

Section 4.4.10 Automotive Commercial (AC) District:

(A) **Purpose and Intent:** The Automotive Commercial (AC) District has been created to provide specific regulations for this class of use and related uses when those related uses are not located within Commerce or Industrial Districts; and to further Objective A-2 of the Land Use Element.

(B) **Principal Uses and Structures Permitted:** The following uses are allowed within the AC District each as a separate and distinct permitted use:

(1) Full service automotive dealerships.

(2) The sale, lease, or rental of automobiles.

(3) The sale, lease, or rental of boats.

(4) The sale, lease, or rental of recreational vehicles.

(5) The sale, lease, or rental of trucks.

(6) The sale, lease, or rental of motorcycles.

(7) Retail and wholesale sales of vehicular parts, equipment, and accessories without on-site installation.

(8) The sale of new utility trailers. However, trailers in excess of 24 feet in length may not be stored on the premises. **[Amd. Ord. 54-96 1/7/97]**

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

(1) Principal use: Full-service automotive dealerships may also have the following accessory uses:

(a) Paint and body shops

(b) Repair shops and garages

(c) Limousine service

(d) Towing service

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

SECTION 4.4.10 (C) (2) (a)

(a) Vehicle preparation area

(3) All uses may have the following accessory uses:

(a) Parking lots for customers, employees, temporary storage of vehicles awaiting repair, and for the display of vehicles

(b) Refuse and delivery/loading areas

(c) Storage of inventory either within the same structure in which the sale of goods occurs or in a separate structure on the same parcel provided that such storage facilities are not shared or leased independent of the primary commercial use of the site

(D) **Conditional Uses and Structures Allowed:** The following uses are allowed as conditional uses within the AC District:

(1) Bus terminals

(2) Taxi stands, taxi terminals, or taxi dispatch facility at which more than one taxi may be located at the same time

(3) Limousine service

(4) Wash establishments for vehicles

(5) Gasoline and Service Stations

(6) Specialized Service Shops e.g., muffler shops, brake shops, tire shops, lubrication and oil change, window tinting, detailing

(7) Full service vehicle repair

(8) Commercial parking lots, so long as such lots are secondary to an existing legal conforming use, and such lots are developed and maintained in accordance with Section 4.6.9 of the City's Land Development Regulations. **[Amd. Ord. 55-91 9/10/91]**

(E) **Review and Approval Process:**

(1) All principal uses, and accessory uses thereto shall be allowed upon approval by the Site Plan Review and Appearance Board pursuant to provisions of Section 2.4.5(F), 2.4.5(H), and 2.4.5(I).

(2) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).

SECTION 4.4.10 (F)

(F) **Development Standards:**

(1) The development standards as set forth in Section 4.3.4 shall apply.

(2) In addition, the sale, lease, or rental of automobiles, boats, recreational vehicles, or trucks shall be conducted on a lot which has the following dimensions and area:

- (a) Minimum frontage of 125'
- (b) Minimum width of 125'
- (c) Minimum depth of 200'
- (d) Minimum area of 1.5 acres

The foregoing may be waived for sites where a use, as listed above, had been legally established and continues in a nonconforming state or for the expansion of such a site where it is sufficiently demonstrated that it is not physically possible to achieve, or it is not feasible to assemble additional lands to achieve. In any event, the area established for such use must be comprised of a single lot, or a combination of lots which abut one another, except if separated by an alley but not by a street.

(3) **North Federal Highway Area:** The following development standard shall apply to parcels which have frontage on North Federal Highway or the North Federal Highway one-way pairs (N.E. 5th Avenue and N.E. 6th Avenue) between N.E. 4th Street and the north City limits. **[Amd. Ord. 17-99 6/15/99]**

- (a) Parcels shall have a minimum front building setback of five feet (5') measured from the ultimate right-of-way line. The maximum setback shall be fifteen feet (15'), unless it can be demonstrated to the Site Plan Review and Appearance Board that it is not feasible to comply with this standard. **[Amd. Ord. 17-99 6/15/99]**

(G) **Supplemental District Regulations:** The supplemental district regulations as set forth in Article 4.6 shall apply except as modified and added to herein.

(1) **Outside Display:** Outside display areas for sale, lease, or rental of vehicles shall be designed as follows:

- (a) Such areas must be separated from all adjacent streets, asphalt, or vehicular use areas by a hedge or berm at least three feet high and trees planted at least 40 feet on center. However, the hedge may be planted at such a location that at least 24 inches of the hedge is above the finished grade of the adjacent parking area.

SECTION 4.4.10 (G) (1) (b)

- (b) Such areas must be separated from all residential zoning districts, whether or not separated by a street or alley, by a six-foot high, solid masonry wall with decorative finished surfaces (e.g., stuccoed and capped) on both sides. Where the display area is separated from residential zoning districts by an arterial or collector right-of-way, or under other singular circumstance, the wall may be waived by the Site Plan Review and Appearance Board concurrent with site plan approval action. **[Amd. Ord. 29-93 4/13/93]**
- (c) The depth of the landscape strip between the car display and the ultimate right-of-way shall be as provided in Section 4.3.4(H)(6).
 - (1) As a alternative to the special landscape setback provisions in Section 4.3.4(H)(6), for lots with a depth in excess of 250 feet, the outdoor display area may be allowed to encroach into the required landscaped setback up to 50%, so as to form a scalloped effect. However, the total amount of green space required along the right-of-way may not be reduced. In no case may the car display area encroach closer than ten feet to the ultimate right-of-way.
 - (2) Further, the Site Plan Review and Appearance Board may waive or reduce the special landscape setback provision on existing sites or for additions to existing sites where it can be demonstrated that it is not feasible to comply due to physical constraints on the site. **[Amd. Ord. 29-93 4/13/93]**
- (d) If the outdoor display area is located adjacent to any other street, or adjacent to an alley which separates it from a residential zoning district, then the display area shall not be located closer than ten feet from the adjacent separator. This ten-foot setback shall be required to be landscaped and the six-foot wall as required in division (G)(1)(b) above may be permitted within five feet of the separator with trees planted 25 feet on center inside the wall.
- (e) If the outdoor display area is located adjacent to nonresidential zoning, a landscape strip with a minimum width of five feet shall be required.
- (f) The outdoor display area shall be designed and constructed in accordance with Section 4.6.9(D). However, establishments which sell or lease at least 50% of their stock as compact cars, may design up to 50% of their outdoor display area in accordance with the compact parking design criteria.

SECTION 4.4.10 (G) (2)

(2) **Bullpen Areas:**

- (a) Vehicles may be stored on an approved parking surface without reference to parking stalls, stall striping, or wheel stops. This type of parking, called bullpen parking, shall be allowed only pursuant to a site plan which is prepared and approved based upon the following:
- * Wherever reasonably possible as determined by the Planning and Zoning Board, bullpen areas shall be separated from a street by an outdoor display area, customer or employee parking area, or a building. Where not reasonable, the landscaping and separation requirements of Subsection (G)(1)(b) shall apply.
 - * Landscaping strips and landscaped islands internal to the bullpen parking area are not required; however, the 10% interior landscaping requirement shall be met by transferring the required landscaping to the perimeter of the site and/or bullpen area. The transferred landscaped areas shall be designed and located so as to mitigate and buffer the impact of the aggregated car storage area.
- (b) Bullpen parking shall not be counted toward meeting the parking requirements established in Section 4.6.9.
- (c) A bullpen parking arrangement may also be used for an employee parking area provided that it complies with the provisions of Subsection (G)(2)(a) and is in conjunction with a full service new car automobile dealership. Employee parking provided in a bullpen arrangement may count toward meeting employee parking requirements.

(3) **Customer and Employee Parking Areas:** shall be provided in accordance with Section 4.6.9(C)(3)(f).

(4) **Locational Restrictions:**

- (a) Repair facilities and paint and body shops shall be located at least 100 feet from any residentially-zoned lot. Service bay doors shall not be oriented toward any adjacent residentially-zoned property, except where currently existing, nor oriented toward any adjacent public street unless it can be demonstrated to the Site Plan Review and Appearance Board that it is not feasible to comply. **[Amd. Ord. 29-93 4/13/93]**

SECTION 4.4.10 (G) (4) (b)

- (b) Accessory fuel pump islands and automated wash facilities for vehicles shall not be located within 100 feet of any residentially-zoned property. Wash facilities shall be located within a completely enclosed building. Fuel pump islands, shall be located within an enclosed area so that they are not visible off premises.

(5) **Use and Operating Restrictions:**

- (a) Except for automobiles, trucks, pickup trucks, vans, jeeps, motorcycle and recreation vehicles, no other outdoor sales or display of any materials, products, or goods shall be permitted. No industrial equipment shall be sold, leased, rented, or otherwise stored within the AC District. However, wherever reasonably possible as determined by the City, trucks other than pickup trucks, vans, and jeeps shall be displayed in areas which are separated from a street by an outdoor display area for other permitted vehicles, customer or employee parking areas, or buildings.
- (b) No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway.
- (c) Other than information which is required by law to be posted on vehicles displayed on a sticker affixed to a side window, advertising, flags, pennants, streamers, balloons, signs or vehicle stock numbers shall not be displayed on any vehicle or equipment. Similar objects, gimmicks, or advertising designed to attract the public's attention shall not be displayed outdoors on any lot, building, vehicle, or equipment except as permitted by Section 4.6.7. **[Amd. Ord. 45-95 9/5/95]**
- (d) Except for existing areas designated for off-loading, any areas designated for the off-loading of vehicles or for loading and deliveries shall be located to the rear of buildings and shall be located so as to contain noise on-site. These areas shall not be located closer than 100 feet from any residentially- zoned lot, and shall be appropriately designated, marked, and signed.
- (e) Dealers are prohibited from using residential streets for the testing of vehicles after servicing and for the demonstration of vehicles. **[Amd. Ord. 2-92 02/11/92]**

(6) **Lighting Restrictions:** Exterior lighting fixtures shall not exceed 25 feet in height; shall be directed away from adjacent properties; shall be a sharp cutoff, luminary; shall confine light to the site only; and shall not exceed when measured at ten feet inside any property line, the following illumination:

SECTION 4.4.10 (G) (6) (a)

- (a) 100 foot-candles within display areas
- (b) 40 foot-candles within all other areas
- (c) after 11:00 p.m., the illumination in display areas shall be reduced to 50 foot-candles

(H) **Special Regulations:**

(1) **Compliance Upon Establishment of Use:** The standards and supplemental regulations of this Section 4.4.10 shall apply upon the establishment of any new use or conversion to a different use as specifically identified in subsections (B) or (D).

(2) **Compliance Upon Expansion of Area:** When there is not a change of use, but there is an expansion of area devoted to any use and such expansion involves an increase in use area of 30%, or greater, in a cumulative amount, than that which existed as of April 14, 1987, the entire site shall be brought into compliance with the standards and supplemental regulations of this Section. If such expansion is less than 30%, the standards and design portions of the supplemental regulations shall apply only to that portion of the site which is being improved.

(3) **Compliance upon Expansion of Building Area:** When there is not a change of use, but there is an expansion of building area and such expansion involves an increase in total floor area of 30%, or greater, in a cumulative amount, than that which existed as of April 14, 1987, the entire site shall be brought into compliance with the standards and supplemental regulations of this Section. If such expansion is less than 30%, the standards and design portions of the supplemental regulations shall apply only to that portion of the site which is adjacent to and required to be improved to comply with landscape and parking requirements made necessary by the addition. This provision for total site upgrading may be waived by the Site Plan Review and Appearance Board in instances where because of the small size of the structure in relationship to the totality of the site, the upgrade is infeasible or impractical. **[Amd. Ord. 29-93 4/13/93]**

(4) **Compliance with Operating and Use Procedures:** Notwithstanding the previous, provisions of Subsection (G)(5) shall be complied with by all uses whether preexisting or not.

SECTION 4.4.10 (H) (5)

(5) **Relief from Open Space Requirements**: Whenever the requirement to bring an existing site into full compliance triggers a requirement to increase the percentage of open space pursuant to the provisions of Section 4.3.4(K), a reduction of that requirement may be approved by the Site Plan Review and Appearance Board; however, in no instance shall the percentage be reduced below the existing percentage of open space. Concurrent with granting a reduction, the Board must find that such reduction does not diminish the practical application of the requirement, particularly as it relates to the perimeter of the site. **[Amd. Ord. 3-95 1/17/95]**