

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 6.7 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ENTITLED "REQUIRED IMPROVEMENTS" BY AMENDING SECTION 6.7 (G) (2) ENTITLED "FEES IMPOSED. APPLICABILITY" AS IT RELATES TO THE REQUIREMENTS FOR PAYMENT OF PARK IMPACT FEES FOR RESIDENTIAL, HOTEL OR MOTEL DEVELOPMENT.

WHEREAS, Ordinance No. O-2013-21 adopted on November 20, 2013, approved a text amendment to Section 6.7 (G) of the Zoning and Land Development Regulations regarding the payment of park impact fees for all persons platting or subdividing land or obtaining site plan approval for residential, hotel or motel development; and

WHEREAS, during discussion for adoption of the subject Ordinance, citizen comments expressed concern that changes in the Ordinance would allow the developer of Sheridan Stationside Village to renege on the commitment to dedicate the Okomo Coral House and six acre park to the city; and

WHEREAS, in order to assuage Coral House and park concerns, specific language was added to Section 6.7 (G) (2)(c) that the effective date of November 20, 2013 for the amendments in O-2013-21 would not apply to any projects with a completed application or development permit submitted prior to November 20, 2013; and

WHEREAS, subsequent to November 20, 2013, it was learned that a Declaration of Restrictive Covenants had been recorded May 5, 2008 in Broward County Records (copy attached), whereby pursuant to Article 6. Okomo Coral House and Park "the developers agree to preserve the coral house and portion of the surrounding oak hammock, which shall be dedicated and designed in cooperation with the City of Hollywood for use as a public park consisting of approximately six acres"; and

WHEREAS, given that the preservation of the coral house and six acre park are provided for in said recorded *Declaration of Restrictive Covenants* and also given the original intent and purpose of Ordinance No. O-2013-21 " *to simplify the administrative process, saving time and costs, eliminate subjective interpretation, encourage economic development, provide a more equitable payment of fees throughout the city, and to provide enhanced language regarding Florida court standards for constitutionally valid impact fees*", staff recommends that language in § 6.7 (G) (2) (c) be deleted in its

(Coding: words and figures underscored are additions to existing law; word and figures ~~struck through~~ are deletions from existing law.)

entirety, that subsection (2)(d) be renumbered as (2)(c), and that the effective date of this Amended Ordinance be retroactive to November 20, 2013; and

WHEREAS, at the Planning and Development Board meeting on March 13, 2014, the Board reviewed the proposed text amendment and voted to forward a recommendation of approval to the City Commission;

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

Section 1: That Section 6.7 (G) of the Zoning and Land Development Regulations is hereby amended to read as follows:

ZONING AND LAND DEVELOPMENT REGULATIONS

* * *

SECTION 6.7 REQUIRED IMPROVEMENTS

* * *

(G) *Park Impact Fees.*

* * *

(2) Fee Imposed. Applicability.

* * *

~~(c) The amendments to this section effective November 20, 2013 shall not apply to any project for which a completed application for (i) platting or subdividing land, (ii) site plan approval, or (iii) any other development permit for a project that requires platting or subdividing or site plan approval was submitted prior to November 20, 2013. For purposes of this subparagraph, "development permit" shall mean any building permit, subdivision approval, rezoning, special exception, variance, or any other official action of the city having the effect of permitting the development of land.~~

(c) At the time of issuance of a building permit, the park impact fee shall be calculated based on the park impact fee schedule in effect at that time. No building permit shall be issued until the impact fee has been paid in full; provided that, the payment of fees may be phased if the building permits for the development are also phased.

AN ORDINANCE AMENDING SECTION 6.7 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ENTITLED "REQUIRED IMPROVEMENTS" BY AMENDING SECTION 6.7 (G) (2) ENTITLED "FEES IMPOSED. APPLICABILITY" AS IT RELATES TO THE REQUIREMENTS FOR PAYMENT OF PARK IMPACT FEES FOR RESIDENTIAL, HOTEL OR MOTEL DEVELOPMENT.

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Section 2: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Zoning and Land Development Regulations of the City of Hollywood, Florida and the provisions of this ordinance may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Zoning and Land Development Regulations, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect retroactive to November 20, 2013.

Advertised on _____, 2014.

PASSED on first reading this _____ day of _____, 2014.

PASSED and adopted on second reading this _____ day of _____, 2014

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the City of
Hollywood, Florida only.

JEFFREY P. SHEFFEL, CITY ATTORNEY