

ORDINANCE NO. \_\_\_\_\_

(23-T-18)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 7.4 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS TO UPDATE PROVISIONS OF THE "PARKING PAYMENT IN LIEU OF PROVIDING PARKING" PROGRAM.

WHEREAS, in 1994, the City established a program known as the "Parking Payment in Lieu of Providing Parking" program ("Program") and designated as Section 7.4 of the Zoning and Land Development Regulations; and

WHEREAS, the Program allows certain properties that are not able to provide onsite parking to pay specified amounts into a City fund to be used by the City to construct new parking spaces for the public; and

WHEREAS, staff recommends that language in Section 7.4 of the Zoning and Land Development Regulations be updated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Section 7.4 of the Zoning and Land Developments is hereby amended to read as follows<sup>1</sup>:

ARTICLE 7: OFF-STREET PARKING AND LOADING

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§ 7.4 Parking Payment in Lieu of Providing Parking Program.

- A. Applicability. Where there is inadequate area available on-site, or within 700 ft. of the site in areas set forth in ~~division § 7.4~~ (B) below, a proponent may formally request ~~that~~ the parking requirement for a given Use may be fulfilled by payment of a fee, as provided herein. However, in no instance shall the substitution of the fee result in a ~~new~~ residential development or improvement ~~that~~ ~~which~~ provides less than one parking space per unit or a ~~new~~ hotel development that ~~which~~ provides less than 0.5 spaces per hotel unit.

<sup>1</sup> Underscored words are additions to existing text; ~~struck-through~~ words are deletions from existing text, and words that are shaded are changes between first and second readings.

B. Eligible properties Eligibility. Only properties located within the dDowntown and bBeach districts of the Community Redevelopment Agency ("CRA") following areas are eligible to request participation participate in this program, until the time of sunset of the CRA, at which time then the provisions of this section will continue to apply to the areas formerly recognized as CRA districts: The Community Redevelopment Area, the Broadwalk on the east, Georgia St. on the South, the Intracoastal on the west and Simms St. on the North.

C. Payment calculation.

1. ~~For New Construction on vacant land and when the area of an addition exceeds the area of the existing building, the payment shall be satisfied by a one-time payment at the time of issuance of a Building Permit of \$5,000 per space or such amount as shall be determined by the City Commission.~~
2. ~~Existing structures. When alteration or rehabilitation of a structure results in an increased parking demand, the payment shall be satisfied by one of the following:~~
  - a. ~~A one time payment as set forth in division 7.4 C.1.~~
  - b. ~~A yearly payment in the amount of 5% of the payment required by division 7.4 C.1 which shall continue as long as the Use exists. (The amount of said payment may vary from year to year in accordance with the determination set forth in division 7.4 C.2.b.2) However, in lieu of continued yearly payments, a one-time redemption payment may be made at any time of the full amount due pursuant to division 7.4 C.1; said amount shall be based upon the latest determination made pursuant to division 7.4 C.1 as of the time of the redemption payment rather than upon the amount which would have been due if the fee had been at the time the work was done, regardless of the number of yearly payments made previously. However, when new floor area is added to the existing building, the impact fee shall be as set forth in § 7.4 C.2 above.~~

C. Application. The applicant shall obtain a Payment in Lieu of Parking ("PILOP") Application from the Parking Division during the Planning approval process or Permitting process. Such application(s) shall be filed on forms provided by the Division, signed by the owner(s) of the subject property, and submitted to the Parking Division. No application shall be accepted unless the actual legal and beneficial ownership of the subject property is indicated on the application.

D. Application Requirements. In addition to the application form, the Director of Parking may request technical studies to support the request.

E. Decision. An Administrative Decision on the application will be made by the Director of Parking or designee with consultation from the Technical Advisory Committee ("TAC").

F. Appeals. Applicants have the right to appeal Administrative Decisions made by the Director in accordance with § 5.7 of the City's Zoning and Land Development Regulations.

G. Payment Calculation. Payments due under this program shall be calculated pursuant to the Comprehensive Schedule of Fees approved by resolution of the City Commission.

H. D. Fee collection. 1. New construction — one time payment. The impact fee Payment In Lieu of Parking Fee shall be paid in full at the time of application for the Building Permit; said fee shall be refunded if construction does not commence prior to expiration of the Building Permit. Building Permits will not be issued unless payment has been received.

~~2. Existing structures — yearly payment plan. The first impact fee payment shall be paid prior to the issuance of a Building Permit and shall be applied at the time the Certificate of Occupancy or Completion is issued. If no Building Permit is needed, the first payment shall be due at the time the Business Tax Receipt is issued. The second payment shall be due June 1<sup>st</sup> following the issuance of the Business Tax Receipt or Certificate of Occupancy, whichever is earlier, and the amount due shall be prorated. Subsequent annual payments shall be paid in full by June 1<sup>st</sup> as long as the Use exists, the amount of the payment is set forth in § 7.4 C.2 above. The Department of Financial Services shall administer the collection of this fee.~~

~~3. Existing structures — one time redemption payment. This payment may be made at any time and shall be in the amount determined by application of the formula for one time payment as set forth in § 7.4 C.1 above.~~

~~4. Late payments. Monthly interest shall accrue on unpaid funds due to the city under the Impact Fee Program at the maximum rate permitted by law. Additionally, a fee in the amount of 2% of the total due shall be imposed monthly to cover the city's costs in administering collection procedures.~~

5-I. Failure to pay. Any participant in this program who has failed to pay the required fee within ~~three~~ 3 months of the date on which it is due shall be regarded as having withdrawn from the program and shall be required to provide all parking spaces required by this section or cease the Use for which said spaces were required. Failure to comply shall subject said participant to enforcement procedures by the city and may result in fines of up to \$250 per day, pursuant to the Comprehensive Schedule of Fees approved by resolution of the City Commission, and liens as provided by law, and or revocation of the Certificate of Completion or Occupancy, whichever is appropriate, or any combination of fines, liens, and revocation.

E.J. Use of Funds. Funds generated by this program, including interest on said funds, shall be designated for ~~deposited in a city account specifically established to provide~~ parking and related impacts improvements in the vicinity of the subject property. The Director shall maintain a map that ~~which~~ includes a listing of the districts. The Department of Financial Services shall keep an accounting ~~a record~~ of all funds generated by this program ~~accounts~~.

F.K. Recordation. Properties which participate in the Payment in Lieu of Providing Parking Spaces Program shall have a covenant recorded in the Public Records of Broward County, Florida on a form approved by the City Attorney.

Section 3: That it is the intention of the City Commission, and it is ordained that the provisions of this Ordinance shall become and be made a part of the Zoning and Land Development Regulations and the sections of the regulations may be renumbered to accomplish such intentions.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Zoning and Land Development Regulations, Code of Ordinances and all ordinances or parts of ordinances, and all resolutions or parts in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

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ADVERTISED on \_\_\_\_\_, 2024.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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JOSH LEVY, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM:

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DOUGLAS R. GONZALES  
CITY ATTORNEY