

VILLAGE OF EL PORTAL, FLORIDA

ORDINANCE NO. 2019 - 07

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF EL PORTAL, FLORIDA, AMENDING ARTICLE VIII, PUBLIC BENEFITS PROGRAM, SECTION 24-B.21, TO PROVIDE FOR TRUST FUND CONTRIBUTION TO THE PUBLIC BENEFITS TRUST FUND; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and Village Council seeks to encourage reinvestment in infrastructure and seeks other creative solutions to create parks, opens space, and civil support uses to allow for and facilitate new residential uses; and

WHEREAS, the Mayor and Village Council authorizes an amendment to Article VIII of the Code of the Village of El Portal, Florida, as amended, as set forth and more particularly described below; and

WHEREAS, words with single underline shall constitute additions to the original text and ~~strike through~~ text shall constitute deletions to the original text. Asterisks indicated omitted an unchanged material.

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

**Section 1.** That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2.** **PURPOSE. AMENDEMENT OF SECTION ARTICLE VIII, PUBLIC BENEFITS PROGRAM, SECTION 24-B.21.**

**Sec. 24-B.21. – PUBLIC BENEFITS PROGRAM**

- (a) Intent and Applicability. The intent of the Public Benefits Program established in this section is to allow bonus Building Height in Zone Z5 in exchange for the developer's contribution to specified programs that provide benefits to the Public.
- (b) Bonus Height. A Bonus Height of two (2) Stories shall be permitted if the proposed Development contributes toward the specified Public Benefits in the amount and in the manner as set forth herein. Upon providing a binding commitment for the specified Public Benefit, the proposed development project shall be allowed to build within the restrictions of the specific Transect Zone, up to the bonus Height as established in this Section. The only square footage allowed above the maximum Height is that achieved through the Public Benefits Program.
- (c) Public Benefit Programs. The proposed bonus Height shall be permitted in exchange for contribution to the Village for the following Public Benefits: Public Parks and Open Space, and Civic Space or Civil Support space. The Village Manager shall recommend the necessary cash contribution to the Village of El Portal Public Benefits Trust Fund under Section 24-B21.5- Public Benefits Trust Fund for the Mayor and Village Council's final approval.
- (d) Public Benefit Program Criteria.
  - (1) Public Parks, Open Space, or Park Improvements. The development project in a Zone Z5 may provide any of the following or combination thereof:
    - A. Public Park, or Open Space, provided through purchase and in an area of need identified by the Village Council.
      - i. For each square foot of dedicated Public Park or Open Space provided, the development shall be allowed two (2) times the development Floor Area of provided land up to the bonus Height. The Open Space may be a Park, Green or Square, as more fully described in the Definitions of this Code.
      - ii. Park improvements shall be valued and for said value the development project shall be allowed additional Floor Area up to the bonus Height and shall for all applicable purposes be treated as a Trust Fund contribution.
      - iii. Donations must meet all Villages requirements for design, equipment specifications, construction, warranties, etc. Park improvements are subject to review and approval by the Village Manager or designee.
    - B. Public Open Space provided on-site within a development project, in a location and of a design to be approved by the Village Manager or designee. For each square foot of dedicated Public Park or Open Space

provided, the development shall be allowed an equivalent amount of development Floor Area up to the bonus Height. The project shall maintain the Frontage requirements of the Transect Zone. The Open Space may be a Courtyard, Plaza, or Thoroughfare or Pedestrian Passage through the site connecting two (2) Thoroughfares.

- (2) Civic space and Civil Support space. For a development project in a Z5 zone that donates a Civic Space or Civil Support space on site to the Village of El Portal, an additional two (2) square feet of area for each square foot of donated space, up to the bonus Height, shall be allowed.
- (3) Trust Fund Contribution. For a cash contribution to the Public Benefits Trust Fund, the development project shall be allowed additional Floor Area up to the bonus Height. The cash contribution shall be determined based on the market value of the per square foot price charged for units at similar projects within the market area where the proposed project is applying for the bonus Height is located within the Village.

**Section 3.** All Ordinances inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

**Section 4.** It is the intention of the Mayor and Village Council that the provisions of this Ordinance shall become and be made a part 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 5.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 6.** This Ordinance shall become effective upon its passage and adoption by the Mayor and Village Council.

**PASSED, FIRST READING** this 17 day of December, 2019.

**PASSED, SECOND READING** this 28 day of April, 2020.

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Claudia V. 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.

RECORD OF VILLAGE COUNCIL VOTE: 1<sup>st</sup> Reading

Motion: Councilperson Roman      2<sup>nd</sup>: Vice Mayor Nickerson

Councilperson Urbom:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilperson Mathis:	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilperson Roman:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Vice Mayor Nickerson:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Mayor Cubillos:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)

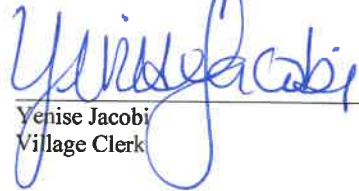
RECORD OF VILLAGE COUNCIL VOTE: 2<sup>nd</sup> Reading

Motion : Pirela      2<sup>nd</sup> : urbom

Councilperson Pirela:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilperson Urbom:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilperson Roman:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Vice Mayor Nickerson:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Mayor Cubillos:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (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.: 2019-07 adopted on 4 28, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 28 day of April, 2020.

  
Yenise Jacobi  
Village Clerk