

ORDINANCE NO. 2022-35

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ARTICLE III, DISTRICT REGULATIONS, DIVISION 11, COMMERCIAL INTENSIVE, SECTION 16-499(30) TO ALLOW FOR OUTSIDE CAR DETAILING AT STAND-ALONE CAR WASHES WITHIN THE COMMERCIAL INTENSIVE (CI) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres, Florida (the “City”) is a duly constituted municipality having such home rule power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Josh Nichols of Schmidt and Nichols, agent for Mint Eco Car Wash Acquisition Co., LLC, has submitted a request for a zoning text amendment to revise Chapter 16, Article III, Division 11, Section 16-499(30) to allow outside car detailing at stand-alone car washes; and

WHEREAS, it has been determined, in accordance with the Development Review Committee Staff Report and Recommendation, attached hereto as Exhibit “A” (dated September 26, 2022), that the proposed amendment to the City’s zoning regulations is appropriate; and

WHEREAS, the Planning and Zoning Board of Appeals, on November 10, 2022, held a duly advertised public hearing and recommended approval of ZTA-22-17 and adoption of Ordinance 2022-35 as presented by staff; and

WHEREAS, the City Council of Greenacres has held two (2) duly advertised public hearings to review this request; and

WHEREAS, the City Council of Greenacres finds that it is in the best interests of the citizens of the City of Greenacres that the provisions of Chapter 16, Article III, Division II, Section 16-499(30) of the City's Zoning Code be amended; and

WHEREAS, the City Council deems approval of this Ordinance as serving a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The foregoing recitals are incorporated into this Ordinance as true and correct findings of the City Council.

SECTION 2. Chapter 16, Article III, Division 11, Section 16-499(30) of the City of Greenacres Code of Ordinances is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by ~~strikeout~~):

ARTICLE III. DISTRICT REGULATIONS

DIVISION 11. COMMERCIAL INTENSIVE (CI)

Sec. 16-499. Special Exceptions.

The following are special exceptions, subject to the provisions of section 16-474 et seq., in the commercial intensive (CI) district:

[(1) thru (29) and (31) Omitted for Brevity]

(30) Stand-alone car wash facility:

- a. There shall be a minimum distance of three thousand (3,000) feet shortest airline measurement between the nearest points of any two (2) parcels of land, located within city limits, occupied or to be occupied for stand-alone car wash facilities.
- b. Stand-alone car wash facilities shall be limited to urban principle arterial roadway systems.
- c. Outdoor storage is prohibited. All merchandise, parts and supplies shall be located within a completely enclosed building.
- d. Outdoor display of merchandise is prohibited. All merchandise, parts and supplies shall be located within a completely enclosed building.
- e. Hours of operation shall be limited through conditions of approval to promote compatibility with surrounding uses.
- f. A stand-alone car wash facility shall have staff on site at all times during the hours of operation.
- g. Off-street loading space(s) which are provided for the delivery of materials, merchandise, or any similar accessory or product, shall be in accordance with section 16-1336. In those instances where a loading zone is not required per section 16-1336, a Loading Zone Management Plan shall be submitted and approved by the city prior to site plan approval.

Ordinance No. 2022-35 | Standalone Car Wash

Page No. 3

- h. Exterior loudspeakers or paging equipment are prohibited.
- i. All stand-alone car wash facilities must comply with the following architectural standards:
 - i. Exterior building material shall be stucco or a similar material presenting a high-quality appearance.
 - ii. Buildings shall be designed to have the same architectural style and decorative elements on all sides.
 - iii. The colors of the building and accessory structures shall be compatible with the general character of the area.
 - iv. Elevations showing architectural details and colors shall be submitted as part of both the site and development plan and special exception applications.
- j. To protect landscape buffers and prevent unplanned access, a raised curb of at least six (6) inches in height shall be erected along all street property lines except for driveways.
- k. The car wash equipment shall use a ninety (90) percent water recycling system, utilizing one hundred (100) percent of the waste water.
- l. All washing facilities and equipment shall be within an enclosed building except that vacuuming facilities and air pumps may be located outside the building, subject to a limitation allowing operation of the exterior vacuum facilities and air pumps only during the hours of operation permitted for the stand-alone car wash facility under Section 16-499(30)e of this code.
- m. Exterior detailing and waxing shall be prohibited when abutting residentially zoned properties unless screened from view at the adjoining property line. If screening is not already required by other portions of this code, screening shall consist of a six (6) foot wall, which shall be compatible with the proposed or existing architectural features on-site. The screening shall also include a continuous hedge maintained at a minimum height of six (6) feet located on the outside of the wall within the required landscape buffer unless an alternative landscape plan has been approved by the development and neighborhood services director or his /her designee. Property lines adjacent to rights-of-way, commercial, or public institution zoned properties shall be upgraded to include a hedge maintained at a minimum of six (6) feet in height unless an alternative landscape plan has been approved by the Development and neighborhood services director or his/her designee.
- n. Special landscape treatment shall be considered to mitigate the visual impact of exterior vacuum equipment on any adjacent right-of-way.
- o. If the opening of the car wash facility faces the adjacent right-of-way, then the opening shall be screened from view of the adjacent right-of-way to the greatest extent possible so that pass-by traffic cannot view the mechanical washing equipment inside the building.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances and resolutions or parts thereof, which conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 4. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitution; invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 5. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

SECTION 6. Effective Date

The provisions of this Ordinance shall become effective upon adoption.

(Remaining page is intentionally left blank)

Passed on the first reading this 19th day of December, 2022.

PASSED AND ADOPTED on the second reading this 6th day of March, 2023.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

John Tharp, Deputy Mayor

Peter Noble, Council Member, *District II*

Judith Dugo, Council Member, *District III*

Susy Diaz, Council Member, *District IV*

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney