

ORDINANCE 09-09-1228

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING CHAPTER 106 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ZONING"; SPECIFICALLY AMENDING ARTICLE XV, ENTITLED "BUSINESS DISTRICTS" DIVISION 2, ENTITLED "MASTER BUSINESS LIST" BY AMENDING SECTION 106-467 ENTITLED "SUPPLEMENTAL REGULATIONS"; PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMIT REQUIREMENTS; PROVIDING FOR A TIME, PLACE AND MANNER IN WHICH SUCH AUTOMOBILE DETAILERS MAY OPERATE AS AN ACCESSORY USE; PROVIDING AN APPLICATION PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of North Lauderdale, Florida (hereinafter referred to as the "City") is desirous of updating its zoning code pertaining to the Master Business List to incorporate certain accessory uses that have become in more demand; and

WHEREAS, the City Commission is desirous of facilitating the creation of employment opportunities within the City due to recent national economic and employment declines; and

WHEREAS, the City Commission recognizes the benefits and advantages provided by certain accessory uses to primary businesses including the positive effect they have on economic development within the City; and

WHEREAS, in an effort to lessen the negative impact these accessory uses may have on the City and maximize their positive effect by promoting public health, safety and employment, the City Commission seeks to establish guidelines and regulations by which such accessory uses shall be able to operate in the City; and

WHEREAS, the City Commission believes such regulations are in the best interests of the health, safety and welfare of the citizens and residents of the City and will better protect the

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safety of the City's automobile detailing operators engaging in business as an accessory use to an automated car wash.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2. Chapter 106, Article XV, Division 2 of the City of North Lauderdale's Code of Ordinances is hereby amended by creating Section 106-467 (8) (f), under Service stations, as follows:

Division 2. Master Business List

* * *

Sec. 106-467. Supplemental Regulations

* * *

(8) Service stations, subject to the following limitations and requirements:

* * *

f. Automobile Detailing Operators as an Accessory Use

1. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Accessory Use means a use naturally and customarily incidental to, subordinate to, and subservient to the main use of the premises.

(b) Automated car wash means mechanical facilities for the washing or waxing of private automobiles, light trucks and vans, but not commercial fleets, as an accessory use to an automobile service station.

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(c) Automobile detailing means services such as applying paint protectors and interior and exterior cleaning and polishing. However, engine degreasing, exterior washing or similar automobile cleaning services shall not be included under this definition.

(d) **Service station** means any building or land used for retail sale and dispensing of automobile fuels or oils, and which may furnish supplies, equipment and minor repair services, including used tires, to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils.

2. Activities limited to certain areas

(a) Automobile detailers shall only be allowed to operate in conjunction with a service station that includes an automated car wash.

(a) Automobile detailer operators shall operate no more than ten (10) feet from the service station holding the permit authorizing the automobile detailer to operate.

(b) Detailing services must not entail the washing of vehicles to remove road debris or oil or involve the use of solvents. All washing and rinsing must be done within the confines of the automated car wash that has been constructed according to plans reviewed and approved by all City, County and State agencies including adhering to all applicable environmental regulations and controls.

(c) Automobile detailing services shall be located in the rear of the permanent business and shall not be visible from the public right-of-way and/or major thoroughfares to the greatest extent feasible or detract from the aesthetics of the area.

(d) Automobile detailers shall operate only at designated locations as determined by the Community Development Director upon review of a Site Plan.

(e) All equipment and supplies must be stored inside or removed from the premises when not in use. No outdoor storage is permitted.

(f) Any signage for the automobile detailer operator must be incorporated into the approved signage for the service station. No additional or separate signage will be permitted.

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3. Hours of Operation

Hours of operation are contingent on the following three requirements:

- (a) The automobile detailing service shall be conducted during daylight hours only;
- (b) Automobile detailing services shall not be conducted earlier than 7:00 A.M.; and
- (c) Automobile detailing services shall only be conducted when the service station is operating.

4. Permit and Application Requirements

- (a) All automobile detailing services must be affiliated with a legally operating service station located within the city that operates an automated car wash at the time of application for the accessory use and a local business tax receipt for the accessory use must be obtained.
- (b) Operators of automobile detailing services must apply for and receive an accessory use permit from the City's Community Development Department.
- (c) Only one (1) automobile detailing service shall be permitted per service station location.
- (d) Applicants for accessory use permits required by this section shall file an application in writing with the Community Development Director, or his or her designee. Applications for automobile detailer operators shall include the following:
 - (1) Name of the owner of the service station and the name of the automobile detailing service, if different;
 - (2) Address of the applicant;
 - (3) A brief description of the nature of the automobile detailing service;
- (e) The owner of a service station with an automated car wash must submit the application for the automobile detailing service, and the service station operator must submit in writing its acceptance of liability and responsibility for the automobile detailing service and its operation.
- f) An accessory use permit fee (local business tax receipt) plus OU inspection fee per discipline as determined necessary shall be filed along with each

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application for an accessory permit. This fee may be subject to change in accordance with the City's permit fee schedule.

(g) Such permits shall be conspicuously displayed by the operator and shall contain the signature and seal of the issuing officer. All permits shall show the name, address and emergency contact information of the permittee.

(h) The City Commission may, by resolution, limit the number of permits that the City will issue to automobile detail operators.

Section 3. It is the intention of the City Commission of the City of North Lauderdale, Florida that the provisions of this ordinance shall become and be made a part of the City of North Lauderdale Code of Ordinances. The sections of this ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 6. This Ordinance shall become effective immediately upon its passage and adoption.

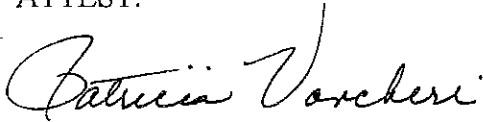
PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE FIRST READING, THIS 14th DAY OF SEPTEMBER, 2009.

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PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH
LAUDERDALE, FLORIDA, ON THE SECOND AND FINAL READING, THIS 24
DAY OF September, 2009.


MAYOR JACK BRADY

ATTEST:



INTERIM CITY CLERK PATRICIA VANCHERI


VICE MAYOR JOHN R. CANGEMI



APPROVED AS TO FORM:

 9/24/09
SAMUEL S. GOREN
CITY ATTORNEY

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