

ORDINANCE NO. 24-17

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", BY ADOPTING A NEW SUBSECTION (C), TO BE ENTITLED "AUTOMOTIVE RENTAL FACILITY" TO REGULATE THIS TYPE OF USE IN BOTH THE "GENERAL COMMERCIAL (GC) DISTRICT" AND THE "PLANNED COMMERCIAL (PC) DISTRICT" AS EITHER A PERMITTED ACCESSORY USE OR A CONDITIONAL USE; ADOPTING SUBSECTIONS 4.4.9(C)(7) AND 4.4.12(C)(5) TO PERMIT AUTOMOTIVE RENTAL FACILITY AS AN ACCESSORY USE IN THE GC AND PC DISTRICTS, RESPECTIVELY; FURTHER AMENDING SECTION 4.4.12 BY ADOPTING A NEW SUBSECTION (D)(6) TO ALLOW AUTOMOTIVE RENTAL FACILITY, NEIGHBORHOOD AS A CONDITIONAL USE IN THE PC DISTRICT AND WITHIN THE FOUR CORNERS OVERLAY DISTRICT; ESTABLISHING DEFINITIONS FOR THE "ACCESSORY" AND "NEIGHBORHOOD" CATEGORIES OF AN "AUTOMOTIVE RENTAL FACILITY USE BY AMENDING APPENDIX A "DEFINITIONS"; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the purpose and intent of this Ordinance is to amend the LDRs to add "Automotive Rental Facility" as a new accessory or conditional use within certain zoning districts of the City; and

WHEREAS, the City desires to allow a commercial establishment that rents vehicles as an accessory use within the General Commercial (GC) zoning district or Planned Commercial (PC) zoning district if the use is associated with a large-scale home improvement/hardware retail establishment that is at least 25,000 sq. ft. gross floor area in size; and

WHEREAS, the City desires to allow a commercial establishment that rents vehicles as a conditional use if the use is located within the Planned Commercial (PC) zoning district and within the Four Corners Overlay District; and

WHEREAS, the City desires to provide rules and regulations concerning the rental, operations, on-site storage and vehicle maintenance related to a commercial establishment that rents vehicles in either category of such use; 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 June 19, 2017, and voted 7 to 0 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 at Section 4.3.3, “Special Requirements for Specific Uses”, a new Subsection (C), to be entitled “Automotive Rental Facility” shall hereby be adopted in the Land Development Regulations of the City of Delray Beach, Florida, which shall read as follows:

Section 4.3.3 Special Requirements for Specific Uses

(C) ~~[Deleted by Ord. 20-08 4/15/08]~~ Automotive Rental Facility

(1) Purpose. It is the intent of this section to regulate commercial establishments that rent vehicles and that are located outside of the Automotive Commercial (AC) zoning district by establishing the following uses:

(a) Automotive Rental Facility, Accessory.

(b) Automotive Rental Facility, Neighborhood.

(2) General Rules and Regulations.

(a) These uses are restricted to vehicle rentals only. Vehicle sales are not allowed.

(b) Operations related to these uses including, but not limited to, vehicle returns, vehicle maintenance, and customer queuing, shall not impact the off-street parking lot circulation.

- (c) The square footage of the lease space for Automotive Rental Facility, Neighborhood shall be limited to five percent or less of the gross square footage of the shopping center, inclusive of outparcels.
- (d) Approval of a Class III Site Plan shall be required for the following:
- i. Modification to a site plan requesting a change of the use of an existing building or portion of a building to Automotive Rental Facility, Neighborhood.
 - ii. Modification to a site plan requesting to add the Automotive Rental Facility, Accessory use to an existing business.
- (e) Vehicle storage is subject to the following rules:
- i. Vehicle storage is permitted in the off-street parking spaces so long as the off-street parking spaces are not located along the main drive aisles, do not utilize the first two rows of parking spaces typically utilized by retail customers, and are not visible from any adjoining right-of-way and properties.
 - ii. Vehicle storage is limited to no more than 10 percent of the off-street parking spaces, and in no event shall exceed 20 off-street parking spaces for each establishment.
- (f) Vehicle maintenance shall be ancillary to the vehicle rental facility. At no time shall the facility serve as a commercial car wash. In addition, the facility shall be subject to the following standards:
- i. Only hand-washing and vacuuming shall be permitted. The washing and vacuuming is permitted only in a designated washing and vacuuming area.
 - ii. If the hand-washing and vacuuming area is exterior to the principal building, this area shall be limited to one wash bay which shall be setback a minimum of 25 feet from any residentially zoned property, and shall be designed to incorporate a hard roof covering that is compatible with the principal use or with the structures within the shopping center. The hand-washing and vacuuming area shall be screened by either a wall, opaque fence or hedge and shall not be visible from any adjoining right-of-way or adjacent properties. The hand-washing and vacuuming area shall not have outdoor speakers or utilize a public address system.
 - iii. If the hand-washing and vacuuming area is interior to the principal building, this area shall be limited to one wash bay, which shall be fully enclosed. The access overhead bay door to this area shall remain closed during operation of all maintenance activities.

iv. Run-off from the washing operations shall be collected and contained on site.

v. All other vehicle services, including repair, maintenance, oil change and fueling shall not be permitted onsite. As a condition of site plan approval, the applicant shall provide documentation and an affidavit describing the location where these services will occur.

Section 3. That Article 4.4, “Base Zoning District”, at Section 4.4.9 “General Commercial (GC) District”, at Subsection (C), “Accessory Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray “Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.9 General Commercial (GC) District

(C) **Accessory Uses and Structures Permitted:** The following uses are allowed when a part of, or accessory to, the principal use:

(1)–(6) (These subparagraphs shall remain in full force and effect as previously adopted.)

(7) Automotive Rental Facility, Accessory, subject to the requirements of Section 4.3.3(C).

Section 4. That Article 4.4, “Base Zoning District”, at Section 4.4.12 “Planned Commercial (PC) District”, at Subsections (C), “Accessory Uses and Structures Permitted” and (D), “Conditional Uses and Structures Allowed”, of the Land Development Regulations of the City of Delray “Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.12 Planned Commercial (PC) District

(C) **Accessory Uses and Structures Permitted:** The following uses are allowed when a part of, or accessory to, the principal use, except within the Four Corners Overlay District which shall be pursuant to Sec. 4.4.9(G)(3)(b):

(1)–(4) (These subparagraphs shall remain in full force and effect as previously adopted.)

(5) Automotive Rental Facility, Accessory, subject to the requirements of Section 4.3.3(C).

(D) **Conditional Uses and Structures Allowed:** The following uses are allowed as conditional uses within the PC District except as modified in the Lindell/Federal (Redevelopment Area #6) Overlay District and the Silver Terrace Courtyards Overlay District by Section 4.4.12(G) and within the Four Corners Overlay District which shall be pursuant to Section 4.4.9(G)(3)(c), unless specifically noted below:

(1)– (5) (These subparagraphs shall remain in full force and effect as previously adopted.)

(6) Automotive Rental Facility, Neighborhood subject to the requirements of Section 4.3.3 (C), provided that the use shall not fundamentally alter the retail nature of the shopping center. This use is allowed as a conditional use within the Four Corners Overlay District.

Section 5. That “Appendix A, Definitions”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended by adopting the following new definitions which shall be inserted alphabetically and shall read as follows:

AUTOMOTIVE RENTAL FACILITY, ACCESSORY A commercial establishment where the renting of small trucks and cargo vans up to and including three-quarter ($\frac{3}{4}$) ton trucks is accessory to a large-scale home improvement/hardware retail establishment. A large-scale home improvement/hardware retail establishment shall occupy at least 25,000 sq. ft. gross floor area. This use is regulated by Section 4.3.3(C).

AUTOMOTIVE RENTAL FACILITY, NEIGHBORHOOD A commercial establishment used principally for renting vehicles such as cars, sport utility vehicles, small pick-up trucks and mini-vans that is located within a large retail shopping center or in an outparcel to a large retail shopping center. This use is regulated by Section 4.3.3(C).

Section 6. 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 of this Ordinance.

Section 7. Specific authority is hereby given to codify this Ordinance.

Section 8. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2017.

Cary D. Glickstein, Mayor

ATTEST:

ORD. No. 24-17

City Clerk

First Reading _____

Second Reading _____