

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
DIVISION OF PLANNING AND URBAN DESIGN**

DATE: March 14, 2023

FILE: 23-T-18

TO: Planning and Development Board/Local Planning Agency

FROM: Andria Wingett, Deputy Director, Development Services
Jovan Douglas, Parking Administrator

SUBJECT: Text Amendment to Article 7.4 of the Zoning and Land Development Regulations to amend the Parking Payment in Lieu of Providing Parking Program and to remove payments, fines and fees for this Program and establish them by Resolution.

REQUEST:

Text Amendment to Article 7.4 of the Zoning and Land Development Regulations to amend the Parking Payment in Lieu of Providing Parking Program and to remove payments, fines and fees for this Program and establish them by Resolution.

RECOMMENDATION:

The Planning and Development Board, acting as the Local Planning Agency, forward *a recommendation of approval* to the City Commission.

BACKGROUND

The City has an established parking program in the Downtown and Beach Community Redevelopment Agency (CRA) areas and the barrier island (the Boardwalk on the east, Georgia St. on the south, the Intracoastal on the west and Simms St. on the North) called Parking Payment in Lieu of Providing Parking Program (Program). This Program allows for properties that are not able to provide onsite parking to pay into a City fund. This fund is then available for the City to construct new parking spaces for the public that can serve these two geographic areas.

This Program has been available since 1994, and over the years has seldomly been used. Currently, six properties participate in this Program. With the increase of new developments more property owners have started taking advantage of this Program. At the same time, construction and property acquisition costs have steadily increased. While user fees for this Program have not been adjusted since the Program's inception.

REQUEST

The proposed text amendment does not change any logistics/management of the Parking Payment in Lieu of Providing Parking Program. The intent of this amendment is to shift all associated fees to the City's Comprehensive Fee Schedule, and there is some general clean-up of language, including clarification of the geographic areas of the Program.

The Office of Parking manages this Program and has a desire to increase the payments, fees and fines associated with the Program. To accomplish this, Staff proposes to eliminate these payment amounts from the Zoning and Land Development Regulations and have the City Commission adopt these costs by resolution. Incorporating these fees into the City's Comprehensive Schedule of Fees booklet is consistent with all other City fees. Doing this will automatically prompt a regular assessment of the payment structure. As such, on second reading of this ordinance the City Commission will consider a companion resolution establishing updated fees.

When the Program was established in 1994 the Beach Community Redevelopment Agency (BCRA) did not exist, as it was established in 1997. When the BCRA was subsequently established the boundaries ended up being different than what was originally identified in this program. Proposed is to align the geographic areas with both the current Downtown and Beach Community Redevelopment Agency areas so the program can exist beyond the sunset of these agencies, and to be consistent with the original intent of the Program.

SITE INFORMATION

Owner/Applicant: City of Hollywood

Address/Location: The Community Redevelopment Agency areas, including downtown and the beach

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed text amendment is consistent with the Comprehensive Plan, based upon the following:

Goal: *Promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing landowners to maximize the use of their property.*

Objective 5: *Encourage appropriate infill redevelopment in blighted areas throughout the City and economic development in blighted business and tourist areas by promoting improved architectural and streetscape design standards, code enforcement, economic development, neighborhood planning, and public information dissemination.*

Transportation Policy 2.1: *The City shall establish parking strategies that will promote transportation goals and objectives.*

The proposed text amendment is consistent with the City's Comprehensive Plan goal to encourage economic development by using creative development strategies.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The City-Wide Master Plan is a compilation of policy priorities and recommendations designed to improve the appearance, appeal, and economic tax base of the City. It establishes a format for future direction and vision for the City. The proposed text amendment is consistent with the City-Wide Master Plan based upon the following Guiding Principle:

Guiding Principle: *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Text Amendments as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

CRITERIA 1: The proposed change is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan as amended from time to time.

ANALYSIS: The proposed text amendment is consistent with the City's Comprehensive Plan as outlined previously in the Consistency section of this Report. Maintaining the Payment in Lieu of Providing Parking Program and creating for the regular review of associated fees, fines and payments promotes sustainable redevelopment initiatives. Clarification of the Program's geographical location is also necessary for when the Community Redevelopment Agency sunsets. Both initiatives are consistent with intent of the goals of the Comprehensive Plan.

FINDING: Consistent

CRITERIA 2: That conditions have substantially changed from the date the present zoning regulations were established.

ANALYSIS: The Payment in Lieu of Providing Parking Program has become a more sought out Program as part of the recent development trends. The fees, fines and payments associated with managing this Program are in need of regular review and updating to keep up with construction and property acquisition costs. Generally cleaning up the language associated with this Program including clarifying the locations and removing fees, fines and payments from the Zoning and Land Development Code and adopting them by Resolution promotes better fiscal responsibility.

FINDING: Consistent

ATTACHMENTS

Attachment A: Existing Zoning and Land Development Regulations
Attachment B: Proposed Zoning and Land Development Regulations

ATTACHMENT A
Existing Zoning and
Land Development
Regulations

* * *
* * *

§ 7.4. Parking Payment in Lieu of Providing Parking Program.

A. Where there is inadequate area available on-site, or within 700 ft. of the site in areas set forth in division (B) below, 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 which provides less than one parking space per unit or hotel development which provides 0.5 space per hotel unit.

B. Properties within the following areas eligible to participate in this program: 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 paid 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.

D. Fee collection.

1. New construction - one time payment. The impact 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.

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 1st 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 1st 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. Failure to pay. Any participant in this program who has failed to pay the required fee within 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 and liens as provided by law and or revocation of the Certificate of Completion or Occupancy whichever is appropriate.

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

F. 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.

* * *
* * *

ATTACHMENT B
Proposed Zoning and
Land Development
Regulations

* * *
* * *

§ 7.4. Parking Payment in Lieu of Providing Parking Program.

A. Where there is inadequate area available on-site, or within 700 ft. of the site in areas set forth in division (B) below, 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 which provides less than one parking space per unit or hotel development ~~which~~ that provides 0.5 space per hotel unit.

B. Properties within the following areas are eligible to participate in this program: The Community Redevelopment Agency geographic areas Area, including downtown and the beach. the Broadwalk on the east, Georgia St. on the south, the Intracoastal on the west and Simms St. on the North.

C. Payment calculation shall be pursuant to the City's Comprehensive Schedule of Fees.

~~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 as determined by the Schedule of fees 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 paid 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.~~

~~D. Fee collection—shall be paid at the time of application for the Building Permit; said fee shall be refunded if construction does not commence prior to the expiration of the Building Permit.~~

~~1. New construction – one time payment. The impact 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.~~

~~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 1st 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 1st 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.~~

51. Failure to pay. Any participant in this program who has failed to pay the required fee within 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 finer of up to \$250 per day fines, pursuant to the City's Comprehensive Schedule of Fees, and liens as provided by law and or revocation of the Certificate of Completion or Occupancy whichever is appropriate.

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

F. 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.

G. All fees and funds derived under this section 7.4, shall be established and amended by resolution of the City Commission.

* * *
* * *