Street, El Portal, Florida 33138 and recommended approval of the application to the Village Council; 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, 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.

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 re-use and modify the existing building into a yoga and holistic center:

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 and loading facilities 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 Application of the Property owners, Horacio Segal and Marcela Segal, owners of the Property located at 8780 N.E. 2nd Avenue, El Portal, Florida 33138 ("Property") to convert the ground floor of the existing structure into a yoga and holistic center that will function primarily as a welcoming area and
break room and the construction of an addition in rear of the building that will be used as a yoga studio and a second story that will be used as office space; and the improvement and re-use of the on-street parking on the right-of-way located on the north side of the Property on N.E. 88th Street and to convert the area with five (5) angled public parking spaces into nine (9) 90° standard 8.5 feet by 18 feet stalls and one (1) handicapped stall; and incorporated herein as Exhibit “A” as submitted for hearing on July 17, 2019, including all subsequent revisions is hereby approved.

Section 4. Conditions.

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

A. Prior to the issuance of a building permit, the submittal of a landscape plan, irrigation plan and vegetative survey which meet Miami-Dade County Code Chapter 18A requirements; and

B. payment of the Village’s costs in the amount of $_______; and

C. in the event the Village makes improvements to the street that changes the number of parking spaces adjacent to the Property, the Applicant shall find alternate means of parking to satisfy the parking requirements for the use and the issuance of future Certificates of Use shall require the availability of parking; and

D. the right of way parking shall remain public and the Property may use the parking spaces to satisfy the zoning requirements and any person may park on said public parking spaces regardless of patronage; and

E. the Applicant shall provide landscaping and ensure improvements to the right-of-way do not cause danger to pedestrians walking on the sidewalk; and

F. the Applicant shall provide parking stops for all spaces in order to keep the sidewalk clear of obstacles; and

G. the Applicant shall ensure that no parking spaces shall encroach on the travel lanes;

H. in the event the Applicant converts the septic system and connects to the sewer system, the Applicant shall remove the septic tank and drainage field from the rear of the Property and submit a site plan application and apply for a new Site Plan Review to comply with the off-street parking requirements of the Village Zoning Code; and

I. the Applicant shall comply with Miami-Dade County, Ordinance No.: 89-8 for any tree removal; and
J. 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.


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 Urbom: _____ (Yes) _____ (No)
Councilperson Roman: _____ (Yes) _____ (No)
Councilperson Mathis: _____ (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.:2019-08 adopted on September 24, 2019, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 24 day of September, 2019.

Yenise Jacobi
Village Clerk
DISCUSSION ITEM:  2019-PZ-004: SolSmart Program

PUBLIC HEARING(S):  Planning and Zoning Committee Meeting
September 24, 2019; 7:00pm

2019-PZ-004 SolSmart Program

1. ITEM:

2. BACKGROUND:
The Village of El Portal participated in the SolSmart program and achieved Bronze designation. SolSmart is a U.S. Department of Energy-funded effort to establish and implement a new community technical assistance and designation program designed to recognize communities that have taken steps to make it easier for businesses and residents to go solar.

SolSmart seeks primarily to address solar “soft costs” (the non-hardware costs of going solar that increase the time and money required for customers to go solar). Addressing these costs at the local level is aimed at improving solar market conditions – making it faster, easier, and more affordable for residents and businesses to choose solar energy – while attracting the economic benefits associated with the growth of the local solar industry.

In light of this effort and in order to provide an incentive for renewable energy, the attached resolution proposes that the Village waive permit fees in connection with the installation of photovoltaic systems in El Portal.

3. RECOMMENDATION:
Staff recommends approval of the attached resolution providing for waiver of Village permit fees in connection with the installation of solar photovoltaic systems for a period of twelve months.
VILLAGE OF EL Portal, Florida

Resolution No.: 2019-10

A Resolution of the Village Council of El Portal, Florida Waiving Permit Fees for the Installation of Photovoltaic Systems, Providing for Findings, Providing for Conditions; Providing for Appeal; Providing for Violation of Conditions; Providing for an Effective Date.

Whereas, The Village of El Portal participated in the SolSmart program and achieved Bronze designation, making it faster, easier, and more affordable for residents and businesses to choose solar energy; and

Whereas, The Village of El Portal wishes to provide an incentive for renewable energy by providing a waiver of permit fees in connection with the installation of solar photovoltaic systems for twelve (12) months, beginning on the effective date of this Resolution; and

Whereas, the Village Council finds that the waiver of fees will promote a public purpose.

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. Grant.

That the Village Council hereby authorizes the Village Manager or her designee to waive the permit fees for the installation of photovoltaic systems for residences and business in the Village of El Portal for a period of twelve months, beginning on the effective date of this resolution.

Section 3. 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 __________, 2019.

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 Urbom: (Yes) (No)
Councilperson Roman: (Yes) (No)
Councilperson Mathis: (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.: 2019 -10 adopted on September ____, 2019, 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 September, 2019.

Yenise Jacobi
Village Clerk
2019-PZ-002: Amendments to Fence Regulations for Zone 3 (Z3)

Planning and Zoning Committee Meeting
September 24, 2019; 7:00pm

1. ITEM:
There have been a number of concerns from residents that have come up regarding fences regulations at El Portal recently, particularly their location on corner lots and the use of materials that require too much maintenance or do not provide sufficient privacy. The provisions of the regulations for fences were written many years ago and may need revisions to address recurrent resident concerns.

2. BACKGROUND:
Chapter 24, Appendix B, Article VI. Specific to Zones, Section 15 Zone 3 (Z3) Sub-Urban Residence, (g) Walls, Fences and Hedges Standards (Z3), currently allows the following:

Materials: fences of the following materials: coral rock, concrete block stuccoed on both sides with concrete cap, natural stone walls, slump or adobe brick, precast concrete, wire (chain-link, single or double looped ornamental type, aluminum or galvanized steel), or wood;

Location: no wall, fence, or hedge is permitted within the Principal Front Setback or Secondary Front Setback, except for 4-foot masonry or coral rock walls subject to Council approval through a variance.

On February 23, 2018, the Village of El Portal held a Town Hall in which participants were encouraged to share their concerns about the current zoning requirements for fences. There was an opportunity to respond to an online survey with specific images of different fence types for the front and side yards, varying in height and material. A summary of the results is below:

71 people answered the survey in total.

Summary of results
Front Yard
- 3.5-foot white picket fence – Respondents were split about this fence.
- 6-foot aluminum fence – More than half of respondents did not like this fence.
- 6-foot concrete and wood fence – Most respondents really liked this fence, but a good amount did not.
- 6-foot concrete and aluminum fence - Respondents were split about this fence.
- Natural landscape - Most respondents saw natural landscape favorably.

Side Yard
- 6-foot wood fence - Most respondents really like this fence.
- 6-foot metal fence/ DURA fences - Most respondents did not like this fence.
- 6-foot PVC fence - Most respondents really liked this fence, but was closely followed by a good number of respondents who did not like it at all.
- 8-foot hedge - Most respondents really like hedges on their property lines.
- 6-foot wood and aluminum fence - Most respondents really liked this fence.

**Summary of comments**

**Height**
- Tall fences provide good privacy and security for some but are also uninviting, create a gated community feeling, and create isolation for others.
- Short fences do not obstruct visibility.

**Materials**
- Metal is durable and cost-effective but can be harsh and cold for front of property, preferable for the rear.
- Wood combined with concrete or aluminum creates a modern and favorable look but might be too expensive and decays easily.
- Wood is aesthetically pleasing but difficult to maintain and not as durable.
- Natural landscape and hedges are heavily favored but must be well-maintained.
- PVC is durable and easier to maintain but artificial look was not favored by all.
- Hedges are preferred but must be maintained and well-kept.

**Location**
- Many were against tall fences in the front of properties and favored open fronts but some people expressed concerns for security and privacy.
- More respondents were receptive toward fences that are not fully enclosed and do not obstruct view of house.

**3. REQUEST:**
Amend regulations for location and height of fences in *Chapter 24, Appendix B, Section 15 (g) Walls, Fences and Hedges Standards (Z3)* in order to allow additional materials for fences in the side and rear yards that provide privacy but do not require constant maintenance and to allow 4-foot walls and fences of different materials by right within the Secondary Front Setback.

**4. STAFF RECOMMENDATION: AMEND THE CODE TO ALLOW FOR A GREATER RANGE OF OPTIONS FOR MATERIALS FOR FENCES IN THE SIDE AND REAR YARDS AND ALLOW TO BUILD 4-FOOT MAX. WALLS AND FENCES OF DIFFERENT MATERIALS BY RIGHT WITHIN THE SECONDARY FRONT SETBACK IN ZONE 3.**

- The Staff recommends that the Village consider allowing additional materials and locations to build fences on the side and rear of lots in Zone 3 of El Portal by amending *Chapter 24, Appendix B, Section 15 (g) Walls, Fences and Hedges Standards (Z3)* of the Village of El Portal Code of Ordinances, considering the following based on the results of the survey:
  - Consider including the materials in the chart below:
<table>
<thead>
<tr>
<th>Material</th>
<th>Image</th>
</tr>
</thead>
<tbody>
<tr>
<td>Composite material, composite board, PVC or DURAWOOD</td>
<td></td>
</tr>
<tr>
<td>Vinyl coated chain-link fences in a dark color</td>
<td></td>
</tr>
<tr>
<td>Ornamental wrought iron, ornamental aluminum cast iron, or cast aluminum in a dark color</td>
<td></td>
</tr>
</tbody>
</table>

- Allow 4-foot-tall walls and fences of other materials by right within Layers 2 and 3 of the secondary front setback as shown highlighted in the diagram below:
VILLAGE OF EL PORTAL, FLORIDA

ORDINANCE NO. 2019-04

CODE AMENDMENT FOR WALLS, FENCES AND HEDGES STANDARDS IN ZONE 3

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 24: ZONING AND LAND DEVELOPMENT CODE, SEC. 24-B.15.(G) – WALLS, FENCES AND HEDGES STANDARDS (Z3), PROVIDING FOR UPDATED SPECIFIC REGULATIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Village of El Portal has established regulations for walls, fences and hedges for Zone 3 in Chapter 24, Appendix B, of the Code of Ordinances; and

WHEREAS, there have been a number of concerns raised regarding walls, fences, and hedges regulations in Zone 3, in particular about their location, materials permitted, and allowed heights; and

WHEREAS, the provisions for the regulations for walls, fences, and hedges may need revisions to address recurrent concerns; and

WHEREAS, the Village conducted a Town Hall on Saturday, February 23rd and an online survey where residents could express their concerns about the existing regulations for walls, fences, and hedges in Zone 3; and

WHEREAS, the Village of El Portal desires to amend Chapter 24: Zoning and Land Development Code, Sec. 24-B.15(g) – Walls, Fences and Hedges Standards (Z3), of the Village of El Portal Code of Ordinances in order to address the concerns raised regarding height, material and location of walls, fences and hedges.
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: Zoning and Land Development Code, Sec. 24-B.15(g) – Walls, Fences and Hedges Standards (Z3), of the Village of El Portal Code of Ordinance is hereby amended to read as set forth in “Exhibit A” to this Ordinance.

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-XX 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 __________________, 2019.
1st Reading: September 24, 2019
2nd Reading:

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 Urbom: ____ (Yes) ____ (No)
Councilperson Roman: ____ (Yes) ____ (No)
Councilperson Mathis: ____ (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 Ordinance: 2019-____ adopted on October ___, 2019, 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 ____________, 2019.

Yenise Jacobi
Village Clerk
Sec. 24-B.15. - ZONE 3 (Z3) SUB-URBAN RESIDENCE

(g) WALLS, FENCES AND HEDGES STANDARDS (Z3).

(1) Location:

A. Front Yard and Side Yard. No wall, fence, hedge, or other obstruction shall be permitted within the Principal Front Setback or the Secondary Front Setback, with the exception of masonry or coral rock walls with a maximum height of four (4) feet, subject to approval by process of Variance.

B. Corner Side Yard. Walls, fences, and hedges shall be permitted with a maximum height of four (4) feet within Layers 2 and 3 of the Secondary Front Setback.

B C. Wire Fences. Wire fences may be erected at the following locations on any premises:

i. On lots that are not corner lots, wire fences may be erected anywhere along boundaries of a rear yard as defined in this chapter, or within such rear yard; or alongside lot lines from the rear lot line to the front line of building extended to the nearest point in the side lot line, provided that a masonry or coral rock wall connects such wire fence with the building if such wire fence extends forward beyond the rear corner of the building closest to the side lot line.

ii. On lots that are corner lots, wire fences shall not be erected in any yard or in any yard areas where such areas abut upon a street intersection. Where the rear line of a corner lot abuts upon the side line of the adjoining lot no wire fence in the rear yard or along the rear line may extend closer to the street line than the front setback distance applicable to the lot abutting upon rear of such corner lot, and such front setback distance shall be construed as the required setback if the adjoining lot is unimproved, and the actual front setback of the adjoining lot is improved.

(2) Height: The maximum height for walls, fences and hedges shall be six (6) feet from the established grade, or six (6) feet from actual ground level of such wall or fence, whichever is higher, with the following exceptions:

A. Front Yard and Side Yard. No wall, fence, hedge, or other obstruction shall be permitted within the Principal Front Setback or the Secondary Front Setback, with the exception of masonry or coral rock walls with a maximum height of four (4) feet, subject to approval by process of Variance.

B. Corner Side Yard. Walls, fences, and hedges shall be permitted with a maximum height of four (4) feet within Layers 2 and 3 of the Secondary Front Setback.

B C. No wire fence shall be permitted over five (5) feet high from the established grade, or over five (5) feet high from actual ground level of such fence, whichever is higher.

G D. Wing walls, hereby defined as a wall or walls which extend from a building to or toward the property line, parallel to and in line with the front of said building, may
exceed six (6) feet in height but not more than roof line height, provided the design and height thereof shall first be approved by process of Variance.

**D.** Concrete block, stuccoed or natural stone walls, or vinyl-coated chain link type wire fences may be erected to a maximum height of seven (7) feet upon property lines abutting professional or business property or abutting an alley and all lots facing or adjoining business or professional property by process of Variance, in cases where the Village finds that such walls or fences do not create a hazard to pedestrian or vehicular traffic.

**E.** The maximum height for hedges and landscape along the side and interior side property lines shall be eight (8) feet.

**F.** Fences for tennis courts, swimming pools and other active recreational uses may have regulation-height fences.

(3) Material: Except as may be otherwise provided herein, walls and/or fences may be constructed of coral rock, concrete block stuccoed on both sides with concrete cap, slump or adobe brick, precast concrete, polyvinyl chloride (PVC), composite material, ornamental wrought iron, ornamental aluminum cast iron, cast aluminum, wire, or wood.

**A.** Wire Fences. All wire fences shall be of vinyl-coated chain link of a dark color, or single or double looped ornamental type, and shall be aluminum, galvanized steel, of not less than 11 gauge or equal; terminal posts shall be aluminum or galvanized steel pipe of not less than two (2) inches outside diameter or reinforced masonry columns not less than four (4) inches square; aluminum or galvanized steel angles may be used as intermediate supports; all terminal posts and intermediate supports shall be set in concrete, and all terminal posts shall be properly braced when installing any ornamental type fence; top rail, if used, shall be aluminum or galvanized steel pipe not less than one and three-eighths (1 3/8 ) inches outside diameter; and where top rail is not used, terminal posts shall be properly braced with aluminum or galvanized steel pipe.

**B.** Wood fences. Wood fences shall be permitted on residential lots subject to the following conditions:

i. Such fence shall be of cedar, cypress, redwood or pressure-treated pine, with four-inch by four-inch terminal posts, two-inch by four-inch intermediate posts, wood rails and pickets one (1) inch thick. Pickets shall be placed so as to provide a space between of not less than one-half (0.50) the width of the picket.

ii. All such fences shall be painted on each side with an appropriate and harmonious color, and shall be maintained and kept in repair by replacing all rotting wood. Construction and painting shall be completed within a reasonable time after issuance of permit therefore, to be determined by the building inspector.

iii. The structural side of a fence shall be facing the owner's lot.

iii–iv. Manager's administrative variance: An administrative variance may be granted at the manager's discretion when access to the adjacent property is denied, or existing
landscaping or fence structure, or other facts make compliance with Section 24-B.15. (G)(3) i., ii., and iii., and iv., above, not possible. The following requirements apply: The permit applicant shall provide documentation to building, planning and zoning director that good faith effort was made to obtain adjacent owner's approval to access adjacent property. In regards to existing fence structures, landscaping and other obstacles a code enforcement officer shall provide photo documentation of location in question and serve as a witness.

C. Aluminum and polyvinyl chloride (PVC) fences shall be permitted, provided that the standards set by Miami-Dade County Code of Ordinances, most specifically referencing Section 8.1; Section 8.22 and Section 8A-398 and that said fencing is more decorative than not, including faux finishes such as wooden appearance, stonework and/or textured finish.

D. Hedges and landscape shall be healthy and properly maintained so as to not interfere with adjacent properties.

E. Fences for tennis courts, swimming pools and other active recreational uses shall have a maximum opaqueness of 30 percent.

(4) Height of seawalls: No seawall, headwall, bulkhead, retaining wall or like structure along the shores of the waters adjacent to the village shall be erected or constructed at an elevation higher than plus eight (8) eight feet elevation above mean low water, City of Miami datum.

(5) Utility easement areas: Every permit for the erection of a wall or fence in the rear five (5) feet of any lot where a utility easement exists over such rear five (5) feet shall provide that it is subject to revocation. Each such wall or fence shall be constructed subject to the conditions that the wall or fence shall be removed by the owner at any time on request of a utility company requiring the use of the space for utility purposes, and that if the owner of such property fails to so remove such wall or fence after request and notice, the utility company or the city may remove such wall or fence at the property owner's expense.
VILLAGE OF EL PORTAL
PLANNING AND ZONING

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

DISCUSSION ITEM:


PUBLIC HEARING(s):
Planning and Zoning Committee Meeting
September 24, 2019; 7:00pm

2019-PZ-003
Procedures for right-of-way vacation

1. ITEM:
Establish a uniform procedure for the review or abandonment and vacation of a public right-of-way within the Village of El Portal.

2. BACKGROUND:
There are currently no provisions within The Village of El Portal Code of Ordinances regarding the procedures to request a public ROW vacation.

There are locations in El Portal where this process may be needed in the future, and future annexations may bring additional circumstances and/or locations where this may be needed.

3. REQUEST:
Amend Chapter 24 to include provisions to establish procedures to request a public right-of-way vacation.

4. STAFF RECOMMENDATION: AMEND THE CODE OF ORDINANCES TO INCLUDE PROVISIONS TO GRANT APPROVAL FOR ABANDONMENTS AND VACATION REQUESTS.

The Staff recommends that the Village grant approval to requests for right-of-way vacations under the provisions of the Amendments to Chapter 24, Article V, Sec. 24-63 – Abandonment and Vacations.

Chapter 24 – ZONING AND LAND DEVELOPMENT CODE
***
ARTICLE VI. – OTHER ADMINISTRATIVE PROVISIONS
***
Sec. 24-63 – Abandonment and vacations.
(a) Application

A. All requests with regard to abandonment or vacation of Village streets, alleys, easements, and other non-fee interests which the Village may have in real property shall be reviewed for consistency with the Comprehensive Plan and shall be subject to conditions of
approval which mitigate the impact of the abandonment or vacation of the Village's real property interest and/or impact of additional development resulting from the abandonment or vacation. All applications shall be reviewed in accordance with the provisions of Chapter 24, Article VI, Sec. 24-63 and other applicable provisions of the Village's Code.

B. The interested private parties shall undergo a Miami-Dade County Office of Historic Preservation Certificate to Dig if the Village's property in question to be abandoned or vacated is in proximity to an archaeological site.

C. Interested private parties shall pay the Village Application fee recommended by the Village Manager and approved by the Village Council.

D. Interested private parties shall be required to reimburse the Village for all professional fees and costs incurred for the Application.

E. Interested private parties shall cover any and all costs required for re-platting.

(b) Standards for Review.

A. Applications for abandonment and vacation of city streets, alleys, special purpose easements and other non-fee interests which the Village may have in real property may be approved by process of Resolution provided that it is demonstrated that:

i. The non-fee property interest sought to be abandoned does not provide a benefit to the public health, safety, welfare, or convenience in that it is not being used by the Village for any of its intended purposes or the Comprehensive Plan or Capital Improvement Schedule does not anticipate its use.

ii. The non-fee property interest sought to be abandoned provides some benefit to the public health, safety, welfare, or convenience, but the overall benefit anticipated to result from the abandonment outweighs the specific benefit derived from the non-fee property interest, in that the vacation or abandonment will not frustrate any Comprehensive Plan or Capital Improvements Plan of the Village and the vacation or abandonment will not interfere with any planning effort of the Village that is underway at the time of the application but is not yet completed.

iii. The vacation or abandonment will provide a material public benefit in terms of promoting the desired development and improves the Village's long-term fiscal condition and the applicant provides beneficial mitigation in the form of a proffered mitigation plan which mitigates the loss of real property, the increase in the intensity of use and/or impacts on the public health, safety and welfare including increased parking and traffic.

(c) Public Works Committee review and recommendation.

A. The Public Works Committee shall:
i. Review the application at a public hearing conducted in accordance with the provisions of Article IV, Section 4.01.-Council meeting procedure.

ii. Make written findings with respect to whether the application complies with the standards set out in Sec. 24-63.

iii. Identify appropriate conditions of approval which mitigate the impact of the vacation or abandonment of property.

iv. Provide a recommendation to the Village Council with regard to whether the application should be approved, approved with conditions, or denied.

(d) Planning and Zoning Committee review and recommendation.

B. The Planning and Zoning Committee shall:

v. Review the application at a public hearing conducted in accordance with the provisions of Article IV, Section 4.01.-Council meeting procedure.

vi. Make written findings with respect to whether the application complies with the standards set out in Sec. 24-63.

vii. Identify appropriate conditions of approval which mitigate the impact of the vacation or abandonment of property.

viii. Provide a recommendation to the Village Council with regard to whether the application should be approved, approved with conditions, or denied.

(e) Village Council review and decision.

A. The Village Council in its sole discretion, after notice of hearing in accordance with Chapter 17, Article III, Sec. 17-64.-Advertising and notice requirements, may approve by process of Resolution, approve with conditions or deny an application for the abandonment or vacation of Village streets, alleys, easement and other non-fee interests which the Village may have in real property.
VILLAGE OF EL PORTAL, FLORIDA

ORDINANCE NO. 2019-05

CODE AMENDMENT FOR RIGHT-OF-WAY
VACATION PROCEDURES

AN ORDINANCE OF THE VILLAGE OF EL PORTAL,
FLORIDA, AMENDING THE CODE OF ORDINANCES BY
AMENDING CHAPTER 24: ZONING AND LAND
DEVELOPMENT CODE, ARTICLE VI. – OTHER
ADMINISTRATIVE PROVISIONS, PROVIDING FOR
UPDATED SPECIFIC REGULATIONS; PROVIDING FOR
INCORPORATION OF RECITALS; PROVIDING FOR
CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION,
AND AN EFFECTIVE DATE.

WHEREAS, there are currently no provisions within The of El Portal Code of
Ordinances regarding the procedures to request a public ROW vacation; and

WHEREAS, there are locations in El Portal where this process may be needed in
the future, and future annexations may bring additional circumstances and/or locations where
this may be needed; and

WHEREAS, the Village of El Portal desires to amend Chapter 24: Zoning and
Land Development Code, Article VI. – Other Administrative Provisions, of the Village of El
Portal Code of Ordinances in order include provisions to grant approval for abandonments and
vacation requests.
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: Zoning and Land Development Code, Article VI. – Other Administrative Provisions, of the Village of El Portal Code of Ordinance is hereby amended to read as set forth in “Exhibit A” to this Ordinance.

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. 2019-05 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______, 2019.

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 Urbom: ___(Yes)___(No)
Councilperson Roman: ___(Yes)___(No)
Councilperson Mathis: ___(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.: 2019-___ adopted on October ____, 2019, 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 __________, 2019.

Yenise Jacobi
Village Clerk
CHAPTER 24 – ZONING AND LAND DEVELOPMENT CODE

***

ARTICLE VI. – OTHER ADMINISTRATIVE PROVISIONS

***

Sec. 24-63 – Abandonment and vacations.

(a) Application.

A. All requests with regard to abandonment or vacation of Village streets, alleys, easements, and other non-fee interests which the Village may have in real property shall be reviewed for consistency with the Comprehensive Plan and shall be subject to conditions of approval which mitigate the impact of the abandonment or vacation of the Village's real property interest and/or impact of additional development resulting from the abandonment or vacation. All applications shall be reviewed in accordance with the provisions of Chapter 24, Article VI, Sec. 24-63 and other applicable provisions of the Village's Code.

B. The interested private parties shall undergo a Miami-Dade County Office of Historic Preservation Certificate to DQ if the Village’s property in question to be abandoned or vacated is in proximity to an archaeological site.

C. Interested private parties shall pay the Village Application fee recommended by the Village Manager and approved by the Village Council.

D. Interested private parties shall be required to reimburse the Village for all professional fees and costs incurred for the Application.

E. Interested private parties shall cover any and all costs required for re-platting.

(b) Standards for Review.

A. Applications for abandonment and vacation of city streets, alleys, special purpose easements and other non-fee interests which the Village may have in real property may be approved by process of Resolution provided that it is demonstrated that:

i. The non-fee property interest sought to be abandoned does not provide a benefit to the public health, safety, welfare, or convenience, in that it is not being used by the Village for any of its intended purpose or the Comprehensive Plan or Capital Improvement Schedule does not anticipate its use.

ii. The non-fee property interest sought to be abandoned provides some benefit to the public health, safety, welfare, or convenience, but the overall benefit anticipated to result from the abandonment outweighs the specific benefit derived from the non-fee property interest, in that the vacation or abandonment will not frustrate any Comprehensive Plan or Capital Improvements Plan of the Village and the vacation or abandonment will not interfere with any planning effort of the Village that is underway at the time of the application but is not yet completed.

iii. The vacation or abandonment will provide a material public benefit in terms of promoting the desired development and improves the Village’s long-term fiscal condition and the applicant provides beneficial mitigation in the form of a proffered mitigation plan which mitigates the loss of real property, the increase in the intensity of use and/or impacts on the public health, safety and welfare including increased parking and traffic.

(c) Public Works Committee review and recommendation.

A. The Public Works Committee shall:

i. Review the application at a public hearing conducted in accordance with the provisions of Article IV., Section 4.01.-Council meeting procedure.

ii. Make written findings with respect to whether the application complies with the standards set out in Sec. 24-63.
iii. Identify appropriate conditions of approval which mitigate the impact of the vacation or abandonment of property.
iv. Provide a recommendation to the Village Council with regard to whether the application should be approved, approved with conditions, or denied.

(d) Planning and Zoning Committee review and recommendation.
   A. The Planning and Zoning Committee shall:
      v. Review the application at a public hearing conducted in accordance with the provisions of Article IV, Section 4.01.-Council meeting procedure.
      vi. Make written findings with respect to whether the application complies with the standards set out in Sec. 24-63.
      vii. Identify appropriate conditions of approval which mitigate the impact of the vacation or abandonment of property.
      viii. Provide a recommendation to the Village Council with regard to whether the application should be approved, approved with conditions, or denied.

(e) Village Council review and decision.
   A. The Village Council in its sole discretion, after notice of hearing in accordance with Chapter 17, Article III, Sec. 17-64.-Advertising and notice requirements., may approve by process of Resolution, approve with conditions or deny an application for the abandonment or vacation of Village streets, alleys, easement and other non-fee interests which the Village may have in real property.