

Request and Justification for Text Amendment

Request

To create a new category of use called Limited Auto Dealership, Fleet Automobile Sales along with an associated definition (proposed Ordinance reflecting changes is attached).

Criteria

The proposed amendment is consistent with the comprehensive plan.

The proposed amendment is consistent with the City's comprehensive plan. The new use, Limited Auto Dealership, Fleet Automobile Sales, is a commercial use and it is proposed for a zoning district which is commercial in nature and by definition meaning that the use is consistent with the overall land use plan.

In addition to the above, the proposed text change is consistent with Policy 01.07.07 of the Comprehensive Plan which states "through ongoing updates of the land development regulations revise prohibited and permitted uses in the commercial, industrial and non-residential zoning districts." The proposed text amendment accomplishes this Policy due to changed circumstances and a different dynamic involved in the industry which the Code should be adopted to recognize. Furthermore, the text change will also continue to satisfy concurrency and may bring additional employment to commercial corridors.

The proposed amendment does not conflict with any provision of this Code or the Code of Ordinances.

The proposed amendment does not conflict with any provision of the Code. The rental of automobiles is allowed to take place in the B-3 Zoning District (thus Avis is allowed a rental car facility in the B-3 Zoning District) and a new car auto dealer is allowed in the B-3 Zoning District. Used car sales are not allowed in the B-3 Zoning District. The proposed Limited Auto Dealership, Fleet Auto Sales, recognizes the hybrid use between rental of automobiles and the sale of new automobiles and accommodates this use. The sale of fleet vehicles, especially with minimum land and showroom requirements, is more closely akin to new automobile sales than used car sales/ and makes this use the equivalent of a new car sales rather than a used car sales. In addition, much like an new auto dealership minor automotive repair is permitted as an accessory to the Limited Auto Dealership use as long as such minor automotive repair occurs within a fully enclosed building.

The amendment is required by changed conditions.

The amendment is required by changed conditions. The sale of fleet vehicles directly by the fleet owner is a new business that has only arisen in recent years. Previously large rental car companies, such as Budget/Avis, would purchase cars from manufacturers for their rental car

fleet, and at the conclusion of the useful life in the rental car fleet (which was a short period of time), the rental car companies used to sell the fleet vehicles back to manufacturers who would then distribute the used fleet vehicles to their dealerships. As a result of changing business rules and mechanics the automobile manufacturers stopped re-purchasing the fleet vehicles and thus resulted where fleet vehicles are offered for sale to the general public through the fleet owner or a subsidiary of the fleet owner. This new business model is a changed condition because the sale of the fleet vehicles does not fit squarely within the definition of new car sales or used car sales.

The amendment addresses a demonstrated community need.

The amendment addresses a demonstrated community need. There are several properties in the B-3 zoning district where a rental car company has also wanted to sell its fleet vehicles and the sale of such vehicles has not been allowed. This has impacted the ability of large rental car companies to locate their businesses within the City of Pompano Beach as the sale of fleet vehicles is now part and parcel of the rental car business.

The amendment is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the City.

The amendment is consistent with the purpose and intent of the zoning district in the Code. The B-3 Zoning District, which is the Zoning District where the Limited Auto Dealership use is proposed, allows the sale of new cars. As an accessory to the sale of new cars the Code also specifically allows the sale of used automobiles and auto repair is recognized as part of a new auto dealer use. Furthermore, the leasing of automobiles, including short-term leasing, is also a permitted use in the B-3 zoning district. The proposed Limited Auto Dealership, Fleet Automobile Sales, is a hybrid use between these two already permitted uses and as such it is not contrary to the purpose and intent of the Code. This is especially the case where minimum lot size and the requirement for a showroom are part of the definition.

The amendment would result in a logical and orderly development pattern.

The amendment will result in a logical and orderly development pattern. Rental of automobiles, including short term rental, is already permitted in the B-3 Zoning District. It is both logical and orderly for these uses to have the ability to sell their fleet vehicles from the same or an adjacent property.

The amendment would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.

The amendment will not result in significantly adverse impacts on the natural environment. The proposed text change does not change or impact the development requirements already contained in Code which are designed to safeguard and protect the natural environment.