



## Legislation Details (With Text)

**File #:** 17-013      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 12/16/2016      **In control:** City Commission

**On agenda:** 1/10/2017      **Final action:**

**Title:** ORDINANCE NO. 36-16: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING; ARTICLE 4.4, "BASE ZONING DISTRICT", 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 (CBD)", 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 TRANSACTIONS LIMITED TO OFFICES ONLY WITH NO INVENTORY ON SITE FOR ANY PURPOSE; AMENDING SECTION 4.4.10 "AUTOMOTIVE COMMERCIAL (AC) DISTRICT" TO INCLUDE NEV WITH RECREATIONAL VEHICLES; AMENDING APPENDIX "A" "DEFINITIONS" TO DEFINE THE TERMS "NEIGHBORHOOD ELECTRIC VEHICLE (NEV)" AND "NEV TRANSACTIONS" MAKING OTHER TECHNICAL CHANGES; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE. (SECOND READING)

**Sponsors:** Planning & Zoning Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance No. 36-16, 2. Plan Zoning Board Staff Report November 21, 2016

Date	Ver.	Action By	Action	Result
1/10/2017	1	City Commission	approved	Pass

**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Chief Neal deJesus, Interim City Manager  
**DATE:** January 10, 2017

ORDINANCE NO. 36-16: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING; ARTICLE 4.4, "BASE ZONING DISTRICT", 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 (CBD)", 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 TRANSACTIONS LIMITED TO OFFICES ONLY WITH NO INVENTORY ON SITE FOR ANY

PURPOSE; AMENDING SECTION 4.4.10 “AUTOMOTIVE COMMERCIAL (AC) DISTRICT” TO INCLUDE NEV WITH RECREATIONAL VEHICLES; AMENDING APPENDIX “A” “DEFINITIONS” TO DEFINE THE TERMS “NEIGHBORHOOD ELECTRIC VEHICLE (NEV)” AND “NEV TRANSACTIONS” MAKING OTHER TECHNICAL CHANGES; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE. (SECOND READING)

**Recommended Action:**

Motion to Approve Ordinance No. 36-16 regarding the inclusion of Neighborhood Electric Vehicle (sales, lease or rental) offices in commercial zoning districts currently permitted offices.

**Background:**

The City Commission directed the Planning Department to prepare a city-initiated amendment to the Land Development Regulations to support businesses promoting environmental sustainability, such as the sale, lease, or rental of neighborhood electric vehicles. The Land Development Regulations currently limit NEV rentals to the Automotive Commercial (AC) District. The proposed ordinance would allow NEV businesses to have offices where customers can complete the transaction for an NEV sale, lease or rental only with no inventory on site. Storage of the NEVs, along with maintenance is only permitted within zoning districts which allow warehousing/storage or within Automotive Commercial Districts.

The zoning districts where the offices 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)

The proposed ordinance was supported by the Downtown Development Authority, the Community Redevelopment Agency, the Pineapple Grove Main Street, and the West Atlantic Redevelopment Coalition. On November 21, 2016, the Planning and Zoning Board recommended approval with a vote of 6 to 0.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

N/A