

# Development Services Department

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**To:** Design Review Commission  
**From:** Jenah Thornborrow, Development Services Director  
**Subject:** **CPAFY2017-2 Title 8 Proposed Code Amendment to Vehicle Rental/Sales**  
**Date:** October 28, 2016 for November 7, 2016 meeting

**Request**

Request for recommendation to City Council.

Garden City Code Table 8-6A-1 indicates that the Design Review Committee and Planning and Zoning Commission shall be a recommending authority to the City Council on matters of Development Code Revisions (Garden City Code Title 8).

**Public Hearing** This item is scheduled for two separate hearings. It is to be heard by the Planning and Zoning Commission on November 16, 2016 and Garden City Council on January 9, 2017.

**Background**

On September 12, 2016 Garden City Council denied an applicant driven request to amend code to allow for vehicle sales and services to be allowed on lots 25,000 square feet or less. The City Council directed Development Services Staff to explore code changes that would separate the uses of Vehicle Sales and Vehicle Services.

**Draft Proposed Changes**

**SECTION 1: TABLE 8-2B-1 ALLOWED USES IN ALL BASE ZONING DISTRICTS**

P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district								
	R-1	R-2	R-3	R-20	C-1	C-2	M	LI
Vehicle <del>sales and</del> rental*					C	C		C
<del>Vehicle sales</del> *	-	-	-	-	<u>C</u>	<u>C</u>	-	<u>C</u>

**SECTION 2: ARTICLE C. LAND USE PROVISIONS**

- ~~8-2C-42:~~ Vehicle ~~Sales And~~ Rental
- ~~8-2C-43:~~ Vehicle Sales
- ~~8-2C-438-2C-44:~~ Vehicle Washing Facility
- ~~8-2C-448-2C-45:~~ Warehouse, Storage And Wholesale
- ~~8-2C-456:~~ Wireless Communication Facility

**8-2C-42 VEHICLE ~~SALES AND~~ RENTAL:**

**A. Location Standards:**

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1. Vehicle Rental may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways; however, the use is generally not appropriate on local or collector streets unless on property designated as Light Industrial, LI zoning.

### B. Building and Site Design:

1. The site shall be designed in accord with the Sections 8-4D PARKING AND OFF-STREET LOADING PROVISIONS, 8-4E TRANSPORTATION AND CONNECTIVITY PROVISION, 8-4I-4 LANDSCAPING PROVISIONS FOR SPECIFIC USES, 8-4I-5 PERIMETER LANDSCAPING PROVISIONS, AND 8-4I-6 PARKING LOT LANDSCAPING PROVISIONS.
2. There shall be no barbed wire visible from the right-of-way or adjacent properties.
3. Chained link fencing is not permitted adjacent to right-of-ways.
4. Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:
  - a. Vehicular lanes shall be sited to minimize additional vehicular traffic on site, within the surrounding uses, and on adjacent right-of-ways.
  - b. A bike rack shall be provided.
  - c. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:
    - i. A minimum of five feet (5') in width; and
    - ii. Americans with Disabilities Act compliant; and
    - iii. Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments.
5. All site and vehicular lighting shall be down-shielded, screened or oriented not to encroach on any adjacent property.
6. The design and construction of the site shall minimize the number of driveway cuts.
7. New construction or substantial alteration shall require:
  - a. All parking oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance.
  - b. Public access facing the public right-of-way.

### C. Parking

1. Customers parking shall be provided at:
  - a. 1 space for every 10 cars available for rent; and
  - b. 1 space for every 3 pick-ups, cargo vans, or trucks available for rent.
2. No on street parking associated with the use is permitted.

### D. Limitations

1. This use is not the same as Storage Facility or Yard, Storage Facility, Self-Serve, Vehicle Sales, Vehicle Service, Vehicle Washing Facility, or Vehicle Wrecking Yard. Activities on site that are a part of these uses shall require separate approvals.

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2. All vehicles on site shall be operable, licensed, and shall not be dismantled or partially dismantled.
3. All vehicles and trailers to be rented shall be indoors or in a screened parking lot, and shall not to be on display to the right-of-way.

### **8-2C-~~42-43~~ VEHICLE SALES-~~AND~~ RENTAL:**

- A. Minimum Site Area: The use shall have a minimum site area of thirty thousand (30,000) square feet.
- B. Accessory Use:
  1. Vehicle repair may be allowed as an accessory use, subject to the standards as set forth in section [8-2C-41](#), "~~Vehicle Body Shop and~~ Vehicle Service", of this article.
  2. Vehicle repair shall be limited to forty percent (40%) of the gross floor area of enclosed space.

### SECTION 3: 8-7A-1 DEFINITIONS OF USES:

**VEHICLE RENTAL:** The use of a site for car share or rental of motor vehicles for short periods of time, generally ranging from a few hours to a few weeks.

**VEHICLE SALES-~~AND~~ RENTAL:** The use of a site for the sale or ~~rental~~long-term lease (terms of lease more than a month) of new and used motor vehicles, including consignment sales and ~~rentals~~lease, and incidental repairs in preparation for on-premises display and sale.

### **Comprehensive Plan:**

Staff has not identified conflict with the Comprehensive Plan.

### **Applicable Code**

#### ***8-6B-5 DEVELOPMENT CODE AMENDMENT:***

- A. *Purpose: The purpose of this section is to establish procedures for amendments to the text, tables and graphics of this title, including supplements, changes, modifications or repeals.*
- B. *Applicability: The provisions of this section shall apply to all text within this title.*
- C. *Procedures:*
  1. *Development Code Amendment Initiated By The City: Any member of the council, design review committee, or the commission may propose to amend this title following notice and public hearing procedures set forth in article A, "General Provisions", of this chapter.*

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*2. Development Code Amendment Not Initiated By The City: The prospective applicant for a development code amendment shall complete a preapplication conference with the planning official. The planning official shall make a recommendation to the commission on the merits of considering the applicant's request. The commission shall review the request at a public hearing and then determine if an application should be brought forward to amend the development code. Upon approval of the request by the commission, an application, fees, and public notice in accord with article A, "General Provisions", of this chapter, shall be provided.*

*3. Public Hearings: The commission and council shall hold public hearings on the development code amendments as set forth in article A, "General Provisions", of this chapter.*

*4. Effective Date: The amendment shall become effective by a favorable vote of a majority of the members of the council.*

*D. Required Findings: In order to grant a text amendment to the development code, the council shall make the following findings:*

*1. The text amendment complies with the applicable provisions of the comprehensive plan;*

*2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and*

*3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.*