



# City Council of Fort Walton Beach

## GROWTH MANAGEMENT MEMORANDUM

**To:** Michael D. Beedie, City Manager

**From:** Christopher Frasseti, Growth Management Director

**Date:** February 23, 2021

**Subject:** 2049 Ordinance to Amend Chapter 11 of the COO to Allow Commercial Megacycles

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### **1. BACKGROUND:**

- 1.1. In accordance with Sections 316.2069 of the Florida Statutes, municipalities may adopt an ordinance authorizing the operation of commercial megacycles on roads or streets within the City.
- 1.2. In December 2020, the Growth Management Department was contacted by a local business owner to discuss the possibility of allowing the use of commercial megacycles within the City.
- 1.3. On February 9, 2021, Staff presented ordinance 2049 to City Council for 1<sup>st</sup> reading. Following questions and comments on the proposed ordinance no formal action was taken by City Council.
- 1.4. Based on feedback received during the February 9<sup>th</sup> City Council hearing, Staff has revised the proposed ordinance for review by City Council.

### **2. DISCUSSION:**

- 2.1. A “commercial megacycle” is defined as a vehicle that has fully operational pedals for propulsion entirely by human power and meets all of the following requirements:
  - 2.1.1. Has four wheels and is operated in a manner similar to a bicycle;
  - 2.1.2. Has at least five (5) but no more than fifteen (15) seats for passengers; and
  - 2.1.3. Is primarily powered by pedaling but may have an auxiliary motor capable of propelling the vehicle at no more than fifteen (15) miles per hour.
- 2.2. Parameters included in Section 316.2069 of the Florida Statutes (F.S.) for the operation of commercial megacycles are as follows:
  - 2.2.1. Prior to authorizing such operation, the City must clearly identify the roads which operation is permitted considering factors such as the speed, volume, and character of the vehicle traffic using the road.
  - 2.2.2. The City must require that a commercial megacycle be:
    - 2.2.2.1. Operated at all times by its owner or lessee or an employee of the owner or lessee.

- 2.2.2.2. Operated by a driver at least 18 years of age who possesses a Class E driver's license.
  - 2.2.2.3. Occupied by a safety monitor at least 18 years of age, who shall supervise the passengers while the commercial megacycle is in motion.
  - 2.2.2.4. Insured with minimum commercial general liability insurance of not less than \$1,000,000, prior to and at all times of operation, satisfactory proof of which shall be provided to the appropriate governing body.
- 2.3. The proposed ordinance addresses all of the requirements of the Florida Statutes and proposes the following program criteria:
- 2.3.1. Commercial megacycles shall only be permitted to operate in the following areas during the pilot program. Following the 1<sup>st</sup> reading on February 9, 2021, Staff has revised the route to remove access along Eglin Parkway SE and a portion of First Street SE.
    - 2.3.1.1. Brooks Street SE from Miracle Strip Parkway SE to Florida Blanca Place SE;
    - 2.3.1.2. Florida Blanca Place SE from Brooks Street SE to First Street SE;
    - 2.3.1.3. First Street SE from Florida Blanca Place SE to Ferry Road SE; and
    - 2.3.1.4. Ferry Road SE from First Street SE to Miracle Strip Parkway SE.
  - 2.3.2. Commercial megacycle businesses shall be required to obtain a City Business Tax Receipt (BTR) and commercial megacycle permit prior to starting operations in the City. Specific BTR and commercial megacycle permit application requirements include the submittal of a route map, location of loading zones, image(s) of megacycle, and certificate of insurance.
    - 2.3.2.1. Language has been added to limit the number of commercial megacycle permits that can be issued based upon City population, limiting the number to one permit per 10,000 residents. Based on current City population two (2) permits could be issued at this time.
  - 2.3.3. The operator and safety monitor must be at least 18 years of age and possess a Class E driver's license.
  - 2.3.4. Commercial megacycles must meet appropriate safety standards including a requirement that all passenger seats have seat backs and seat belts. Staff also recommends that passengers under sixteen (16) years of age wear a protective bicycle helmet.
  - 2.3.5. Permitted businesses shall maintain general liability insurance of not less than \$1,000,000.
  - 2.3.6. Language has been added to specify hours of operation for commercial megacycles, restricting them to operating between the hours of 9 a.m. and 11 p.m. daily.
  - 2.3.7. Language has been added to limit the size of an operator's fleet to two (2) commercial megacycles.

- 2.3.8. Language has been added to require that commercial megacycles have front headlights and rear taillights.
- 2.3.9. Language has been added to list the specific documentation required to be submitted during the commercial megacycle permit application process.
- 2.3.10. Additional language has been added to expand enforcement of the standards identified in the ordinance to allow penalty up to and including suspension or termination of a commercial megacycle permit for failure to follow the requirements in the ordinance.
- 2.3.11. As a Pilot Program, Staff is recommending a one (1) year period to evaluate the operation of commercial megacycles within the City.
  - 2.3.11.1. Staff will continuously evaluate the program during the pilot period and will make a recommendation on the future of the program to City Council prior to the conclusion of the pilot period.
  - 2.3.11.2. During the pilot period, City Council reserves the right to suspend or end the program at any time.

**3. FINANCIAL INFORMATION:**

- 3.1. Commercial megacycle businesses will pay applicable City Business Tax Receipt fees in accordance with the Comprehensive Fee Schedule.

**4. RECOMMENDATION:**

- 4.1. Staff respectfully recommends City Council adoption of Ordinance No. 2049 to create a Commercial Megacycle Pilot Program and to set forth the application process, requirements for required equipment, authorized roadways, and insurance requirements.

**ATTACHMENTS:**

- Proposed Megacycle Route - REVISED (PDF)
- Proposed Megacycle Route - ORIGINAL (PDF)

**HISTORY:**

02/09/21 City Council NOT RECOMMENDED

The City Attorney read Ordinance 2049 on first reading.

Chris Frassetto, Growth Management Director, reported that in December 2020, the Growth Management Department was contacted by a local business owner to discuss the possibility of allowing the use of commercial megacycles within the City. He continued that in accordance with Sections 316.2069 of the Florida Statutes, municipalities may adopt an ordinance authorizing the operation of commercial megacycles on roads or streets within the City.

Mr. Frassetto defined what is meant by a commercial megacycle and the requirements it must have as well as the areas the vehicle will be permitted during the pilot program. These include the areas of Brooks Street SE, Florida Blanca Place SE, First Street SE, Eglin Parkway SE, and Ferry Road SE. The proposed ordinance also address issues as Business Tax Receipts are required, the operator must be at least 18 years of age, seat belts and helmets must be worn, and permitted businesses shall maintain general liability insurance of not less than \$1,000,000.00.

Staff respectfully recommends City Council adoption of Ordinance No. 2049 to create a Commercial Megacycle Pilot Program and to set forth the application process, requirements for required equipment, authorized roadways, and insurance requirements.

Council discussion included who would be in charge of enforcement, the times of day the cycles would be permitted, maximum number of vehicles in an area, and that the City is looking at how other cities deal with the megacycles. Further discussion included that liability insurance would be required and that per State statute drinking is allowed on the vehicles. It was noted the vehicles will be used in the City's entertainment district.

Gloria DeBerry, 220 Martisa, was advised the vehicles do not require license plates and she would like to see license plates on them, stating she wants safety for the public.

The Mayor asked for a motion to adopt Ordinance 2049 on first reading. There was none.

**SIGNATURE BLOCK:**

Tim Gibson	Completed	01/28/2021 4:28 PM
Christopher Frasseti	Completed	01/28/2021 4:30 PM
Finance	Completed	01/28/2021 4:49 PM
City Attorney	Completed	02/03/2021 4:25 PM
City Clerk	Completed	02/04/2021 10:57 AM
City Manager	Completed	02/04/2021 1:13 PM
City Council	Completed	02/09/2021 6:00 PM
Christopher Frasseti	Completed	02/15/2021 4:12 PM
Finance	Completed	02/16/2021 8:15 AM
City Attorney	Completed	02/16/2021 10:58 PM
City Clerk	Completed	02/17/2021 9:41 AM
City Manager	Completed	02/17/2021 3:58 PM
City Council	Pending	02/23/2021 6:00 PM
City Council	Pending	03/09/2021 6:00 PM

## ORDINANCE 2049

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AMENDING CHAPTER 11, TRAFFIC & VEHICLES, OF THE CODE OF ORDINANCES TO INCLUDE NEW REGULATIONS ADDRESSING COMMERCIAL MEGACYCLES; PROVIDING DEFINITIONS; CREATING STANDARDS FOR OPERATION; CREATING OTHER MISCELLANEOUS PROVISIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA AS FOLLOWS:**

**WHEREAS**, Pursuant to §316.2069, Florida Statutes, the governing body of a municipality may authorize the operation of a commercial megacycle on roads or streets within its jurisdiction if certain criteria are met;

**WHEREAS**, the City Council desires to allow the establishment of a one (1) year pilot program to evaluate the operation of commercial megacycles within the City of Fort Walton Beach;

**WHEREAS**, the City has identified specific roads and streets that will allow for the safe operation of commercial megacycles within the City of Fort Walton Beach;

**WHEREAS**, the City Council has, after review, determined that commercial megacycles can safely travel on, or cross, certain identified public roads or streets within the city limits when considering the speed, volume, and character of motor vehicles using the city roads and streets;

**WHEREAS**, any commercial megacycle operator will be required to comply with all requirements of §316.2069, Florida Statutes and the City's ordinance while operating within the city limits of Fort Walton Beach; and

**WHEREAS**, City Staff will monitor the pilot program and City Council reserves the right to suspend or end the program at any time.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA AS FOLLOWS:**

### **Section 1. Authority and Intent**

The authority for enactment of this ordinance is pursuant to the powers vested in the City by Section 166.021 (1) and 316.2069 of the Florida Statutes, and the Fort Walton Beach City Charter.

### **Section 2. Amendment of Chapter 11, Traffic & Vehicles**

#### **11.15 – COMMERCIAL MEGACYCLES**

##### **11.15.01 - Definition.**

*Commercial Megacycle.* Pursuant to F.S. § 316.003 (12), and for the purposes of this section, a "commercial megacycle" is defined as a vehicle that has fully operational pedals for propulsion entirely by human power and meets all of the following requirements: (a) Has four wheels and is

operated in a manner similar to a bicycle. (b) Has at least 5 but no more than 15 seats for passengers. (c) Is primarily powered by pedaling but may have an auxiliary motor capable of propelling the vehicle at no more than 15 miles per hour.

**11.15.02 – Use and Operation of Commercial Megacycles.**

(a) Commercial megacycles shall only be permitted to operate on the following roads.

(1) Brooks Street SE from Miracle Strip Parkway SE to Florida Blanca Place SE;

(2) Florida Blanca Place SE from Brooks Street SE to First Street SE;

(3) First Street SE from Florida Blanca Place SE to Ferry Road SE;

(4) Ferry Road SE from First Street SE to Miracle Strip Parkway SE.

(b) Commercial megacycles may cross Florida Department of Transportation (FDOT) roadways at designated intersections in accordance with all traffic laws. FDOT roadways within the authorized roadways include SR 145 (Perry Avenue).

(c) Commercial megacycles shall not block or impede any roadway, driveway, accessway, or sidewalk in a way that hinders normal traffic flow or pedestrian traffic flow.

(d) Open consumption of alcohol is permissible in the Downtown Business and Entertainment District in accordance with Section 8.09.04 of the Code of Ordinances.

(e) Hours of operation for commercial megacycles: Commercial Megacycles may only operate between the hours of 9:00 a.m. – 11:00 p.m. daily.

(f) An operator's fleet is limited to two (2) commercial megacycles.

(g) The City reserves the right to terminate commercial megacycle permits. If an operator's permit is terminated, operator shall decommission commercial megacycle fleet within thirty (30) days unless a different time period is determined by the City of Fort Walton Beach.

(h) The City may take any appropriate steps or assess any penalties or sanctions to compel operators to comply with this ordinance, any other City ordinance, or any other law. This shall include termination of an operator's permit.

(i) The City shall establish, and all operators shall comply with, procedures and protocol in the event of extreme weather, emergencies, and special events.

(j) The City has the power and is authorized to do all acts and things necessary or convenient to implement this ordinance, to promote and protect public safety, and to ensure the right-of-way is not impeded.

**11.15.03 – Application for Permits.**

(a) No commercial megacycle shall operate within the City without first obtaining a commercial megacycle permit from the City. The operator must submit the following items for review with their commercial megacycle permit application submittal:

(1) Images and description of megacycle to include the make, model, serial number, color, and passenger capacity of each megacycle to be used in the business.

(2) Size of fleet at launch.

(3) A certificate of insurance pursuant to Section 11.15.03.

(4) Copy of photo identification of all commercial megacycle drivers who will be driving the applicant’s megacycle.

(5) The proposed commercial megacycle route includes all proposed loading and unloading zones and temporary stopping locations.

(b) The applicant shall possess a valid City Business Tax Receipt.

(c) All commercial megacycle permits shall expire at the end of the pilot program unless the program is extended beyond the term of the pilot program through approval by City Council.

(d) The City shall consider issuance of commercial megacycle permits based upon the City population.

(1) The maximum number of permits approved for commercial megacycle businesses in the City shall not exceed one (1) for every ten thousand (10,000) residents, as certified in the most recent census or periodic demographic studies recognized by the City, including the Bureau of Economic and Business Research (BEBR) Florida Estimates of Population. For example:

<u>Residents Indicated</u>	<u>Commercial Megacycle Permits</u>
<u>0 – 10,000</u>	<u>1</u>
<u>10,001 – 20,000</u>	<u>2</u>
<u>20,001 – 30,000</u>	<u>3</u>
<u>30,001 – 40,000</u>	<u>4</u>

**11.15.04 – Safety Regulations.**

(a) Commercial Megacycles shall be subject to the following regulations at all times:

(1) Operated at all times by its owner or lessee or an employee of the owner or lessee;

(2) Operated by a driver at least 18 years of age who possess a Class E driver license;

(3) Occupied by a safety monitor at least 18 years of age, who shall supervise the passengers while the commercial megacycle is in motion;

(4) Insured with minimum commercial general liability insurance of not less than \$1,000,000, prior to and at all times of operation, satisfactory proof of which shall be provided to the City;

(5) Passengers under sixteen (16) years of age are recommended to wear a protective bicycle helmet that is properly fitted and is fastened securely upon the passenger’s head by a strap;

(6) All passenger seats on the commercial megacycle must have seat backs and seat belts; and

(7) The commercial megacycle must have front headlights and rear taillights that are visible from a distance of at least three hundred (300') feet under normal atmospheric conditions at night.

(b) For any reason, such as, but not necessarily including, safety concerns or multiple violations of this article, the City Council may at any time suspend or terminate the operations of any or all commercial megacycles in order to maintain health and safety in the City. Should commercial megacycle operation be suspended or terminated, operators will not be entitled to the refund of any fee or expense.

**11.15.04 - Compliance with Traffic Laws.**

Commercial megacycles shall comply with all applicable local and state traffic laws and may be ticketed for traffic violations in the same manner as motor vehicles.

**11.15.05 - Enforcement.**

(a) The city shall have the authority to enforce the provisions set forth herein and applicable traffic laws.

(b) The city code enforcement board shall be the point of appeal on all city ordinance violations cited under this section.

(c) Operators found in violations of this section shall be fined for an initial offense, and for any repeat offenses within thirty (30) days of the last same offense by the same operator. Fine rates shall be included in the City's Comprehensive Fee Schedule.

**Section 3. Severability**

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

**Section 4. Effective Date**

This Ordinance shall take effect immediately upon approval upon second reading by City Council and the signature of the Mayor.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Richard A. Rynearson, Mayor

Attest:

Approved for form, legal sufficiency





\_\_\_\_\_  
Kim M. Barnes, City Clerk

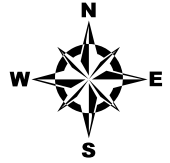
\_\_\_\_\_  
Hayward Dykes, Jr., City Attorney



# PROPOSED MEGACYCLE ROUTE 2

## Legend





-  Proposed Megacycle Route 2
-  Roadways
-  City Limits
-  Downtown Business and Entertainment District

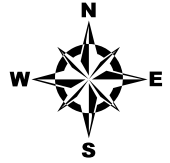


Attachment: Proposed Megacycle Route - REVISED (2049 : 2049 Ordinance to Amend Chapter 11 of the

# PROPOSED MEGACYCLE ROUTE 1

## Legend

-  Proposed Megacycle Route 1
-  Roadways
-  City Limits
-  Downtown Business and Entertainment District



Attachment: Proposed Megacycle Route - ORIGINAL (2049 : 2049 Ordinance to Amend Chapter 11 of the



# City Council of Fort Walton Beach

## GROWTH MANAGEMENT MEMORANDUM

**To:** Michael D. Beedie, City Manager

**From:** Christopher Frasseti, Growth Management Director

**Date:** February 23, 2021

**Subject:** Subdivision Plat for Church Street Townhomes (Quasi-Judicial)

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### **1. BACKGROUND:**

- 1.1. On October 29, 2019, the Growth Management Department received an application for an expedited development order for a proposed seven (7) lot residential townhome development located on property currently addressed as 108 Church Avenue SE and 7 Second Street SE in Fort Walton Beach.
  - 1.1.1. Staff's review of the expedited development order application was completed on July 29, 2020 with final decision pending City Council approval of a subdivision plat request.
- 1.2. On October 29, 2019, the Growth Management Department received an application for a plat of seven (7) townhome parcels and associated common areas located at 108 Church Avenue SE and 7 Second Street SE in Fort Walton Beach.
  - 1.2.1. In February 2021, Staff received the final plat documents to prepare the request for City Council review.
- 1.3. Section 9.01.01 of the Fort Walton Beach Land Development Code identifies City Council as the entity responsible for issuing a final decision on subdivision plats and replats.
- 1.4. The proposed plat will provide consistency with the proposed uses on the site, the adopted future land use map designation, and the adopted zoning.

### **2. PROJECT INFORMATION:**

- 2.1. The existing site consists of two (2) parcels for a total of 0.48 acres located at the corner of Church Avenue SE and Second Street SE with Parcel ID Numbers: 13-2S-24-1050-000G-0070 and 13-2S-24-1050-000G-0060.
- 2.2. The proposed subdivision plat modifies the two (2) existing lots on the property into seven (7) new lots; Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, & Lot 7 with associated retention area. The new subdivision will be named Church Street Townhomes Subdivision.
- 2.3. The property currently contains a future land use designation of Medium Density Residential (MDR).
- 2.4. The property is currently zoned Multi-Family Residential (R-2).

### **3. TECHNICAL REVIEW:**