

ORDINANCE NO. 15-16

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, two-story Self-service Storage Facilities are consistent with industry trends for air-conditioned units; 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, 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 4 - 1 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:

(1) Lot Area: The minimum lot area is two (2) acres, and the maximum lot area is five (5) acres.

(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')~~ two stories or 30' 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 ~~(4")~~ 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.~~

(f) Within the Light Industrial (LI) zoning district, facilities may not be located within a 750' radius of another approved SSSF.

(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.

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:

(1) Research and Development: Research and Development (R&D) uses involve either some degree of product creation, testing, evaluation, and development or the providing of testing and evaluation services for products produced by others. However, this use does not include the actual manufacture, assembly, fabrication, or other processing techniques which result in either the distribution or sale, either wholesale or retail, of products from the premises. Further, when located within Wellfield Protection Zone 1, 2, or 3, materials used in such testing and evaluation shall not exceed an aggregate amount of twenty-five (25) gallons per gross acre of land area for any material which is listed on the Regulated Substance list as maintained per Section 4.5.5(B) (Wellfield Protection).

(2) Wholesaling, Storage, and Distribution: The wholesaling, storage, and distribution of any product, however, when located within Wellfield Protection Zone 1, 2, or 3, the products may not include those which are listed on the Regulated Substance list as maintained per Section 4.5.5(B) (Wellfield Protection).

(3) Industrial (Manufacturing, Assembly): Only manufacturing and assembly operations are allowed. When located within Wellfield Protection Zone 1, 2, or 3, any materials used in such operations shall not exceed an aggregate amount of twenty-five (25) gallons per gross acre of land area for any material which is listed on the Regulated Substance list as maintained per Section 4.5.5(B) (Wellfield Protection).

(4) Office: General business offices and business services are allowed. However, professional offices dealing with medical activities and medicine are not permitted.

(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:

(1) Parking lots.

- (2) Refuse storage areas.
- (3) Monitoring Wells.
- (4) Retailing of items processed on the premises but only to the extent of no more than 10% of the floor area of the structure or use area devoted to the item, but in no case to exceed 2,500 sq. ft. of display and sales area.
- (5) Repair: Repair use is allowed only to the extent that it is consistent with or for items which may be manufactured or assembled within this zone district.
- ~~(6) Outdoor storage of vehicles and boats, as an accessory to the self-service storage facility, subject to the provisions of Section 4.3.3(A)(7), and 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 4.3.3(A)(8), and Section 4.6.6(C)(2), Restrictions on Outside Usage: Outside Storage.~~

Section 5. 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:

- (1) Rental and Sales of Modular Structures.
- (2) Food preparation and/or processing including bakeries and catering operations.
- (3) Principal Uses which require the storage and/or use of regulated substances in a manner other than allowed under Subsection (B).
- ~~(4) Self Service Storage Facilities (SSSF), pursuant to the provisions set forth in 4.3.3 (A).~~

Section 6. 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 7. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 8. 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.

Mayor

ATTEST:

City Clerk

First Reading _____

Second Reading _____