



Legislation Details (With Text)

**File #:** 17-736      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/1/2017      **In control:** City Commission  
**On agenda:** 11/7/2017      **Final action:** 11/7/2017

**Title:** 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". (SECOND READING/SECOND PUBLIC HEARING)

**Sponsors:** Planning and Zoning Board

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord No. 24-17, 2. Revisions Memorandum Highlighting Changes, 3. Planning and Zoning Board Staff Report, June 19, 2017

Date	Ver.	Action By	Action	Result
11/7/2017	1	City Commission	adopted	

**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** November 7, 2017

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”.  
(SECOND READING/SECOND PUBLIC HEARING)

**Recommended Action:**

Motion to Approve Ordinance No. 24-17 amending the Land Development Regulations, as presented, on Second Reading.

**Background:**

A privately-initiated amendment to the Land Development Regulations "LDR" is requested to amend LDR Section 4.3.3 (C) Special Requirements for Specific Uses, to add regulations for Automotive Rental Facility, Neighborhood and Automotive Rental Facility, Accessory; Section 4.4.9(C)(7), General Commercial (GC) District, to add Automotive Rental Facility, Accessory at large scale home improvement/hardware retail establishments in both the General Commercial (GC) and Planned Commercial (PC) Districts; Section 4.4.12(D)(6), Planned Commercial (PC) District, to add Automotive Rental Facility, Neighborhood as a conditional use; and, Appendix A "Definitions" to provide definitions for Automotive Rental Facility, Accessory and Automotive Rental Facility, Neighborhood.

The request was submitted on behalf of the current operators of Enterprise Rent-A-Car located at the Bed Bath & Beyond Plaza at 14832 South Military Trail. The business started in the fall of 2012, which was operated as an office-only facility. Subsequently, the operations expanded to include the on-site rental of vehicles. In 2016, a permit was submitted to the City of Delray Beach ("City") to install an oil/sand separator system for minor vehicle hand washes. The City denied the permit application as the on-site rental operation was not permitted in the PC zoning district.

The item was considered by the City of Delray Beach ("City") City Commission on First Reading at its meeting of September 7, 2017, at which time concerns were noted regarding the impact of the automotive rental facility, neighborhood use on the character of the shopping centers and allowing hand-washing and vacuuming of the vehicles within the centers.

In response to these noted concerns, the applicant has proposed the following changes which are included in the attached ordinance:

- Limiting the floor area of automotive rental facilities, neighborhood to not exceed five percent of the gross square footage of the center.
- Restricting the location of the vehicle storage areas away from the main entrances of the center.
- Clarifying that the vehicle maintenance (hand washing and vacuuming) is exclusively ancillary to the vehicle rental facility and the inventory at that center.
- Specifying that the exterior wash area is limited to one bay which shall be setback a minimum of 25 feet from any residentially zoned property.
- Prohibiting the use of outdoor speakers or public address systems.
- Providing for an interior maintenance area where the wash bay is fully enclosed and the overhead door shall remain closed during operation of the washing and vacuuming activities.

**Review by Others:**

The Community Redevelopment Agency (CRA) reviewed this item at its meeting of June 8, 2017

and voted to recommend approval of the LDR text amendment.

At its meeting of June 19, 2017, the Planning and Zoning Board recommended approval of Ordinance No. 24-17 on a vote of 7 to 0 with the following conditions:

- i) That the vehicle maintenance area shall be designed with a hard roofed covering that is compatible with the structures within the shopping center.
- ii) That no more than 10% of the parking provided shall be used for the storage of vehicles, with each user not to exceed 20 parking spaces allocated for vehicular storage.

The Planning and Zoning Board comments are incorporated in the ordinance. A complete outline of the proposed amendment is provided in the attached Planning and Zoning Board Staff Report of June 19, 2017.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

Second Reading is scheduled for November 7, 2017.

Attachments:

- Ordinance No. 24-17 (revised following 1st reading)
- Revisions Memorandum Highlighting Changes
- Planning and Zoning Board Staff Report of June 19, 2017