

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 3, 2021

TYPE OF AGENDA ITEM: Public Hearing

AGENDA OUTLINE NUMBER: 5.E.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

DATE: April 28, 2021

SUBJECT: First reading of Ordinance 20-24-LC - Regulating low speed vehicles, amending Article VIII "Transportation" and creating a new Section 8.09.04 entitled, "Alternative Modes of Transportation"; defining "Low Speed Vehicles"; providing for limited operation of low speed vehicles on certain city streets, prohibiting low speed vehicles on specified streets.

I. BACKGROUND: The following includes a timeline regarding **Proposed Ordinance 20-24-LC:**

- **August 20, 2020** – proposed Ordinance 20-24-LC went before the Local Planning Agency (LPA) for recommendation to City Council.
- **September 21, 2020** – Ordinance 20-24-LC went before City Council. Council directed staff to remove **Main Street, Airport Road, portion of Indian Bayou Trail, and the section of Gulf Shore Drive from La Paz to the intersection of Highway 98** and to have the Ordinance brought back to LPA for recommendation.
- **January 12, 2021** – Mr. Burgess, Public Services Director updated the PW/S Committee on Council's direction.
- **March 18, 2021** – Revised Ordinance 20-24-LC scheduled for public hearing before the Local Planning Agency (LPA).

II. DISCUSSION: For clarification, the following terms are defined:

Standard Golf Cart is not considered to be a Low-Speed Vehicle (LSV).

Low Speed Vehicle (LSV) is a properly modified golf cart that complies with the conditions set forth in Florida Statute 316.2122 and can operate legally on streets that meet designated LSV standards.

Florida Statute 316.2122 permits LSV operation on roadways with a posted speed limit of 35 MPH or less. City staff revised the map in accordance with **F.S. 316.2122** for Council consideration. Council directed staff to revise the map NOT to include **Main Street, Airport Road, portion of Indian Bayou Trail, and the section of Gulf Shore Drive from La Paz to the intersection of Highway 98.**

The **REVISED** map in the agenda packet depicts the following:

1. Roadways where LSVs are **currently allowed (blue)**
2. Roadways where LSVs are **proposed (green)**
3. Roadways where LSV use is **prohibited (red)**

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: The LSV map complies with the City's Comprehensive Plan for connectivity and Multi-modal Transportation District requirements. In addition, the proposed amendments are consistent with Council's directive to remove **Main Street, Airport Road, portion of Indian Bayou Trail, and the section of Gulf Shore Drive from La Paz to the intersection of Highway 98** from the LSV map.

At a public hearing held at the regularly scheduled Local Planning Agency (LPA) meeting on March 18, 2021, the Local Planning Agency recommended City Council approve proposed **Ordinance 20-24-LC**.

IV. RECOMMENDED MOTION: I move to approve proposed Ordinance 20-24-LC on first reading and advertise for second reading.

Attachments:

1. 20-24-LC LSV Ordinance Feb 2 2021
2. Golf Cart Policy 2007
3. LSV Roads January 2021

ORDINANCE NO. 20-24-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, REGULATING LOW SPEED VEHICLES; AMENDING ARTICLE VIII “TRANSPORTATION” AND CREATING A NEW SECTION 8.09.04 ENTITLED "ALTERNATIVE MODES OF TRANSPORTATION”; DEFINING “LOW SPEED VEHICLES”; PROVIDING FOR LIMITED OPERATION OF LOW SPEED VEHICLES ON CERTAIN CITY STREETS; PROHIBITING LOW SPEED VEHICLES ON SPECIFIED STREETS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should amend Article VIII of the Code of Ordinances to regulate low speed vehicles on city roadways; and

WHEREAS, the City Council recognizes that regulation of low speed vehicles throughout the City benefits the City, it’s residents and the public; and

WHEREAS, failure to prohibit low speed vehicles on certain roadways within the City is a hazard to the public health, welfare, safety and the quality of life of the residents and visitors of the City; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Land Development Code that have been skipped and remain unchanged.

SECTION 3. AMENDMENT OF ARTICLE VIII OF THE LAND DEVELOPMENT CODE.

Article VIII of the Land Development Code is hereby amended as follows:

Article VIII- TRANSPORTATION

Sec. 8.09.04.

A. Purpose and intent. The purpose of this Article is to authorize and regulate the use low-speed vehicles upon certain designated streets of the City of Destin, Florida, and establish requirements for the operation of low-speed vehicles that are more restrictive than those enumerated in §316.212 and §316.2122, Florida Statutes.

B. Limited Operation of Low Speed Vehicles on Designated Streets Within the City of Destin

A Low Speed Vehicle, as defined in Section F.S. § 320.01(41) operating in accordance with F.S. § 316.2122 and other applicable State Statutes may operate on all city-owned

streets, except as provided herein. The operation of Low Speed Vehicles is prohibited on the following roadways within the City of Destin: U.S. Highway 98, Airport Road, those portions of Main Street and Gulf Shore Drive, as depicted on the attached "Exhibit A", attached hereto and incorporated herein by this reference.

"Unsafe" shall mean the operator of the Low Speed Vehicle has reasonably determined that operation of the Low Speed Vehicle would expose any person or property to unreasonable danger or risk. For purposes of enforcement, whether this definition of "unsafe" is met shall ultimately be determined by law enforcement or code compliance staff.

C. Enforcement. of this section 8.09.04 shall constitute a non-criminal infraction punishable pursuant to the provisions of §316.212(9), Florida Statutes. The use of a Low-Speed Vehicle resulting in violations of the Florida "Uniform Traffic Control" statute and the Florida "Uniform Disposition of Traffic Infractions Act" are punishable pursuant to chapters 316, 318, and 319, Florida Statutes, as applicable. All other city ordinances pertaining to the use of motor vehicles within the city, including, but not limited to Article VIII in its entirety, shall also apply to this article.

SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES. This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

**ADOPTED THIS _____ DAY OF _____,
2020.**

By:

Gary Jarvis, Mayor

ATTEST:

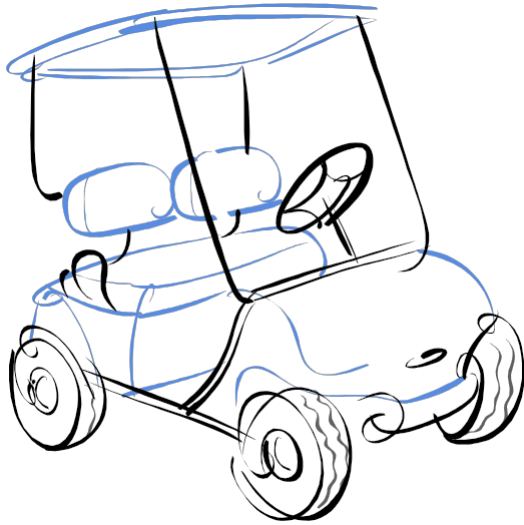
The form and legal sufficiency of the foregoing has
been reviewed and approved by the City Land Use
Attorney, for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: _____

Second Reading: _____



Golf Cart Policy Clarification

PLEASE NOTE:

It is still illegal to drive golf carts on Destin streets and sidewalks.

Updated:
January 2, 2007

The Destin Golf Cart Policy was adopted by City Council contains nine policies. A complete copy can be made available upon request. The following information is provided as a public service.

I. Policies 1 – 2 are directly from Florida Statutes. The City will not set policy that conflicts with State Law.

- **Policy 1** Golf carts shall not be operated on any pedestrian facility.
Reference F.S. 316.1995 "Driving upon sidewalk or Bicycle path"
- **Policy 2** Golf carts shall not be operated on any public road.
Reference F.S. 316.212 "Operation of golf carts on certain roadways"

II. Policies 3 – 5 are statements only. They provide points of clarification and require no specific action. The two-year phase in period will have no impact on these policies.

- **Policy 3** A standard golf cart **IS NOT** a Low Speed Vehicle (LSV)
- **Policy 4** City Council shall designate certain roadways as Low Speed Vehicle Accessible (all roads in the city limits except U.S. Hwy 98/S.R. 30, Airport Road, Main Street – south of Airport Road, Mountain Drive, Palmetto Drive,

Golf Cart Policy Clarification
January 2, 2007

Marler Drive, Melvin Drive, Azalea Drive, Beach Drive – south of Mountain Drive, Benning Drive – south of Azalea Drive, Stahlman Avenue – south of Azalea Drive, Gulf Shore Drive – north of Shoreline Towers entry, Indian Bayou Trail – south of Commons Drive)

- **Policy 5** A properly modified golf cart that complies with the conditions set forth in F.S. 316.2122 “Operation of a Low Speed Vehicle on certain roadways” becomes an LSV. These may be driven on streets designated as Low Speed Vehicle Accessible.

III. Policies 6 – 9 are policies which will require funding and time to coordinate with the State, adjacent counties, and provide training to implement. The 2 year phase in period will be necessary for the proper implementation of these policies and will not conflict with any existing State laws.

- **Policy 6** Provide for public education & information campaign to promote public awareness for the City’s current policy. Erect signage around the City stating that motorized vehicles on pedestrian ways are prohibited under F.S. 316.1995. Erect signage around the City showing the designated LSV friendly roads.
- **Policy 7** Provide for regulatory enforcement by the City’s Code Enforcement Department as well as all federal, state & local law enforcement officials.
- **Policy 8** Provide for an inter-local agreement with Okaloosa & Walton Counties to evaluate and designate LSV friendly roadways contiguous with the city boundaries.
- **Policy 9** Recommend that City Council direct City staff to coordinate with the Division of Motor Vehicles (DMV) to provide a location in the city for the purposes of registration, inspection and licensing the LSV’s.

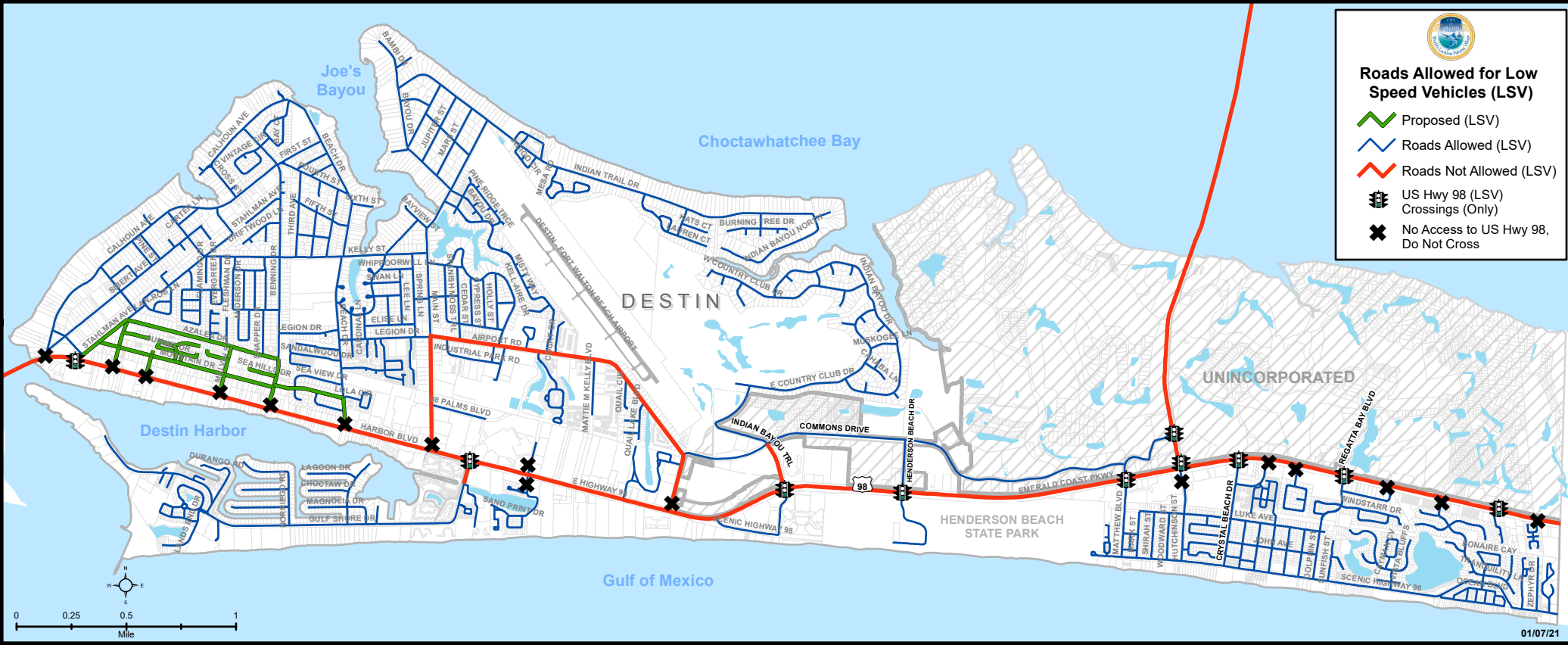
IV. Registration: **Division of Motor Vehicles (DMV)**

<u>LSV Conversions only</u>	Pensacola DMV 185c West Airport Blvd Pensacola FL 32503	(850) 475-5415
	Panama City DMV 6030 County Road 2321 Panama City FL 32404	(850) 872-4158
<u>Manufactured LSV’s</u>	Registration shall be at your local County Tax Collector Office	



Roads Allowed for Low Speed Vehicles (LSV)

- Proposed (LSV)
- Roads Allowed (LSV)
- Roads Not Allowed (LSV)
- US Hwy 98 (LSV) Crossings (Only)
- No Access to US Hwy 98, Do Not Cross



DRAFT

**PUBLIC WORKS/PUBLIC SAFETY COMMITTEE
MEETING MINUTES
TUESDAY, MARCH 9, 2021 - 5:30 PM
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:

Vice Chairman Wood called the Public Works/Public Safety Committee to order on Tuesday, March 9, 2021 at 5:30 p.m. With the Pledge of Allegiance immediately following.

2. ROLL CALL:

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff</u>
James T. Wood, Jr.	Anthony Ramswell	Kim Montgomery Deputy City Clerk
Tom Weidenhamer	Sam Perman	Michael Burgess PW Director
Richard Hickey		JT Deputy PW Director
Marcie Bell		Joey Forgione Code Compliance Manager
John Green		

4. APPROVAL OF MINUTES: *February 9, 2021*

Motion to approve the minutes of the February 9, 2021 meeting as written, was made by Committee member Weidenhamer with Committee member Hickey providing the second. A roll call vote of 5-0 was taken and the motion passed.

5. NEW BUSINESS:

- **Spring Break Beach Update/Okaloosa County Sheriff's Dept. Lt. Jason Fulgham & Capt. Kevin Kirkpatrick**

Capt. Kirkpatrick informed the members of the additional officers they have for the beach patrol as well as an additional boat and water patrol personnel they now have. He informed the members that so far, they have had 41 underage drinking arrests. And currently they have an additional five deputies patrolling the beaches during Spring Break from Noon to Midnight through April 24th.

Code Compliance Manager Joey Forgione explained that he is still needing to hire one more person for his department to help patrol the beaches. And currently, his shift coverage is from 6 a.m. to 2 a.m. for Friday through Sunday and then the regular hours of 6 a.m. to midnight during the week. Committee member Hickey asked when they have an after-hours call do, they have a Sheriff's deputy go along for backup. According to Mr. Forgione, they can if they feel they need one but, they know to not go out on a call by themselves at night.

Committee member Weidenhamer asked about the large groups from Tallahassee. According to Deputy Kirkpatrick, there were two arrangements however, they have heard that the one for this spring has been cancelled by the group. Also, they have contacted all the rentals that were involved in an incident last year and advised them of the damage that was caused and to be aware of who they are renting to.