



MEMORANDUM

To: Mayor and Members of the City Council

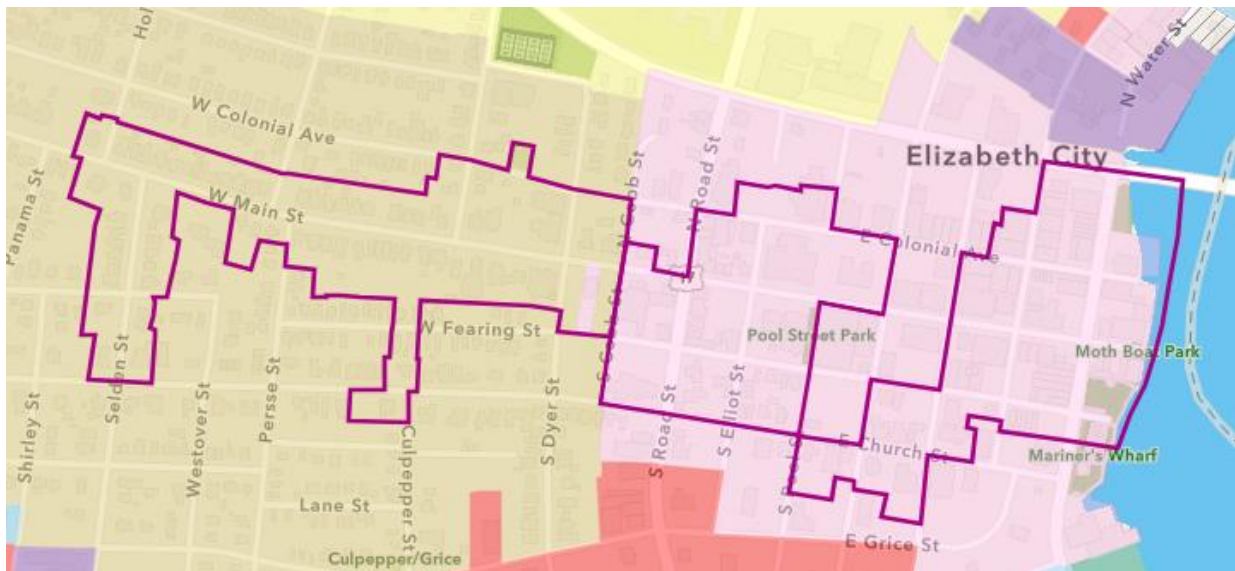
From: Montre' Freeman, City Manager
Reggie Goodson, Community Development Director

Date: February 9, 2024

Subj: Consideration – Hold a Public Hearing – Text Amendment to UDO – TA-01-23 – Pedal Bikes

BACKGROUND:

TA 01-23 is a proposal by the Community Development staff to amend the Unified Development Ordinance, specifically Article II Interpretations and Definitions, Article IX, Table 9-3-1, Table of Permissible Uses and Article XI Development Standards, adding language to define and regulate Commercial Pedal Vehicles. This amendment, if approved by the City Council will allow the operation of commercial pedal vehicles in the downtown Central Business (CB) district and R-8 historic district with the approval of a Council Use Permit.



In November of 2023, two entrepreneurs approached the Elizabeth City Planning Department with a proposal for a pedal vehicle service, often known as a “pedal pub.” After discussion, it was the opinion of senior staff that the current UDO does not have sufficient development standards for this type of business. City staff spent numerous hours researching municipalities across North Carolina to

find comparable zoning text and common definitions for this type of use. Since January of 2023, Elizabeth City Downtown Inc. has been operating the not-for-profit "Harbor Hopper", a downtown shuttle service utilizing a legal low speed electric vehicle that meets all requirements of NCGS §20-121.1 (Operation of a Low Speed Vehicle on Certain Roadways).

In North Carolina, staff found that "Pedal Pubs" operate in several cities including Asheville, Southern Pines, Durham, Raleigh, Carolina Beach, Fayetteville, Charlotte and Greensboro. The popularity of pedal pubs and other commercial low-speed vehicles has grown in the last years, with pedal vehicles becoming an attraction in many towns. Many of these vehicles also serve the purpose of providing informational tours and ride services. With the City's growth and development, it is expected that commercial pedal vehicles may see Elizabeth City as a prime spot to start commercial businesses such as historic tours, ride services, and entertainment experiences. Staff believes it is important to amend the text to create development standards for these commercial pedal vehicles.



Example of a pedal pub

ANALYSIS:

The current text was amended in 2009 to allow Private Tourist Guide Services as an allowable use by right in CB, GB, O&I, and HB zones. Private Tourist Guide Services is also allowed by City Council permit in R-6, R-8, R-10, and R-15 districts. A commercial pedal vehicle is seen to be a different type of tour service that needs specific development standards to ensure public health and safety. Carolina Beach UDO includes Article VII that regulates commercial pedal vehicles. This section defines these vehicles as:

A pedal car with a motor that is human powered that transports passengers on bicycle-like seats and is propelled by five or more passengers not including the operator. A pedal car may have a maximum length of 20 feet, a maximum width of eight feet six inches and a maximum height of 12 feet.

Some operating conditions for this type of business are a required permit from Town Council, a registered, licensed driver, appearance guidelines, insurance requirements, required regulation of disorderly behavior by passengers, and vehicle safety measures.

A 2013 blog post by Shea Denning at UNC School of Government outlines specifics on how pedal pubs comply with North Carolina's motor vehicle laws such as prohibiting impaired driving, not allowing spirituous liquor, required registration, and valid driver ID's. The proposed text amendment does not include the allowance of alcohol.

North Carolina General Statute § 20-121.1 regulates the operation of low speed vehicles by requiring turn signals, head and tail lights, DMV registration and insurance, and operation only on streets with posted speed limits of 35 miles per hour or less. This statute is specific to vehicles such as golf carts and other motorized or electric vehicles.

Farmville, VA, has specific text regulating "party bike vehicles". These vehicles are described as traveling 6-8 miles per hour and up to 25 miles per hour. Farmville allows party bikes to operate within town limits with regulations on routes, hours of operation, and required insurance. Farmville's code allows for further regulation by the City Manager should it be warranted. Farmville's party bike application asks where the vehicle will be stored, whether the applicant has been convicted of a crime, a description of safety features, and an agreement on routes and hours of operation. (Appendix A: City of Farmville's Party bike application).

Text Amendment:

Amend Article II Interpretations and Definitions §2-4 to add IX §2-4.41 as follows:

2-4.41 Commercial Pedal Vehicle: A pedal car with or without an assist motor that is human powered with up to 20 passengers not including the operator. A pedal car that transports passengers on a vehicle with a maximum length of 26 feet, a maximum width of 7.5 feet, and a maximum height of 12 feet.

Amend 9-3-1 Elizabeth City Table of Permitted Uses, Article IX §9-3.1(A)

Use Type	Ref.	Zoning Districts															
	SIC	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
BUSINESS, PROFESSIONAL and PERSONAL SERVICES																	
Commercial Pedal Vehicle	7999		C					C									

**Amend Article XI Development Standards for Individual Uses, to create Article XI §11-4.69 Commercial Pedal Vehicle as follows:
11-4.69 Commercial Pedal Vehicle**

A. Where Required:

CB, R-8 located in National Register Historic District (Council Use Permit).

B. Application:

1. All commercial pedal vehicles shall submit a permit application to the Elizabeth City Planning Department including colored drawings, insurance policy information, parking information, proposed routes, and any other information deemed necessary by the permitting official.

C. Operation:

1. All commercial pedal vehicles shall be operated by a state licensed driver with a valid driver's license.
2. All commercial pedal vehicles shall operate only within a route that has been reviewed and approved by the Elizabeth City Planning Department with input by the NC Department of Transportation, the Elizabeth City Police Department, and approved by the City Manager or their designee.
3. The consumption of wine, beer, or other beverages containing alcohol shall be prohibited on all commercial pedal vehicles.
4. It is the responsibility of the commercial pedal vehicle driver to take reasonable measures to manage the behavior of passengers so that their behavior remains law-abiding during the excursion, both while in motion and at stops. Behavior which is prohibited and shall be prevented includes but is not limited to disorderly conduct, littering, offensive language, and indecent exposure.
5. No commercial pedal vehicle driver shall permit more passengers to be carried in a vehicle than the vehicle's normal seating capacity. All riders shall be assigned a seat on the vehicle.

6. All commercial pedal vehicle drivers shall operate the vehicle in compliance with all applicable federal, state, and local traffic laws, ordinances, or other applicable regulations in a manner so as to ensure the safety of persons and property.
7. No music or amplified sound shall be played, nor yelling or conversation be conducted in a volume which violates the City's Noise Ordinance and/or which disrupts normal operations in the Central Business or residential zones, generally considered no higher than 70 decibels.
8. The primary location of the passenger meeting, initial loading and unloading area, and vehicle storage shall be located on private property in a designated approved area not impeding any sidewalks, drive aisles, or required parking spaces.
9. No commercial pedal vehicle operation shall load or unload passengers in the right-of-way, except in a designated on-street parking space or public or private parking lots that will not in any way impede or interfere with the orderly flow of traffic on the streets. The pedal vehicle may not block roadways, driveways, loading zones or otherwise impede vehicular traffic or pedestrian walkways.
10. All commercial pedal vehicles shall be equipped with adequate safety measures such as a horn, brake and tail lights, turn signal lamps, and other safety measures as determined by the North Carolina Division of Motor Vehicles or NC General Statute.
11. All commercial pedal vehicles shall maintain a neat appearance and shall not display any signage that is deemed offensive, distracting, or harmful in nature. All commercial pedal vehicles shall submit colored drawings of the proposed vehicle to the Elizabeth City Planning Department with input by the NC Department of Transportation, the Elizabeth City Police Department, and approved by the City Manager or their designee.

D. Storage:

1. Any commercial pedal vehicle must be stored on private property in a garage or screened area as not to occupy a street right-of-way or public parking. The storage location must be adequately screened so no part of the vehicle is visible from a street right-of-way.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission met on December 5, 2023 and unanimously voted to recommend that City Council approve this text amendment. Staff also recommends approval of this change.

AT THE CONCLUSION OF THE PUBLIC HEARING:

STAFF RECOMMENDATION:

By motion, approve TA 01-23 amending the City's Unified Development Ordinance as detailed herein to allow for the operation of commercial pedal vehicles in authorized areas of Elizabeth City.