



Staff Report

File #: 16-405A, **Version:** 1

Agenda Date: 3/29/2016

Subject:

Authority to advertise a public hearing to be held on April 26, 2016 for a proposed ordinance amending Section 122-68 of the County Code specific to golf carts permitted in Highland Lakes by removing the restriction "to accommodate golf cart play."

Recommended Action:

Advertise a public hearing to be held on April 26, 2016 for an ordinance removing the restriction "to accommodate golf cart play" in Highland Lakes from the Pinellas County Code.

Strategic Plan:

Practice Superior Environmental Stewardship

3.1 Implement green technologies and practices where practical.

Foster Continual Economic Growth and Vitality

4.5 Provide safe and effective transportation systems to support the efficient flow of motorists, commerce, and regional connectivity.

Deliver First Class Services to the Public and Our Customers

5.1 Maximize partner relationships and public outreach

5.3 Ensure effective and efficient delivery of county services and support

5.4 Strive to exceed customer expectations

Summary:

This amendment will allow golf carts to travel within the Highland Lakes Community to and from the golf course and the clubhouse for any activities taking place at the clubhouse complex.

The current ordinance only allows golf cart travel to and from the clubhouse to accommodate golf play. The Homeowners Association of Highland Lakes is requesting a formal change be made to remove this reference.

Background Information:

Resolution No. 07-70 was approved June 5, 2007, and Ordinance No. 07-34 was approved on August 7, 2007, allowing the use of golf carts on public roads within the Highland Lakes Community. There are several stipulations stated for golf cart travel, including the following which states "Only driving from sunrise to sunset to and from the clubhouse complex located on MacGregor Drive to accommodate golf cart play will be allowed."

The Homeowners Association of Highland Lakes, Inc. submitted a request in October 2015 to remove the stipulation "to accommodate golf cart play". The revision allows for tidying up the wording and clarifies the stipulation to state "Only driving from sunrise to sunset to and from the golf course and the clubhouse complex located on MacGregor Drive will be allowed."

Fiscal Impact:

N/A

Staff Member Responsible:

Ken Jacobs, Traffic Engineering Division Manager, Public Works

Partners:

Highland Lakes Community

Attachments:

Proposed Ordinance

Proposed Ordinance (strikethrough version)

Letter from Homeowners Association of Highland Lakes, Inc.

Advertisement

ORDINANCE NO. 16-____

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING THE PINELLAS COUNTY CODE BY AMENDING SECTION 122-68 FOR THE USE OF GOLF CARTS, WITH CONDITIONS FOR THE AREA OF HIGHLAND LAKES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 06-12 was adopted pursuant to Florida Statutes, Section 316.212 and permitted the use of golf carts on certain community streets in the unincorporated community of Highland Lakes with certain conditions; and

WHEREAS, Ordinance 06-12 was codified in the Pinellas County Code as Section 122-68; and

WHEREAS, Section 122-68 places several restrictions upon the use of golf carts upon certain streets, including the restriction that the golf carts be used to accommodate golf play; and

WHEREAS, members of the community have requested that use of golf carts for the purpose of going to and coming from the golf course and the clubhouse complex on MacGregor Drive be allowed for purposes other than golf play.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

SECTION 1. Chapter 122, Section 68 of the Pinellas County Code is hereby amended by as follows:

Sec. 122-68. Permitted in Highland Lakes; regulations.

(a) Regulations. Golf carts equipped in the manner prescribed by this section may travel on or cross the public roads or streets within the geographic boundaries described in this section, considering factors including the speed, volume, and character of motor vehicle traffic using these roads or streets, and the use of golf carts is hereby permitted in the Highland Lakes community with the stipulations to include the following provisions:

(1) Required equipment for a golf cart shall include efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, red reflectorized warning devices in the front and rear, an orange warning flag, and a "SLOW MOVING VEHICLE" sign in the rear.

(2) The golf cart operators must possess a valid driver's license.

(3) The streets encompassed by this authorization are listed in Attachment 1 to Ordinance No.____.

(4) The golf carts authorized for use are incapable of exceeding 20 miles per hour.

(5) Golf carts may only be operated during the hours between sunrise and sunset to drive to and from the golf course and the clubhouse complex located on MacGregor Drive on the designated streets listed in Attachment 1 to Ordinance No.____.

(b) Penalties.

(1) A violation of subsection (a)(1), (a)(2), or (a)(4) is a noncriminal traffic violation pursuant to F.S. § 316.212(8) punishable as a nonmoving violation.

(2) A violation of subsection (a)(3) or (a)(5) is a noncriminal traffic violation pursuant to F.S. § 316.212(8) punishable as a moving violation.

SECTION 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 3. Area Embraced. This article shall be in effect in the unincorporated areas of Pinellas County.

SECTION 4. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes (2015), a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

ATTACHMENT 1

Aberdeen Ct., Ayr Dr., Bentley Ct., Brae Ct., Braemar Terr., Braeside Ct., Briarcliff Dr., Brighton Ct., Brodie Way, Brunswick Cir., Byrnedale Ct., Byron Ct., Caledonia Ct., Caledonia Dr., Cameron Ct., Camille Dr., Carmichael St., Chalmers Ct., Chattan Ct., Chaucer Ct., Chesnut Pl., Cinnamon Hill Blvd., Curling Ct., Doone Cir., Dorchester Dr., Dugall Ct., Dunbar Ct., Dundee Dr., E. Dorchester Ct., E. Dorchester Dr., E. Links Ct., E. Woodmont Way, Eiven Ct., Gillespie Dr., Gillespie Dr N., Glengarry Dr., Gorse Ct., Gregor Ct., Heather Pl., **Highlands Blvd. except for that portion of Highlands Blvd east of Lake St. George Drive to Alderman Road**, Highlands Blvd. N., Highland Club Ln., Hilary Cir., Huntington Ct., Kenmore Ct., Kenmore Pl., Kilwinning Ct., Lake Pointe Rd., Lake St. George Dr., Links Dr., Loch Rd., Lomond Dr., Longford Dr., MacAlpin Dr N., MacAlpin Dr S., MacAlpin Dr W., MacClymont Ct., MacDonnell Ct., MacDonnell Dr., MacGregor Dr., MacLaren Dr N., MacLaren Dr., Malcolm Dr., Maplewood Ct., McMath Dr., McTavish Way, N. Dorchester Dr., N. Highland Blvd., Neil Ct., Oak Lake Dr., Pine Lake Ct., Queen Anne Dr., Queen Anne Blvd., Rugby Ct., Sherbrook Ln., Skene Terr., Sprey Ct., Stafford Cir., Stafford Dr., Stirling Rd., Sutherland Ct., Sutherland Dr., Sutton Pl., Sweetgum Pl., Tarns Ct., Tarpon Pointe Cir., Tay Ct., Thistle Ct E., Thistle Ct N., Thistle Ct S., Timberbrooke Dr., W. Links Ct., Whitebridge Dr., Whithorn Pl., Wicklow Dr., Woodstock Dr.

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WHEREAS, Ordinance 06-12 was adopted pursuant to Florida Statutes, Section 316.212 and permitted the use of golf carts on certain community streets in the unincorporated community of Highland Lakes with certain conditions; and

WHEREAS, Ordinance 06-12 was codified in the Pinellas County Code as Section 122-68; and

WHEREAS, Section 122-68 places several restrictions upon the use of golf carts upon certain streets, including the restriction that the golf carts be used to accommodate golf play; and

WHEREAS, members of the community have requested that use of golf carts for the purpose of going to and coming from the golf course and the clubhouse complex on MacGregor Drive be allowed for purposes other than golf play.

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Sec. 122-68. Permitted in Highland Lakes; regulations.

(a) Regulations. Golf carts equipped in the manner prescribed by this section may travel on or cross the public roads or streets within the geographic boundaries described in this section, considering factors including the speed, volume, and character of motor vehicle traffic using these roads or streets, and the use of golf carts is hereby permitted in the Highland Lakes community with the stipulations to include the following provisions:

(1) Required equipment for a golf cart shall include efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, red reflectorized warning devices in the front and rear, an orange warning flag, and a "SLOW MOVING VEHICLE" sign in the rear.

(2) The golf cart operators must possess a valid driver's license.

(3) The streets encompassed by this authorization are listed in Attachment 1 to Ordinance No. ~~07-34~~_____.

(4) The golf carts authorized for use are incapable of exceeding 20 miles per hour.

(5) Golf carts may only be operated during the hours between sunrise and sunset to drive to and from the golf course and the clubhouse complex located on MacGregor Drive ~~to accommodate golf cart play~~ on the designated streets listed in Attachment 1 to Ordinance No. ~~07-34~~_____.

(b) Penalties.

(1) A violation of subsection (a)(1), (a)(2), or (a)(4) is a noncriminal traffic violation pursuant to F.S. § 316.212(8) punishable as a nonmoving violation.

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Homeowners Association of Highland Lakes, Inc.

3300 MacGregor • Palm Harbor, Florida 34684 • Tel (727) 784-1402 • Fax (727) 785-6946

October 30, 2015

Thomas Washburn, P.E.
Manager, Traffic Engineering Section
Pinellas County Public Works
22211 US 19 N.
Clearwater, FL 33765

Dear Mr. Washburn,
Enclosed you will find the Resolution document related to the Highland Lakes Golf Cart Resolution as it relates to Highland Lakes Golf Carts – CATS Item 47957

At this time the Association is requesting to modify **Item C.** to read *“Only driving from sunrise to sunset to and from the Golf Course and the Clubhouse complex located on MacGregor Drive.”* And omitting, *“to accommodate golf play will be allowed.”* The balance of the Document would remain “as is”.

Thank you for your consideration regarding this matter.

Sincerely,

Rosemary Cain, President
On behalf of the Board of Directors
Homeowners Association of Highland Lakes

**A RESOLUTION OF THE PINELLAS COUNTY BOARD OF COUNTY
COMMISSIONERS DETERMINING THAT GOLF CARTS MAY
TRAVEL SAFELY ON OR CROSS THE DESIGNATED ROADS
THROUGH AND AROUND HIGHLAND LAKES WITH CERTAIN
CONDITIONS**

WHEREAS, the Board has received requests from representatives of the community of Highland Lakes to permit the use of golf carts on all community streets as listed in Attachment 1; and

WHEREAS, golf carts provide an alternative for travel to the Clubhouse Complex located on McGregor Drive which includes 3 community-owned golf courses. Golf carts are less intrusive than vehicles, as well if electric, the carts are emissions free; and

WHEREAS, State Statutes 316.212 authorizes the Board of County Commissioners to permit the use of golf carts with conditions and for designated areas in any unincorporated area; and

WHEREAS, golf carts by State statute definition are vehicles are incapable of exceeding speeds of 20 miles per hour; and

WHEREAS, golf carts are not permitted unless authorized by the Board; and

WHEREAS, Highland Lakes has established a community use for golf carts within their community street system; and

WHEREAS, for the purpose of this resolution, the boundary of Highland Lakes encompasses all streets that are listed in Attachment 1; and

WHEREAS, there are no posted speed limits in this designated area higher than 30 miles per hour; and

WHEREAS, golf cart operators are required to be licensed drivers, and use is limited to authorized areas and limited to vehicles that are incapable of exceeding 20 miles per hour. Golf carts must be equipped with all safety equipment listed in F.S. 316.212(5); and

WHEREAS, it is the Board's intent by action of this resolution to determine that golf carts may travel safely on the streets listed in Attachment 1 in this community , and in accordance with other State law provisions and penalties; and

WHEREAS, operation of golf carts will be limited to driving to and from the clubhouse complex on MacGregor Drive to ~~accommodate golf cart play~~. Operations will only be from sunrise to sunset. No nighttime driving will be allowed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY that in a regular session duly assembled on the ____ day of _____ the Board finds that golf carts equipped in the manner prescribed by this Resolution may safely travel on or cross the public roads or streets listed in Attachment 1, considering factors including the speed, volume and character of motor vehicle traffic using these roads or streets in the Highland Lakes Community, with the stipulations to include the following provisions:

- A. The golf cart operators must possess a valid driver's license.
- B. The areas encompassed by this Resolution are listed in Attachment 1.
- C. Only driving from sunrise to sunset to and from the clubhouse complex located on MacGregor Drive ~~to accommodate golf play will be allowed:~~
- D. The golf carts authorized for use are incapable of exceeding 20 miles per hour.
- E. Golf carts must be equipped with efficient brakes, reliable steering, safe tires, a rearview mirror, and red reflectorized warning devices per F.S. 316.212(S). In addition, all golf carts shall be equipped with an orange warning flag and a 'SLOW MOVING VEHICLE' sign.
- F. Appropriate signage alerting motorists to the presence of golf carts shall be installed prior to golf carts being authorized, through a separate ordinance, to travel on the roads.

**NOTICE OF PUBLIC HEARING
PROPOSED ORDINANCE AMENDING THE PINELLAS COUNTY CODE**

The Pinellas County Board of County Commissioners proposes to amend the Pinellas County Code by Ordinance.

A public hearing on the Ordinance will be held on **Tuesday, April 26, 2016, at 6:00 p.m.**, in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida 33756.

Interested parties may appear at the hearing and be heard regarding the proposed Ordinance.

1. PROPOSED ORDINANCE TO AMEND THE PINELLAS COUNTY CODE:

**AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING
THE PINELLAS COUNTY CODE BY AMENDING SECTION 122-
68 FOR THE USE OF GOLF CARTS, WITH CONDITIONS FOR
THE AREA OF HIGHLAND LAKES; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CODIFICATION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

The proposed amendments to the Pinellas County Code can be inspected by the public at the Pinellas County Board Records Department, 315 Court Street, Fifth Floor, Clearwater, Florida 33756. Comments may be sent to this same address, or call (727) 464-3458.

Persons are advised that if they decide to appeal any decision made at the meeting/hearing, they will need a record of the proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 SOUTH FORT HARRISON AVENUE, SUITE 500, CLEARWATER, FLORIDA 33756, (727) 464-4880 (VOICE), (727) 464-4062 (TDD).

KEN BURKE, CLERK TO
THE BOARD OF COUNTY COMMISSIONERS
By: Norman D. Loy, Deputy Clerk