

CHRISTIA E. ALOU
VILLAGE MANAGER
YENISE JACOBI
VILLAGE CLERK
JOSEPH GELLER
VILLAGE ATTORNEY



MAYOR OMARR C. NICKERSON
VICE MAYOR LUIS PIRELA
COUNCILPERSON ANDERS URBOM
COUNCILPERSON ANNA WARD
COUNCILPERSON DARIAN MARTIN

Regular Council Meeting
Tuesday, March 26, 2024
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. A 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** Omarr C. Nickerson, Presiding
- B. **SILENT MEDITATION & PLEDGE** Salute American Flag in Unison
- C. **ROLL CALL**..... Yenise Jacobi, Village Clerk
- D. **APPROVAL OF AGENDA**
- E. **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.
- F. **CONSENT AGENDA** - *Items are routine, self-explanatory matters and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Council, that item must be removed from the Consent Agenda and considered separately.*
 - F1. Approval of the Minutes February 27, 2024, Regular Council Meeting.

G. RESOLUTIONS/ORDINANCES:

G1. RESOLUTION (1st Reading) Designation of Green Reuse Area

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY LOCATED AT 8300, 8316, 8356, AND 8358 N.E. 4TH PLACE, EL PORTAL, FL 33138, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NO. 18-3207-020-0150, AS FURTHER IDENTIFIED BY THE MAP IN THE ATTACHED EXHIBIT "A," AS THE "THE LAUNCH GREEN REUSE AREA" PURSUANT TO SECTION 376.80, FLORIDA STATUTES, OF FLORIDA'S BROWNFIELDS REDEVELOPMENT ACT FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE VILLAGE CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

G2. ORDINANCE (1st Reading) Amending Form Based Code Lot Coverage

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA AMENDING THE FORM BASED CODE, CHAPTER 24, ZONING AND LAND DEVELOPMENT CODE, APPENDIX B: FORM BASED CODE, ARTICLE X DEFINITIONS AND TERMS, LOT COVERAGE; PROVIDING FOR FINDINGS, PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

H. Agenda Items:

H1. 188 N.W. 89 Street- Discussion and Possible Action.

I. MAYOR, MANAGER & ATTORNEY REPORTS:

I1. Village Manager Report –Christia E. Alou

I2. Village Mayor Report – Omarr C. Nickerson

- 1st Native American Mayor Proclamation - North Miami Beach-Mayor Omarr C. Nickerson, Ph.D.
- Women's History Month Dinner Event - Miami-Dade County - Panelist & Host
- F.I.U. (Modesto A. Maidique) President Kenneth A. Jessell "Benjamin Leon, Jr. - Casa Cuba" - Panelist
- South Florida Hispanic Chamber of Commerce - Board Member Breakfast - Speaker
- SpeedBiz - Municipal Business Breakfast Meeting - Aventura - Guest Speaker

- The Political & Cultural Adult Table - National Political & Cultural Discussion Panel on History and Current Events - Speaker & Panelist
- Aventura Chamber of Commerce - Executive Board of Directors - Political Leaders Meeting
- Aventura - Business Organization & Aventura Marketing Council - Board of Directors Meeting
- Miami-Dade County League of Cities - Executive Board & Board of Directors - Meeting
- Miami Shores Friendly Villagers' Organization - Contributing Member
- On-Site Speeding Witness-Solution Meeting - Miami-Dade County - Panelist
- Greater Miami Shores Chamber of Commerce - Executive Board Meeting
- F.I.U. Climate Walk & Talk - Environment & Sea-Level Rise - Organizer & Co-Host
- Board Of Rules & Appeals (BORA) - MDCLC Representative - Logistics Organizational Meeting
- Education Committee Meeting - Aventura Chamber of Commerce & Aventura Education Council.

13. Village Attorney Reports – Joseph Geller, Esquire

J. 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.)

K. 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.

VILLAGE OF EL PORTAL, FLORIDA

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA AMENDING THE FORM BASED CODE, CHAPTER 24, ZONING AND LAND DEVELOPMENT CODE, APPENDIX B: FORM BASED CODE, ARTICLE X DEFINITIONS AND TERMS, LOT COVERAGE; PROVIDING FOR FINDINGS, PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Village staff is recommending that the definition for lot coverage in Chapter 24, Zoning and Land Development Code, Appendix B: Form Based Code, Article X Definitions and Terms be amended pursuant of Section 24-B.1(d) of the Village of El Portal Form Based Code of Ordinances; and

WHEREAS, pursuant of Section 24-B.1(d) Form Based Code, Authority, this code was adopted and may be amended by vote of the Village of El Portal Council; and

WHEREAS, staff has reviewed the code and is recommending an amendment to the definition of lot coverage to read as follows: Lot Coverage: The area of the lot occupied by all Buildings **and impervious surfaces**, excluding Structures such as **uncovered wood** decks, pools and trellises.; and

WHEREAS, on February 6, 2024, the Planning and Zoning Committee conducted a Public Hearing to consider the application and input from interested parties; and

WHEREAS, the Planning and Zoning consultants provided a report and presentation related to the proposed code amendment; and

WHEREAS, the Planning and Zoning consultants recommended approval of the code amendment based on findings and the request being consistent with zoning requirements; and

WHEREAS, on February 27, 2024, a second Public Hearing was held before the Mayor and Village Council to consider the code amendment and interested parties were allowed to comment; and

WHEREAS, the Village Council of the Village of El Portal desires to approve the requested Form Based code amendment to the definition of lot coverage.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF EL PORTAL, FLORIDA COUNCIL, THAT:

Section 1. Recitals.

The recitals to the preamble herein are incorporated by reference.

Section 2. Grant.

The Village Council hereby approves an amendment to the definition of lot coverage contained in Chapter 24, Zoning and Land Development Code, Appendix B: Form Based Code, Article X Definitions and Terms, Lot Coverage to read as follows: The area of the lot occupied by all Buildings **and impervious surfaces**, excluding Structures such as **uncovered wood** decks, pools and trellises.

Section 3. Appeal.

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 4. Severability.

If any portion of this Ordinance, or application thereof, is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application and, to that end, the provisions of this Ordinance are deemed and declared severable.

Section 5. Scrivener's Errors

The Village Attorney is authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the Clerk to the Board.

Section 6. Conflict.

All Ordinances, or parts of Ordinances, in conflict herewith shall be and the same are hereby repealed to the extent of such conflict.

Section 7. Inclusion In The Code.

It is the intention of the VOEP and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village of El Portal, Florida Code of Ordinances, that the sections of this Ordinance may be renumbered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 8. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Village Council of the Village of El Portal Florida, this
__ day of _____, 2024.

Omarr C. Nickerson, Mayor

ATTEST: _____
Yenise Jacobi, CMC, Village Clerk

Approved as to form and legal sufficiency:
Village Attorney Greenspoon Marder, LLP

By: _____
Joseph S. Geller, Esq.

Vote:

Councilperson Lightfoot-Ward: ___ (Yes) ___ (No)
Councilperson Martin: ___ (Yes) ___ (No)
Councilperson Urbom: ___ (Yes) ___ (No)
Vice Mayor Pirela: ___ (Yes) ___ (No)
Mayor Nickerson: ___ (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 No.: 2024-__ adopted on _____, 2024, 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
_____, 2024.

Yenise Jacobi, CMC, Village Clerk

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY LOCATED AT 8300, 8316, 8356, AND 8358 N.E. 4TH PLACE, EL PORTAL, FL 33138, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NO. 18-3207-020-0150, AS FURTHER IDENTIFIED BY THE MAP IN THE ATTACHED EXHIBIT “A,” AS THE “THE LAUNCH GREEN REUSE AREA” PURSUANT TO SECTION 376.80, FLORIDA STATUTES, OF FLORIDA’S BROWNFIELDS REDEVELOPMENT ACT FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE VILLAGE CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the State of Florida has provided, in Chapter 97-277, Laws of Florida, which is codified at §§ 376.77 through 376.85, Florida Statutes (2023), for designation of certain specified areas by local government adoption of a resolution in order to promote environmental remediation, sustainable land redevelopment and/or reuse, and economic revitalization; and

WHEREAS, The Launch at Little River, LLC (“The Launch”) owns the property located at 8300, 8316, 8356, and 8358 N.E. 4th Place, El Portal, FL 33138, and identified by Folio No. 18-3207-020-0150 (the “Subject Property”), as depicted in Exhibit A and more particularly described in Exhibit “B” and is developing it for a mix of residential and commercial uses; and

WHEREAS, The Launch, has requested that the Village Council of the Village of El Portal, Florida (the “Village”) designate the Subject Property as a “Green Reuse Area” pursuant to § 376.80(2)(c), Florida Statutes; and

WHEREAS, the Village has reviewed the relevant criteria and procedures that apply in effectuating this designation as specified in § 376.80(2)(c), Florida Statutes, and has determined and finds that the Subject Property qualifies for said designation because the following requirements have been satisfied:

1. The Launch owns the Subject Property and has agreed to rehabilitate and redevelop it;

2. The rehabilitation and redevelopment of the Subject Property will result in economic productivity in the area, along with the creation of at least 5 new permanent jobs at the Subject Property that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement for the Subject Property and not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the Subject Property;

3. The redevelopment of the Subject Property is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations.

4. Notice of the proposed rehabilitation of the Subject Property has been provided to neighbors and nearby residents of the Subject Property, and The Launch has provided those receiving notice the opportunity to provide comments and suggestions about rehabilitation; and

5. The Launch has provided reasonable assurance that it has sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment of the Subject Property; and

WHEREAS, the Village desires to notify the Florida Department of Environmental Protection of this resolution effectuating the designation in furtherance of rehabilitation and redevelopment of the Subject Property for purposes of §§ 376.77 – 376.85, Florida Statutes; and

WHEREAS, the applicable procedures, including but not limited to applicable notice requirements, set forth in § 376.80 and § 166.041, Florida Statutes, have been followed and complied with; and

WHEREAS, such designation shall not render the Village liable for costs of site rehabilitation or source removal, as those terms are defined in § 376.79(19) and (20), Florida Statutes, or for any other costs, above and beyond those costs attributed to the adoption of this Resolution; and

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

SECTION 1. That the recitals and findings set forth in the Preamble to this Resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

SECTION 2. The Village Council of the Village of El Portal, Florida finds that The Launch has satisfied the criteria set forth in § 376.80(2)(c), Florida Statutes.

SECTION 3. The Village Council of the Village of El Portal, Florida designates the area depicted on Exhibit A and described on Exhibit B, attached hereto and incorporated herein by reference, as the “The Launch at Little River Green Reuse Area” for purposes of §§ 376.77 – 376.85, Florida Statutes.

SECTION 4. The Village Clerk is hereby authorized to notify the Florida Department of Environmental Protection of the Village Council’s resolution designating the Subject Property as the “The Launch at Little River Green Reuse Area ” for purposes of §§ 376.77 – 376.85, Florida Statutes.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Village Council of the Village of El Portal, Florida, this ____ day of April 2024.

Omarr C. Nickerson, Mayor

ATTEST: _____
Yenisa Jacobi, CMC, Village Clerk

Approved as to Form and Legal Sufficiency:
Greenspoon Marder, LLP
Village Attorneys

Joseph S. Geller, Esq.

Exhibit A



LOCATION MAP
PORTION OF SEC. 7-53-42
SCALE: 1"=300'

Exhibit B



**VILLAGE OF EL PORTAL
PLANNING AND ZONING**

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

APPLICANT: Village of El Portal
SUBJECT ADDRESS: N/A
APPLICATION: 2024-PZ-005 – *Lot Coverage Definition*.

PUBLIC HEARING(s):

1. Planning and Zoning Committee Meeting
2. Town Council

DATE AND TIME: February 27, 2024 at 7:00 pm

2023-PZ-005
Lot Coverage Definition

1. APPLICATION:
THE VILLAGE, IS REQUESTING A CODE AMENDMENT TO FURTHER CLARIFY LOT COVERAGE, PURSUANT TO SECTION 24-B.1(D) OF THE VILLAGE OF EL PORTAL CODE OF ORDINANCES, A CODE AMENDMENT REQUIRES VILLAGE COUNCIL APPROVAL AT A PUBLIC HEARING.

2. BACKGROUND INFORMATION:

The Village staff has seen recent site plan submittal in which various design professionals are providing different interpretations of lot coverage calculations. The Village staff has reviewed the issue, and it is recommended to amend the code definition for lot coverage, specifically to include that any area that is impervious would be counted as lot coverage, as that is the current planning department practice. In addition, it is to the benefit of the Village to review site plans in terms of all areas that are allowing storm water infiltration and those that are not. Fewer overall homes experiencing flooding improves the neighborhood's rating based on FEMA's Community Rating System factors.

Article X, Definitions and Terms includes the following definition for Lot Coverage: *The area of the lot occupied by all Buildings, excluding Structures such as decks, pools and trellises.*

The definition for lot coverage is silent on driveways, which are generally impervious. Driveways are not stated to be included or excluded, therefore staff has taken a conservative approach and included driveways as impervious lot coverage.

Recent site plan applications have not included impervious driveways in lot coverage calculations. Staff has provided comments to the applicants that it should be included.

Other recent applications for site plan approval have used the "deck" exclusion in the definition, up to and including decks located under second stories of the main home. Decks could be concrete, marble or other materials which are not permeable and should be included as lot coverage. Conversely, a deck could also be elevated off the ground and made of wood, therefore allowing for water to flow through and not counted as lot coverage.

These are two examples of some of site plan interpretations that are being submitted for site plan reviews. Therefore it is the recommendation for the Council to consider a zoning code amendment.

3. **REQUEST**

Various other cities around South Florida are also experiencing issues related to flooding and the desire to maintain open space for maximum drainage or retention purposes. Further, it would benefit the village, as a whole, to provide for lot drainage to minimize areawide flood instances to the maximum degree possible.

Other municipalities, such as Biscayne Park, use the impervious vs. pervious calculations to measure lot coverage. The result is a standard that is clear to homeowners, design professionals and Village staff.

It is staff's recommendation that the definition for lot coverage (Article X Definitions and Terms) be revised to include a better description of decks and add impervious surfaces, the underlined text is requested to be added to the definition :

Lot Coverage: The area of the lot occupied by all Buildings **and impervious surfaces**, excluding Structures such as **uncovered wood** decks, pools and trellises.

4. **STAFF RECOMMENDATION: APPROVAL**

Pursuant of Sec. 24-B.1(d) Form Based Code, Authority, This Code was adopted and may be amended by vote of the Village of El Portal Council.`

Approving the staff recommendation to amend the lot coverage definition as presented is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code for the protection against property damage, such as flooding, in the single-family areas.

Therefore, APPROVAL is recommended.