

PLANNING AND ZONING BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: May 16, 2016

ITEM: Privately-initiated amendment to Land Development Regulations (LDRs) Section 4.3.3(A), Self-service Storage Facilities, to revise the special requirements, and Section 4.4.26, Light Industrial (LI), to add self-service storage facilities as a permitted use, and remove it as a conditional use.

RECOMMENDATION: Recommend approval to the City Commission.

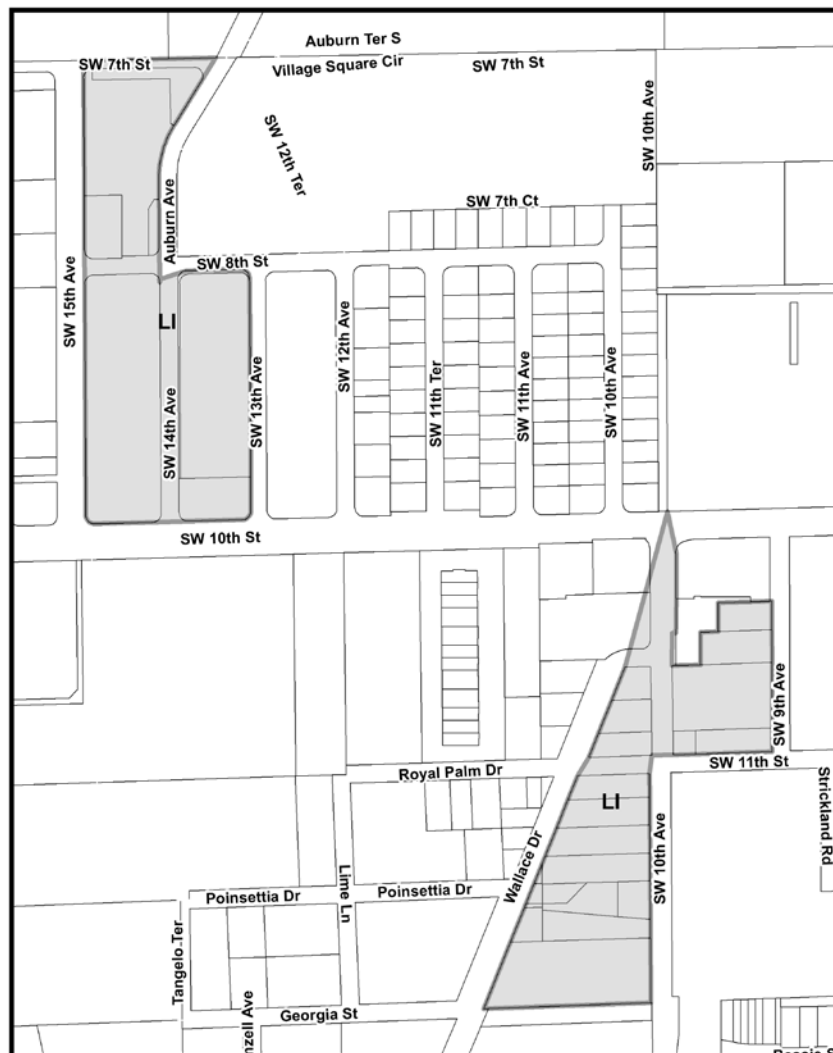
GENERAL DATA:

Applicant..... Miller Land Planning, Inc.

Future Land Use Map..... Commerce (CMR)

Zoning Designation..... LI (Light Industrial)

Proposed Land Use..... Self-service Storage Facility



ITEM BEFORE THE BOARD

The item before the Board is a recommendation to the City Commission regarding privately-initiated amendments to LDR Section 4.3.3(A), Self-service Storage Facilities, to revise the associated special requirements, and to LDR Section 4.4.26, Light Industrial (LI), to list Self-service Storage Facilities as a permitted use and remove it as a conditional use, pursuant to LDR Section 2.2.6(D)(6).

PROPOSED AMENDMENT

The amendments to the LDRs are privately-initiated and seek to permit the provision of self-service storage facilities as a permitted use within the LI zoning district, whereas this use is presently listed as a conditional use. The amendments also revise the special requirements associated with this use.

The proposed amendments are as follows:

- LDR Section 4.3.3(A)(2), Special Requirements for Specific Uses, Self-Service Storage Facilities: Increase the permitted building height from 15' to 48'; provide parking requirements specific to single-story and multi-story storage facilities; specify that the on-site manager is required during office business hours; extend hours of operation from 9pm to 10pm; and, require distance of 750' between facilities.
- LDR Section 4.4.26(B), Principal Uses and Structures Permitted: Adds Self-service Storage Facilities as a permitted use, subject to the provisions of Section 4.3.3(A).
- LDR Section 4.4.26(C), Accessory Use and Structures Permitted: Adds outdoor storage of vehicles and boats, and truck rentals as accessory uses to self-service storage facilities, subject to the restrictions on outside storage in Section 4.6.6(C)(2).
- LDR Section 4.4.26(D), Conditional Uses and Structures Allowed: Deletes Self-service Storage Facilities as a conditional use.

Additional revisions within the Ordinance are included as “clean-up” to clarify the intention of the regulations.

ANALYSIS

Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual. The proposed amendment is a privately-initiated text amendment to the Land Development Regulations.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted, and there are not any applicable to this specific request. However, the following Goal is generally applied to LDR Amendments to ensure that compatibility of the request is reviewed:

Future Land Use Element, Goal Area "A": Land within the planning area shall be developed or redeveloped, to sustain and enhance the existing quality of life, compliment and be compatible with existing land use and result in a mixed, but predominately residential community with a balanced economic base and encourage accessible affordable everyday services.

The proposed amendments change self-service storage facilities to a permitted principal use within the LI zoning district, whereas they are currently permitted as a conditional use. The amendments also add a distance separation requirement of 750' which provides a similar protection to the district as the conditional use process presently requires for these facilities. The revision from conditional to permitted will not impact the quality of life within the LI areas, and will help to improve the quality of life in adjacent neighborhoods by providing additional storage needs for the residents. The increased height for such facilities will also assist in the provision of everyday affordable services, as storage facility trends have significantly changed since the adoption of the existing restrictions of one-story facilities at a maximum of 15' in height. Additionally, specific parking provisions are provided to ensure that the right-of-way is not impacted from insufficient parking. The added specification of vehicle and boat storage and truck rentals as accessory uses is in keeping with the existing provisions for storage facilities, which are not specified as permitted accessory uses within the LI zoning district.

Future Land Use Element, Policy C-1.8: The following pertains to redevelopment of the Wallace Drive Industrial Area:

This area is bordered by SW 10th Street on the north; Milfred Street on the south; SW 9th Avenue on the east; and Tangelo Terrace on the west. The area had developed under County jurisdiction into a mix of incompatible land uses with limited public infrastructure and little or no code enforcement. The Wallace Drive Industrial Area Redevelopment Plan was adopted by City Commission on January 6, 2004. The Plan establishes proposed land use designations for the Redevelopment Area. Future development must be in accordance with the provisions of the Redevelopment Plan. The Redevelopment Plan encourages the development of light industrial, limited commercial and office uses in an urban setting. Aggregation of parcels is encouraged throughout the area to accommodate unified development.

The Wallace Drive Overlay area contains LI zoned property which will be affected by the subject amendments. Given that the self-service storage facilities use is presently permitted, albeit as a conditional use, the amendments are not contrary to the Plan and are appropriate to be maintained in the light industrial area.

Given the above, the adoption of the proposed amendments are in keeping with the applicable policies, goals and objectives of the Comprehensive Plan.

REVIEW BY OTHERS

The **Community Redevelopment Agency (CRA)** will review the proposed amendments at its May 12, 2016 meeting; the recommendation will be provided at the Planning and Zoning Board meeting.

A courtesy notice was sent to the Delray Citizen's Coalition in anticipation of the Planning and Zoning Board meeting of May 16, 2016.

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move a recommendation of approval to the City Commission of the amendment to Land Development Regulation Sections 4.3.3(A), Self-service Storage Facilities, to revise the associated special requirements, and 4.4.26, to list Self-service Storage Facilities as a permitted use and remove it as a conditional use, by adopting the findings of fact and law contained in the Staff Report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- C. Move a recommendation of denial to the City Commission of the amendment to Land Development Regulation Sections 4.3.3(A), Self-service Storage Facilities, to revise the associated special requirements, and 4.4.26, to list Self-service Storage Facilities as a permitted use and remove it as a conditional use, by adopting the findings of fact and law contained in the Staff Report, and finding that the text amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 2.4.5(M).

RECOMMENDED ACTION

Recommend approval to the City Commission of the amendment to Land Development Regulation Sections 4.3.3(A), Self-service Storage Facilities, to revise the associated special requirements, and LDR Section 4.4.26, to list Self-service Storage Facilities as a permitted use and remove it as a conditional use, by adopting the findings of fact and law contained in the Staff Report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Report prepared by: Amy E. Alvarez, AICP, Senior Planner

ORDINANCE NO. ____-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.3.3, SPECIAL REQUIREMENTS FOR SPECIFIC USES, SUBSECTION (A), SELF-SERVICE STORAGE FACILITIES, TO REVISE THE ASSOCIATED SPECIAL REQUIREMENTS; AMEND SECTION 4.4.26 LIGHT INDUSTRIAL (LI) DISTRICT, SUBSECTION (B), PRINCIPAL USES AND STRUCTURES PERMITTED, TO LIST SELF-SERVICE STORAGE FACILITIES AS A PERMITTED USE; AND SUBSECTION (D), CONDITIONAL USES AND STRUCTURES ALLOWED, TO REMOVE SELF-SERVICE STORAGE FACILITIES AS A CONDITIONAL USE, AND PROVIDING A SAVINGS CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, Self-Service Storage Facilities are compatible in specific industrial and commercial zoning districts as a permitted use; and

WHEREAS, multi-story Self-service Storage Facilities are consistent with industry trends for air-conditioned units, and consistent with height limitations of the Light Industrial zoning district; and,

WHEREAS, specific parking requirements are necessary for Self-service Storage Facilities and the associated uses; and,

WHEREAS, a manager is required to be on-site ;during business hours and with the option of living on-site for security purposes, as needed; and,

WHEREAS, the hours of operation can be extended by one hour, until 10:00 pm, for consistency with existing facilities within Delray Beach; and,

WHEREAS, outdoor storage of vehicles and boats, and truck rentals are permitted as accessory uses on-site, subject to the provision of sufficient screening from the right of way; and,

WHEREAS, the separation requirement of 750' between facilities is appropriate to the Light Industrial zoning district; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency (LPA), has determined that the amendments are consistent with and further the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on May 16, 2016, and voted ___ - ___ to recommend that the changes be approved; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Section 4.3.3 "Special Requirements for Specific Uses", Subsection 4.3.3 (A) "Self-Service Storage Facilities (SSSF)", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

[No changes to (1)]

(2) Facilities and Requirements:

(a) Any SSSF which has outdoor bay type access to storage units must be designed in such a way to create a compound like structure with a defined masonry perimeter. In addition, the facility should be designed in such a way to minimize or eliminate sight lines of any bay doors, or outdoor storage of boats and vehicles, from the adjacent rights-of-way.

(b) No building shall exceed ~~fifteen feet (15')~~ 48' in height. ~~This does not apply to an on-site manager's apartment which may be located on a second floor, not to exceed thirty-five feet (35') in height.~~

(c) Parking shall be provided as follows:

1. One (1) space per 5,000 square feet of gross floor area for single story SSSF buildings. This requirement may be modified during the site plan approval process if a sufficient number of storage units have direct vehicle access, and internal driveways are designed to allow customers to safely park in front of their storage unit without impeding internal circulation.

2. One parking space per 100 units of multi-story SSSF buildings.
3. A minimum of 3.5 spaces/1,000 square feet of accessory office.
4. A minimum of 2 spaces for an on site manager's residence, if applicable.
5. A minimum of 3 loading spaces for each multi-story SSSF building. Each loading space must be a minimum of 12' x 25' with sufficient driveway access to accommodate vehicular maneuvering.

(3) Limitation of Uses:

(a) Activities other than the rental or lease of storage units are not allowed to be conducted on the premises of the SSSF, unless specifically permitted by the City Commission ~~through the conditional use process.~~

(b) No business or activity other than dead storage shall be conducted from any storage unit in the facility. Examples of prohibited uses include, but are not limited to the following: the servicing, repair and/or restoration of automobiles, boats, recreational vehicles, lawnmowers and the like; garage sales; moving and storage companies; cabinet making and wood working (whether personal or professional); personal hobbies and arts and crafts; and any other activity unless specifically permitted through the conditional use process.

(c) There shall be no electrical power provided to, or accessible from, any individual storage units. This includes the provision of lighting fixtures to the interior of a storage unit, unless specifically addressed in the ~~conditional use~~ site plan approval. The use of portable generators is also prohibited.

(d) The use or storage of any hazardous materials is expressly prohibited.

(e) The terms and conditions of this section shall be clearly expressed in all storage rental or leasing contracts, as well as conspicuously displayed on a sign no smaller than one foot ~~(1')~~ by two feet ~~(2')~~ in the leasing office.

~~(f) Failure to maintain the terms and conditions of this section shall be grounds for revocation of the conditional use approval.~~

(4) On-Site Manager Required: All SSSF are required to have, and continuously maintain, an on-site manager during office business hours, and may provide on-site living quarters for such.

(5) Hours of Operation: SSSF customers may not access individual storage units before 5:00 a.m. or any later than ~~9:00~~ 10:00 p.m. Hours of operation may be further restricted when it is deemed that morning and evening traffic into and out of the facility may negatively impact the character of an adjacent residential area. In no circumstance shall customers of any SSSF have 24 hour access to their storage unit(s).

(6) **Landscape Requirements:** In addition to all applicable landscape requirements and other special provisions pursuant to the individual zone district, a minimum ~~ten-foot (10')~~ landscape buffer shall be required for the entirety of the property.

(7) **Outdoor Storage of Vehicles and Boats:** The outdoor storage of boats and vehicles is permitted ~~only if specifically addressed during the conditional use approval process.~~ In all cases, this use is permitted only as accessory to the main use, must be located in the interior of the masonry perimeter, and may not be visible from any rights-of-way.

(8) **Truck Rental:** Truck rental may be conducted as an ancillary use, if ~~specifically permitted in the conditional use approval,~~ and an appropriate amount of additional parking spaces are provided. Storage of rental trucks must be located in the interior of the masonry perimeter, and may not be visible from any rights-of-way.

(9) **Location:** A SSSF shall not be located within a radius of 750 feet of another existing SSSF, measured from property line to property line.

Section 3. That Section 4.4.26 "Light Industrial", Subsection 4.4.26 (B) "Principal Uses and Structures Permitted", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

[No changes to (1) – (4)]

(5) Self-service Storage Facilities, pursuant to the provisions of Section 4.3.3(A).

Section 4. That Section 4.4.26 "Light Industrial", Subsection 4.4.26 (C) "Accessory Use and Structures Permitted", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

[No changes to (1) – (5)]

(6) Outdoor storage of vehicles and boats, as an accessory to the self-service storage facility, subject to the provisions of Section 4.6.6(C)(2), Restrictions on Outside Usage: Outside Storage.

(7) Truck rentals as an accessory use to self-service storage facilities, subject to the provisions of Section 4.6.6(C)(2), Restrictions on Outside Usage: Outside Storage.

Section 4. That Section 4.4.26 "Light Industrial", Subsection 4.4.26 (D) "Conditional Uses and Structures Allowed", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

[No changes to (1) – (3)]

~~(4) — Self-Service Storage Facilities (SSSF), pursuant to the provisions set forth in 4.3.3 (A).~~

Section 5. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 7. That this Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2016.

Cary D. Glickstein, Mayor

ATTEST:

City Clerk

First Reading _____

Second Reading _____