



Legislation Text

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CITY COUNCIL AGENDA ITEM

Memo Date: June 25, 2020
Agenda Date: July 8, 2020
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:

Pass on Second Reading: Ordinance No. 06-2020; amending permitted locations for self-service storage facilities and amending the definition thereof.

BACKGROUND:

The Applicant has proposed a change to the city code related to self-service storage facility use. They represent a client with an existing self-storage business within the city wishing to expand. Because of inconsistencies within the existing city code, the applicant's client is unable to move forward and has requested staff's help to modify the code. A review of how the use is treated in different areas of the code has highlighted the need to make some modifications. The City desires to simplify and clarify the code descriptions of self-service storage facilities, also referred to in the code as "personal storage," "personal storage warehouses," or "mini-warehouses." Therefore, the following changes are proposed by this ordinance:

- Amendment of the conditions for self-service storage facilities under the C-R (Restricted Commercial) and C-G (General Commercial) zoning districts, where such facilities require special exception approval.
- Addition of the use as a principal use under the C-W (Wholesale Commercial) zoning district, with conditions.
- Removal of the use "personal storage" and "personal storage warehouses" from the CBD (Central Business District) and the M-2 (Manufacturing and Industrial) zoning districts, respectively.
- Amendment to the definition of a "personal storage warehouse" and retitling the use as a "self-service storage facility," which will be a consistently used term for all zoning code references to this use.
- Amendment to the parking regulations for "storage facilities" to provide a consistent parking requirement for the self-service storage facility use in all zoning districts.

Zoning Ordinance Amendment Analysis

In accordance with Appendix A. Zoning, Article XXI, Section 1(G)(2) of the Code of the City of Cocoa, the Planning and Zoning Board shall consider and study the following when an amendment to the zoning code is proposed:

- a. *The need and justification for the change.*
- b. *The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning programs and to the comprehensive plan, with appropriate consideration as to whether the proposed changes will further the purposes of [the] zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.*

Need and justification for change

The proposed changes will provide consistency for the use throughout the city, eliminate confusion and provide greater stability for the business sector. At the present time, the use is described in different language in several zoning districts causing confusion for both staff and the public. In addition, the parking standards related to storage uses a different term. Also compounding the problem, the parking standard for this use under the C-G zoning district regulations differs from the general parking regulations for the use with no apparent purpose.

The use of “personal storage” is included under the CBD (Central Business District) zoning district, and the use of “personal storage warehouses” is included as a principle use under the M-2 (Manufacturing and Industrial) zoning district. However, the use is not included under the zoning definitions and causes confusion as to the intent. Moreover, it is proposed by this ordinance to remove the use from both zoning districts as being incompatible with the district intent of each district.

The C-W (Wholesale Commercial) zoning district does not currently allow self-service storage or mini-warehouse use in the zoning district. However, the district is “intended to apply to an area in close proximity to transportation facilities and which can serve warehousing, distribution, wholesaling and other related functions of the city and region”. Among the principal uses listed in the district are “warehousing and wholesaling in enclosed structures”. It is felt therefore that the inclusion of self-service storage facilities in this district will be compatible with the surrounding uses and intent of the district.

The applicable conditions for self-service storage facilities have been modified relating to required parking spaces, setbacks and screening, landscaping, and outdoor parking and storage for major recreational equipment. The proposed revised conditions will be consistent for all zoning districts where the use is permitted. Of note, rather than requiring use-specific setbacks and a landscaping buffer, self-service storage facilities abutting residentially-zoned property will need to be screened by an opaque fence or wall at least six feet in height. Landscape buffers shall be required along all rights-of-way rather than the rear and side lot lines. Outdoor storage of major recreational equipment at self-service storage facilities was previously not permitted but will now be allowed upon meeting certain conditions. The area designated for outdoor storage of major recreational equipment must be

screened from view on all sides visible from rights-of-way or adjoining property by either a solid wall or opaque fence at least 10 feet in height. State law provides that recreational-type vehicles cannot exceed 13.5 feet in height.

Relationship and consistency with Comprehensive Plan Policies and Objectives

The following Comprehensive Plan policy supports the proposed zoning text amendment:

GOAL 1.1: Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.

Policy 1.1.4.5: The City shall protect and buffer residential areas in the Cocoa (Downtown) Redevelopment Area from uses of high density or intensity.

Policy 1.1.5.1: More intense development such as commercial, mixed-use and industrial uses shall be designed to minimize the negative impacts on lower intensity land uses through such means as, for example, landscaping and appropriate transitional uses including low-scale professional offices or medium density residential development. In the absence of transitional land uses, potential adverse impacts to surrounding residential should be mitigated through the use of:

- A. Buffer areas that will provide a separation between commercial and single-family residential structures;
- B. Landscaping and/or trees separating the commercial and residential land use; and
- C. Walls and/or opaque vegetative screens separating the commercial and single-family residential land use.

Policy 1.1.5.3: The City's land development regulations shall maintain appropriate standards and nuisance regulations to limit the impact of more intense development on established residential zones.

Policy 2.1.15.3: The City shall update parking standards to minimize the amount of surface parking through the establishment of maximum parking standards and shared and co-located parking.

Recommendation by the Planning & Zoning Board

During the Planning & Zoning Board meeting of June 16, 2020, there was discussion concerning the parking of commercial vehicles in a self-service storage facility. The applicant had requested the board to consider allowing the parking of personal vehicles (cars and trucks) in addition to outsized personal recreational vehicles (RV's and boats) in a self-service storage facility. Staff had previously discussed this request with the applicant prior to drafting the ordinance and was not in support of adding personal vehicles to the ordinance for two reasons:

1) The primary purpose of a self-service storage facility is the storage of personal belongings. The intent of the ordinance change to allow outside storage in conjunction with a self-service storage facility is to provide for personal recreation vehicles that are too large to be accommodated within the typical garage sized storage unit of such facility. A car or truck however can be stored within such a unit so outdoor space is not necessary.

2) The storage of personal automobiles and commercial vehicles is a type of use already provided for under the M-2 (Manufacturing and Industrial) zoning district as follows:

- (4) *Storage facilities (excluding salvage yards), including automobiles, mobile homes, commercial vehicles and heavy equipment, building materials, general, refrigerated, and recreational vehicles pursuant to Appendix A, Article XIII Sec 5 of the Code of the City of Cocoa.*

The zoning code provides the following definition of a commercial vehicle:

COMMERCIAL VEHICLES AND HEAVY EQUIPMENT. *Commercial, industrial or agricultural vehicles, equipment or machinery, whether or not the vehicle, equipment or machinery is licensed or otherwise authorized to travel*

upon the roads of the state, specifically including, but not limited to: semi-trailers; tractors for semi-trailers; trucks; step-vans; box trucks; construction equipment; cement mixers; compressors; forklifts; buses; tow trucks; dump trucks; trucks with roll-back beds; trailers; any other similar vehicles, equipment and machinery classified as commercial by the manufacturer; and pickup trucks, passenger vans, and cargo vans used for commercial purposes.

Based on the above therefore, the code already provides the means for the storage of commercial vehicles within the City.

A larger issue, that of the parking of commercial vehicles in residential neighborhoods, was also discussed during the meeting in conjunction with the proposed ordinance. The definition of commercial vehicles provided in the City Code, Appendix A. Zoning, Article IV listed above applies to zoning topics covered by the Appendix. Parking in residential areas or on streets is governed by the City Code, Chapter 20, Traffic, Article 2 Stopping, Standing and Parking, Division 1, Section 20-58 Parking buses, large trucks in residential areas or on streets:

- (a) *It is hereby declared unlawful for any individual to park, cause to be parked, or allow to be parked any semitrailer truck or any other truck or bus greater than one (1) ton capacity for a longer period than fifteen (15) minutes in any residential area of the city, or the public streets or rights-of-way thereof, as defined on the master zoning map of the city which is on file in the office of the city clerk, unless the actual loading or unloading of such vehicle is involved and in progress, or unless a permit is secured from the city for the parking of such vehicle.*

Residential streets are not commercial corridors and therefore they are not constructed to withstand the weight of large trucks or vehicles. Excessive or highly repetitive heavy vehicle traffic will cause a breakdown of the roadbed, shortening the life of the pavement and increasing costs to the City for repair or replacement. For this reason, the Code limits their use on residential streets.

The definition above does not include vehicles such as painter's vans, small cars belonging a cleaning service or insect repellant business, taxicabs, pickup trucks used by contractors or lawn care business owners with trailers of mowers and other related equipment.

Under Appendix A. Zoning, Article XIII, Section 17, a home based business is prohibited from exterior storage of materials or parking of business vehicles anywhere except the driveway or garage. The code does not prohibit the parking of a commercial vehicle in a residential area, except as defined in Sec. 20-58 above.

Some Planning & Zoning Board members felt that a commercial vehicle was best defined as one that is over a specific weight limit. Some felt that a commercial vehicle was one which actively advertised a business use. Whether there is a city wide issue based on the current definition of a commercial vehicle would need further study. Any proposed change will need to address the esthetic root of the perception of a commercial vehicle parked in a residential area while also considering the economic impact to those residents, some of whom may not have any means of transportation except the company vehicle they drive.

Because of the complexity of the commercial parking issue, it is staff's recommendation to Council that if they feel this topic should be addressed that it be done separately from the self-service storage facility ordinance.

STRATEGIC PLAN CONNECTION:

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

The Planning & Zoning Board made the following recommendation at its meeting on June 16, 2020:

“Recommend approval to the city council of ordinance no. 06-2020 providing for the amendments permitting locations for self-service storage facilities and further amending regulations related to this issue and to review the verbiage for recreational vehicles and commercial vehicles and to add this to the ordinance.”

City Council approved the item at its regular meeting on June 24, 2020. However, some of the Council expressed the desire to accommodate cars and trucks in addition to recreational vehicles. In speaking with the applicant, staff would suggest that Council amend the Ordinance to include cars and trucks within the outside storage area but limit the number of cars and trucks to five (5) such vehicles.

RECOMMENDED MOTION:

Pass on Second Reading: Ordinance No. 06-2020; amending permitted locations for self-service storage facilities and amending the definition thereof.