

VILLAGE OF EL PORTAL, FLORIDA

ORDINANCE NO. 2021-03

CODE AMENDMENT FOR PUBLIC BENEFITS TRUST FUND

AN ORDINANCE OF THE VILLAGE OF EL PORTAL AMENDING ORDINANCES 2019-06, 2019-07 AND 2019-08, RELATING TO THE PUBLIC BENEFITS TRUST FUND; ALLOWING ADDITIONAL LAWFUL USES FOR FUNDS CONTRIBUTED TO THE PUBLIC BENEFITS TRUST FUND; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the Village Council adopted Ordinances 2019-06 and 2019-07, creating and defining the Public Benefits Trust Fund; and

WHEREAS, the Village Council desires to amend the Public Benefits Trust Fund, to provide for more flexibility as to additional lawful uses of money contributed to the Public Benefits Trust Fund;

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. El Portal Code of Ordinances Ordinance 2019-06 is hereby amended to read as set forth below as follows:

Amend Sec 24-B.1.5 by adding the following language at the end of subsection (a)(1): "and for such other lawful purposes, including, but not limited to, policing, water and sewer improvements, roadway and infrastructure improvements, as may be reasonably related to new residential development occurring within the Village boundaries."

SECTION 3. El Portal Code of Ordinances Ordinance 2019-07 is hereby amended to read as set forth below as follows:

Article VIII, Section 24-B.21, is hereby amended as follows: Section 2.(c), is amended to add the following language after the words "Civil Support space": "and for such other lawful purposes, including, but not limited to, policing, water and sewer improvements, roadway and

infrastructure improvements, as may be reasonably related to new residential development occurring within the Village boundaries.” Also, add a new Section (d) (3), such that existing Section (d) (3) becomes (d) (4): “Other Lawful Related Improvements. A development project in a Zone Z5 may also contribute funds to be used for other lawful purposes, including, but not limited to, policing, water and sewer improvements, roadway and infrastructure improvements, as may be reasonably related to new residential development occurring within the Village boundaries.”

SECTION 4. Any existing or future Development Agreement between the Village and any Third Party Developer, including the one authorized by Ordinance 2019-08, may be amended to reflect the Amendments to the Village Code authorized in this Ordinance, and in keeping with the spirit of those Amendments. The appropriate Village officials are hereby authorized to execute any and all necessary and desirable documents to effectuate the intent of said Amendments.

SECTION 5. 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 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 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, and same shall be codified whenever the Code is re-codified.

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 immediately upon approval on second reading.

PASSED AND ADOPTED by the Village Council of the Village of El Portal Florida, this 25 day of May, 2021.


Omarr C. Nickerson, Mayor

Village Of El Portal

ATTEST: Yenise Jacobi
Yenise Jacobi, CMC, Village Clerk

Approved as to form and legal sufficiency:

Interim Village Attorney, Greenspoon Marder, LLP

By: Joseph S. Geller
Joseph S. Geller, Esq.

Vote:

Mayor Nickerson: (Yes) ___ (No)

Vice Mayor Urbom: (Yes) ___ (No)

Councilperson Lightfoot-Ward: (Yes) ___ (No)

Councilperson Martin: (Yes) ___ (No)

Councilperson Pirela: (Yes) ___ (No)

Mot: Urbom
2nd: Martin

I, Yenise Jacobi, CMC, 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.: 2021-03 adopted on this 25 day of May, 2021, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 25 day of May, 2021.