

ORDINANCE NO. 36-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.9, "GENERAL COMMERCIAL (GC) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED," TO ADD THE SALE OF MOTORCYCLES AS A CONDITIONAL USE; AND AMENDING SUBSECTION (H), "SPECIAL REGULATIONS," TO PROVIDE SPECIAL USE REGULATIONS APPLICABLE TO THE SALE OF MOTORCYCLES; AMENDING SECTION 4.4.12, "PLANNED COMMERCIAL (PC) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED," TO SPECIFY WHICH CONDITIONAL USES ALLOWED IN THE GENERAL COMMERCIAL DISTRICT ARE ALLOWED IN PLANNED COMMERCIAL DISTRICTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, a privately initiated amendment to the Land Development Regulations (LDR) of the City of Delray Beach, Code of Ordinances, was submitted on July 22, 2021, by Robert A. Eisen, as the Designated Agent, for James H. Batmasian; and

WHEREAS, the privately initiated amendment sought to add the selling of motorcycles as a permissible conditional use in General Commercial Districts; and

WHEREAS, to protect residential communities located near or abutting General Commercial Districts, certain development standards for the selling of motorcycles must be maintained; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, reviewed the proposed text amendments to the Land Development Regulations at a public hearing on October 18, 2021, and voted \_ to \_ to recommend that the proposed text amendments be approved, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

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

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

Section 1. The recitations set forth above are incorporated herein.

Section 2. Section 4.4.9, “General Commercial (GC) District,” Subsection (D), “Conditional uses and structures allowed,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

(D) ***Conditional uses and structures allowed.*** The following are allowed as conditional uses within the GC District, except as modified in the North Federal Highway Overlay District by Section 4.4.9(G)(2) and except as modified in the Four Corners Overlay District by Section 4.4.9(G)(3)(c).

(1) – (21) (These subsections shall remain in full force and effect as adopted.)

(22) Sales of motorcycles, with no outside display, outside storage, or outside service, subject to Subsection(H)(6).

Section 3. Section 4.4.9, “General Commercial District (GC),” Subsection (H), “Special regulations,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

(H) ***Special regulations.***

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

(6) The sales of motorcycles shall comply with the following regulations which cannot be the subject of relief by a waiver or variance:

a. The maximum lot size for parcels utilized for motorcycle sales is 1.5 acres.

b. Test rides are prohibited on-site, on residential streets, and in residential neighborhoods.

c. The engine size of all motorcycle inventory shall not exceed 1,250 cubic centimeters.

d. Repairs shall not take place on-site.

e. Motorcycles for sale shall not be parked, stored, or displayed outside of the showroom, or in any outdoor area on the site.

f. Detailing and other auxiliary uses or activities are prohibited from occurring outdoors.

Section 4. Section 4.4.12, “Planned Commercial (PC) District,” Subsection (D), “Conditional uses and structures allowed,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

(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):

(1) ~~All~~ Those uses allowed ~~as such~~ within the GC District as listed in {Section 4.4.9(D)(1) through (21)}.

(2) – (6) (These subsections shall remain in full force and effect as adopted.)

Section 5. 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. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

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

Section 8. This Ordinance shall become effective immediately upon its adoption on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney