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Planning, Zoning and Building Department

TO: JEFFREY COSTELLO, EXECUTIVE DIRECTOR
COMMUNITY REDEVELOPMENT AGENCY

FROM: PLANNING AND ZONING DEPARTMENT

RE: THURSDAY JUNE 8, 2017

The Planning, Zoning and Building Department is processing the following petition that pertains to properties located within the Downtown Development Authority Area. Pursuant to Land Development Regulations Section 2.4.2(C), please provide review comments.

LDR Text Amendment Regarding Automotive Rental Facilities



The item before the CRA Board is regarding a privately-initiated amendment to the Land Development Regulations to add Neighborhood Automotive Rental Facilities as a conditional use within the PC (Planned Commercial) District; to add Accessory Automotive Rental Facilities as an accessory use at large scale home improvement/hardware retail establishments in both

the GC (General Commercial) and PC (Planned Commercial) Districts; to add regulations regarding the operation of these uses; and amending Appendix A "Definitions" to provide definitions for Accessory Automotive Rental Facility and Neighborhood Automotive Rental Facility and Vehicle preparation area.

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 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 Land Development Regulations currently limits 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. Currently, the rental of automobiles is primarily conducted within automobile dealerships.

PROPOSED ORDINANCE

The proposed Ordinance amends several sections of the Land Development Regulations 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 Accessory Automotive Rental Facility for large scale home improvement 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. This accessory use is also allowed in the PC district by reference to LDR Section 4.4.9(C)(7).
- LDR Section 4.4.10(C)(2)(a), Automotive Commercial (AC) District, to clarify that the term "vehicle preparation area" primarily accommodates washing and cleaning of vehicles and does not involve vehicle repair and/or maintenance.
- LDR Section 4.4.12(C)(5), Planned Commercial (PC) District, Accessory Uses and Structures Permitted: Revised to add Accessory Automotive Rental Facility 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 Neighborhood Automotive Rental Facility as a conditional use subject to Section 4.3.3(C).
- Appendix A "Definitions" Revised to add three definitions as follows:

AUTOMOTIVE RENTAL FACILITY,
ACCESSORY

A commercial establishment for the renting of small trucks and cargo vans which is subordinate to a home improvement/hardware retail establishment. A large-scale home improvement retail establishment occupies at least 25,000 sq. ft. gross floor area.

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.

VEHICLE PREPARATION AREA

A portion of an Automotive Facility which is used for washing and cleaning of vehicles. All other vehicle services, including but not limited to repair, maintenance, oil change, tire change, and fueling, are not considered vehicle preparation.

A copy of the draft Ordinance is attached.

ORDINANCE NO. __-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 NEIGHBORHOOD AUTOMOTIVE RENTAL FACILITY AS A CONDITIONAL USE IN THE PC DISTRICT AND WITHIN THE FOUR CORNERS OVERLAY DISTRICT; AMENDING SECTION 4.4.10 OF THE "AUTOMOTIVE COMMERCIAL (AC) DISTRICT" AT SUBPARAGRAPH (C)(2)A TO REGULATE THE TYPE OF ACTIVITIES ALLOWED IN A "VEHICLE PREPARATION AREA"; ESTABLISHING DEFINITIONS FOR THE "ACCESSORY" AND "NEIGHBORHOOD" CATEGORIES OF AN "AUTOMOTIVE RENTAL FACILITY USE ALONG WITH A DEFINITION FOR "VEHICLE PREPARATION AREA" 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 amendment is to amend the LDRs to provide for "Automotive Rental Facility" as a new accessory or conditional use within certain zoning districts of the City; and

WHEREAS, an "Automotive Rental Facility" is to be considered an "Accessory Automotive Rental Facility" within the General Commercial or Planned Commercial Districts if associated as an accessory use for a large-scale home improvement/hardware retail establishment that is at least 25,000 sq. ft. gross floor area in size; and

WHEREAS, an Automotive Rental Facility is to be considered a "Neighborhood Automotive Rental Facility" conditional use within the Planned Commercial District and within the Four Corners Overlay District when catering to a neighborhood market; and

WHEREAS, the City wants to provide rules and regulations concerning the rental, operations, on-site storage and vehicle maintenance related to the use of an "Automotive Rental Facility" in either category for 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 _____, and voted _____ 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 the automotive rental businesses outside of the AC District. The following two categories of automotive rental facilities as defined herein below and in Appendix "A" are considered to be a type of "Automotive Rental Facility":

(a) Accessory Automotive Rental Facility.

(b) Neighborhood Automotive Rental Facility.

(2) Definitions.

(a) An Accessory Automotive Rental Facility is a commercial establishment where the renting of small trucks and cargo vans is accessory to a large-scale home improvement/hardware retail

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establishment. A large-scale home improvement retail establishment occupies at least 25,000 sq. ft. gross floor area.

(b) A Neighborhood Automotive Rental Facility is a vehicle rental establishment principally 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, located within a large retail center or as an outparcel.

(3) General Rules and Regulations.

(a) Use is restricted to vehicle rental only. Vehicle sales and automobile dealerships are not allowed.

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

(c) Approval of a Class III Site Plan shall be required for the change of use of an existing building or portion of a building to a Neighborhood Automotive Rental Facility or the addition of Accessory Automotive facility to an existing business.

(d) On-site vehicle storage is subject to the following standards:

1. Vehicle storage is not permitted in off-street parking spaces required per Section 4.6.9(C)(3)(e).
2. Surplus off-street parking spaces may be used for vehicle storage provided the off-street parking spaces are not visible from any adjoining right-of-way and properties.
3. Vehicle storage is limited to the surplus parking spaces and no more than 10 percent of the overall number of spaces in the retail center or 20 parking spaces whichever is greater.

(e) Vehicle maintenance is subject to the following standards:

1. Only hand-washing and vacuuming shall be permitted. The washing and vacuuming is only permitted in a designated washing and vacuuming area. The washing and vacuuming areas shall be screened by either a wall, opaque fence or hedge and shall not be visible from any adjoining right-of-way and properties.
2. Run-off from the washing operations shall be collected and contained on-site
3. All other vehicle services, including repair, maintenance, oil change and fueling shall not be permitted on-site. The applicant shall provide documentation and an affidavit of the location where these services 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)~~ Accessory Automotive Rental Facility for a large-scale home improvement/hardware retail establishment, subject to Section 4.3.3(C). A large-scale home improvement/hardware retail establishment occupies at least 25,000 sq. ft. gross floor area.

Section 4. That Article 4.4, “Base Zoning District”, Section 4.4.10 “Automotive Commercial (AC) District” at Paragraph (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:

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

(1) (This subparagraph shall remain in full force and effect as previously adopted.)

(2) Principal use: Sale, lease, or rental of used cars, trucks, and recreational vehicles may also have the following accessory uses:

(a) Vehicle preparation area which is limited to washing and cleaning. All other vehicle services, including but not limited to, repair, maintenance, oil change, tire change, and fueling, are not considered vehicle preparation.

~~(3)~~ (This subparagraph shall remain in full force and effect as previously adopted.)

Section 5. 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) Accessory Automotive Rental Facility for a large-scale home improvement retail establishment, subject to Section 4.3.3(C). A large-scale home improvement/hardware retail establishment occupies at least 25,000 sq. ft. gross floor area.~~

(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) Neighborhood Automotive Rental Facility subject to Section 4.3.3 (C) provided the proposed facilities are located in a shopping center, having a minimum gross floor area of 25,000 sq. ft. and 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 6. 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 for the renting of small trucks and cargo vans which is subordinate to a home improvement retail establishment. A large-scale home improvement/hardware retail establishment occupies at least 25,000 sq. ft. gross floor area.

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.

VEHICLE PREPARATION AREA A portion of an Automotive Facility, which is used for washing and cleaning of vehicles. All other vehicle services, including but not limited to repair, maintenance, oil change, tire

change, and fueling, are not considered
vehicle preparation.

Section 7. 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 8. Specific authority is hereby given to codify this Ordinance.

Section 9. 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:

City Clerk

First Reading _____

Second Reading _____

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