



Legislation Details (With Text)

File #: 17-622 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 7/10/2017 **In control:** City Commission
On agenda: 9/7/2017 **Final action:** 9/7/2017

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". (FIRST READING/FIRST PUBLIC HEARING)

Sponsors: Planning and Zoning Board

Indexes:

Code sections:

Attachments: 1. Ord 24-17, 2. Planning and Zoning Board Staff Report, June 19, 2017

Date	Ver.	Action By	Action	Result
9/7/2017	1	City Commission	approved	Pass

TO: Mayor and Commissioners
FROM: Timothy Stillings, Planning, Zoning and Building Director
THROUGH: Chief Neal de Jesus, Interim City Manager
DATE: September 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". (FIRST

READING/FIRST PUBLIC HEARING)

Recommended Action:

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

Background:

A privately-initiated amendment to the Land Development Regulations 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 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 LDRs currently limit the rental of automobiles to the Automotive Commercial (AC) District and to hotels or motels where rental car counters may be provided as an accessory use for their guests. City records reveal that there are two car rental agencies open to the general public which do not operate as a part of an automobile dealership.

The proposed Ordinance amends several sections of the LDR as follows:

- LDR Section 4.3.3(C), Special Requirements for Specific Uses: Revised to add general rules for operation and specific site standards such as the prohibition of vehicle sales; that operations related to vehicle returns and customer queuing shall not have an adverse impact on off-street parking lot circulation; on-site storage is not permitted in required off-street parking spaces and shall not be visible from any adjoining right-of-way or properties; vehicle maintenance is limited to only hand-washing and vacuuming and such areas shall be screened by either a wall, opaque fence or hedge and shall not be visible from any adjoining right-of-way or properties; and, all other vehicle services, including repair, maintenance, oil change and fueling shall not be permitted on-site.
- LDR Section 4.4.9(C)(7), General Commercial (GC) District, Accessory Uses and Structures Permitted: Revised to add Automotive Rental Facility, Accessory for large scale home improvement/hardware retail establishments subject to Section 4.3.3(C). The proposed ordinance specifies that a large-scale home improvement/hardware retail establishment shall occupy at least 25,000 sq. ft. gross floor area.
- LDR Section 4.4.12(C)(5), Planned Commercial (PC) District, Accessory Uses and Structures Permitted: Revised to add Automotive Rental Facility, Accessory for large scale home

improvement/hardware retail establishments subject to Section 4.3.3(C). The proposed ordinance specifies that a large-scale home improvement/hardware retail establishment shall occupy at least 25,000 sq. ft. gross floor area.

- LDR Section 4.4.12(D)(6), Planned Commercial (PC) District, Conditional Uses and Structures Allowed: Revised to add Automotive Rental Facility, Neighborhood as a conditional use subject to Section 4.3.3(C).
- Appendix A “Definitions” Revised to add two definitions as follows:

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

AUTOMOTIVE RENTAL FACILITY, NEIGHBORHOOD: A vehicle rental establishment for the renting of vehicles such as cars, sport utility vehicles, small pick-up trucks and mini-vans, which due to size, number of vehicles available for rental, and location is generally catering to a neighborhood market. This use is regulated by Section 4.3.3 (C).

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 7 to 0 vote 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 proposed ordinance has been revised to incorporate the comments of the Planning and Zoning Board. The 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 September 19, 2017.

Attachments:

- Ordinance No. 24-17
- Planning and Zoning Board Staff Report of June 19, 2017