

PLANNING AND ZONING BOARD STAFF REPORT

MEETING OF: November 21, 2016

AGENDA NO. VI.A.

AGENDA ITEM: AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING APPENDIX "A" "DEFINITIONS" TO DEFINE THE TERMS "NEIGHBORHOOD ELECTRIC VEHICLE (NEV)" AND "NEV RENTAL (RENTAL TRANSACTIONS ONLY)"; AMENDING SECTION 4.4.9 "GENERAL COMMERCIAL (GC) DISTRICT", SECTION 4.4.11 "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT", SECTION 4.4.12 "PLANNED COMMERCIAL (PC) DISTRICT", SECTION 4.4.13 "CENTRAL BUSINESS DISTRICT", SECTION 4.4.15 "PLANNED OFFICE CENTER (POC) DISTRICT", SECTION 4.4.16 "PROFESSIONAL AND OFFICE (POD) DISTRICT", SECTION 4.4.17 "RESIDENTIAL OFFICE (RO) DISTRICT", SECTION 4.4.18 "PLANNED COMMERCE CENTER (PCC) DISTRICT", SECTION 4.4.19 "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT", SECTION 4.4.26 "LIGHT INDUSTRIAL (LI) DISTRICT", AND SECTION 4.4.29 "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT" TO ALLOW NEV RENTALS RESTRICTED TO RENTAL OFFICES ONLY; AMENDING SECTION 4.4.10 "AUTOMOTIVE COMMERCIAL (AC) DISTRICT" TO CLARIFY THAT NEV RENTAL AND ACCESSORY OPERATIONS IS A PERMITTED USE; MAKING OTHER TECHNICAL CHANGES.

ITEM BEFORE THE BOARD

The action before the Board is a recommendation to the City Commission on a City-initiated amendment to the Land Development Regulations to allow Neighborhood Electric Vehicle (NEV) rental offices (excluding NEV parking, storage or other ancillary activities) in commercial districts where office uses are permitted.

BACKGROUND

The Land Development Regulations currently limit NEV rentals to the Automotive Commercial (AC) District. The City desires to allow NEV rental businesses to have rental-only offices where customers can complete the transaction for an NEV rental only. Storage of the NEVs, along with maintenance and pick-up and drop-off is only permitted with zoning districts which allow warehousing/storage or Automotive Commercial Districts.

PROJECT DESCRIPTION

The sale, lease or rental of vehicles is currently limited to to the AC-Automotive Commercial zoning district. The full operation has been required to be located exclusively in the AC district (leasing office, storage of the vehicles, cleaning and repair, etc.). There has been interest in allowing the rental or leasing office component of such uses to be allowed anywhere general offices are permitted for Neighborhood Electric Vehicles only, while still requiring the storage, cleaning, and maintenance to occur either in the AC district or on properties zoned for warehousing/storage.

Two definitions are proposed:

NEIGHBORHOOD VEHICLE (NEV)	ELECTRIC	Any four (4) wheeled electric vehicle whose top speed is not greater than 25 miles per hour, pursuant to the National Highway Traffic Safety Administration definition in 63 Federal Register 33913 published on June 17, 1998, and subject to the safety standards in 49 Code of Federal Regulations Section 571.500 and Section 316.2122, Florida Statutes, all as may be amended from time to time.
NEV RENTAL (RENTAL TRANSACTIONS ONLY)		An office where customer NEV rental transactions occur, but pickup, delivery and return of NEV rentals, and parking, storing, cleaning, servicing, and maintaining of NEVs is not permitted, and occurs off-site at a location within a zoning district that does not limit NEV rentals to transactions only.

The zoning districts where the leasing office for NEVs would be permitted are as follows:

GC-General Commercial
NC-Neighborhood Commercial
CBD-Central Business District (not on Required Retail Frontage streets)
POC-Planned Office Center
POD-Professional and Office District
RO-Residential Office
PCC-Planned Commerce Center
MIC-Mixed Industrial and Commercial
LI-Light Industrial
MROC-Mixed Residential Office and Commercial (when accessory to any R&D or Office Center Complex)

REQUIRED FINDINGS

Amendments to the Land Development Regulations are legislative actions that must be consistent with the City's adopted Comprehensive Plan. The proposed amendments allow NEV rental only in zoning districts that already permit office-type uses. Therefore, the proposed amendments are consistent with the permitted uses in the applicable land use plan categories of the Comprehensive Plan.

REVIEW BY OTHERS

The Downtown Development Authority (DDA) reviewed this item at their November 14, 2016 meeting and voted to recommend approval of the LDR text amendment. The DDA recommendation will be presented at the PZB meeting.

The Community Redevelopment Agency (CRA) reviewed this item at their November 17, 2016 meeting and voted to recommend approval of the LDR text amendment. The CRA recommendation will be presented at the PZB meeting.

The Pineapple Grove Main Street (PGMS) committee reviewed this item at their November 30, 2016 meeting and voted to recommend approval of the LDR text amendment. The PGMS recommendation will be presented at the City Commission meeting.

The West Atlantic Redevelopment Coalition (WARC) reviewed this item at their December 1, 2016 meeting and voted to recommend approval of the LDR text amendment. The CRA recommendation will be presented at the City Commission meeting.

ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Move a recommendation of approval to the City Commission of the amendments to the Land Development Regulations, by amending Appendix "A" "Definitions" to define the terms "Neighborhood Electric Vehicle (NEV)" and "NEV rental (rental transactions only)"; amending Section 4.4.9 "General Commercial (GC) district", section 4.4.11 Neighborhood Commercial (NC) district", Section 4.4.12 "Planned Commercial (PC) district", Section 4.4.13 "Central Business District", Section 4.4.15 "Planned Office Center (POC) district", Section 4.4.16 "Professional and Office (POD) district", Section 4.4.17 "Residential Office (RO) district", Section 4.4.18 "Planned Commerce Center (PCC) district", Section 4.4.19 "mixed Industrial and Commercial (MIC) district", Section 4.4.26 "Light Industrial (LI) district", and Section 4.4.29 "Mixed Residential, Office and Commercial (MROC) district" to allow NEV rentals restricted to rental offices only; amending section 4.4.10 "Automotive Commercial (AC) district" to clarify that NEV rental and accessory operations is a permitted use, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- C. Move a recommendation of denial to the City Commission of the amendment to the Land Development Regulations, by amending Appendix "A" "Definitions" to define the terms "Neighborhood Electric Vehicle (NEV)" and "NEV rental (rental transactions only)"; amending Section 4.4.9 "General Commercial (GC) district", section 4.4.11 Neighborhood Commercial (NC) district", Section 4.4.12 "Planned Commercial (PC) district", Section 4.4.13 "Central Business District", Section 4.4.15 "Planned Office Center (POC) district", Section 4.4.16 "Professional and Office (POD)

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RECOMMENDED ACTION

Recommend to the City Commission approval of the amendment to the Land Development Regulations, by amending Appendix "A" "Definitions" to define the terms "Neighborhood Electric Vehicle (NEV)" and "NEV rental (rental transactions only)"; amending Section 4.4.9 "General Commercial (GC) district", section 4.4.11 Neighborhood Commercial (NC) district", Section 4.4.12 "Planned Commercial (PC) district", Section 4.4.13 "Central Business District", Section 4.4.15 "Planned Office Center (POC) district", Section 4.4.16 "Professional and Office (POD) district", Section 4.4.17 "Residential Office (RO) district", Section 4.4.18 "Planned Commerce Center (PCC) district", Section 4.4.19 "mixed Industrial and Commercial (MIC) district", Section 4.4.26 "Light Industrial (LI) district", and Section 4.4.29 "Mixed Residential, Office and Commercial (MROC) district" to allow NEV rentals restricted to rental offices only; amending section 4.4.10 "Automotive Commercial (AC) district" to clarify that NEV rental and accessory operations is a permitted use, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Staff Report Prepared By: Mark McDonnell, AICP
Attachments: Draft Ordinance