

ADD ON

AGENDA	
Section	New Business
Item No.	VI F 3



Meeting Date
September 20, 2016

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Legislative Intent and Permission to Advertise Re: Amendment to Chapter 106 Traffic and Vehicles, Article III – Golf Carts (District 4)
DEPT/OFFICE:	Commissioner Curt Smith, District 4

Requested Action:

It is requested that the Board grant legislative intent and permission to advertise a code amendment of the Traffic and Vehicles Ordinance, Chapter 106, Section 106-73, related to use of golf carts within the Suntree Planned Unit Development boundaries and certain adjacent residential subdivisions.

Summary Explanation & Background:

The Suntree Master Homeowners Association has voted to request an amendment to Chapter 106, Traffic and Vehicles, Article III – Golf Carts, Brevard County Code of Ordinances. Said amendment would allow the usage of golf carts on all roads/streets within the Suntree Planned Unit Development boundaries and in all residential subdivisions within the Suntree Master Homeowners Association.

Currently, golf carts are only permitted to use the major thoroughfares within the PUD for the purpose of accessing the Suntree County Club or Suntree Elementary School.

It is requested legislative intent and permission to advertise a code change to implement an amendment to the existing Code to allow the usage of golf carts on all roads/streets within the Suntree Planned Unit Development boundaries and within certain subdivisions as described below.

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING CHAPTER 106, "TRAFFIC AND VEHICLES", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE III, "GOLF CARTS"; SPECIFICALLY AMENDING SECTION 106-73, EXPANDING THE OPERATION OF GOLF CARTS WITHIN THE BOUNDARIES OF THE SUNTREE PLANNED UNIT DEVELOPMENT AND CERTAIN ADJACENT RESIDENTIAL SUBDIVISIONS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

Clerk to the Board Instructions:

Exhibits Attached: Ordinance

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager	Department Director / Extension Commissioner Curt Smith, District 4
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Stockton Whitten	Assistant County Manager
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Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
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Tammy.Rowe@brevardclerk.us

September 21, 2016

MEMORANDUM

TO: Commissioner Curt Smith, District 4

RE: Item VI.F.3., Legislative Intent and Permission to Advertise for Amendment to Chapter 106, Traffic and Vehicles, Article III – Golf Carts

The Board of County Commissioners, in regular session on September 20, 2016, approved legislative intent and granted permission to advertise a Code amendment of the Traffic and Vehicles Ordinance, Chapter 106, Section 106-73, related to the use of golf carts within the Suntree Planned Development boundaries and certain adjacent residential subdivisions.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

cc County Manager

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING CHAPTER 106, "TRAFFIC AND VEHICLES", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE III, "GOLF CARTS"; SPECIFICALLY AMENDING SECTION 106-73, EXPANDING THE OPERATION OF GOLF CARTS WITHIN THE BOUNDARIES OF THE SUNTREE PLANNED UNIT DEVELOPMENT AND CERTAIN ADJACENT RESIDENTIAL SUBDIVISIONS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners desires to implement an amendment to the Code of Ordinances as it relates to golf cart usage within the Suntree Planned Unit Development boundaries and within certain adjacent residential subdivisions; and

WHEREAS, the Board of County Commissioners has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions. ~~Strike through indicates deletions.~~

SECTION 1. Section 106-73, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 106-73. Operation of golf carts.

(a) The operation of any golf cart on county roads/streets/sidewalks/trails in the unincorporated area of the county is prohibited under the following conditions:

(1) Operation between the hours of sunset and sunrise except as otherwise provided for herein.

(2) Failure to equip a golf cart with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices on both the front and rear of the golf cart when operated on roads/streets, multi-use sidewalks and trails designated for golf cart use in accordance with this ordinance. Failure to equip a golf cart operated by an unlicensed driver with an efficient horn.

(3) Operation between the hours of sunset and sunrise unless the golf cart is equipped with functional headlights, brake lights, turn signals, and a windshield pursuant to F.S. § 316.212 (45)(2012) as well as the equipment specified in subsection (2) above.

(4) Failure to, in accordance with F.S. § 316.217, (2012), operate a golf cart with lighted headlights when operated between the time of sunset to sunrise and/or during conditions of rain, smoke, or fog.

(5) Operation of a golf cart by a person or operator who has not attained the age as stipulated in F.S. § 316.121.

(6) In violation of state or county traffic regulations.

(7) On bicycle paths, ped-ways, or sidewalks; however, golf carts may be operated up to a maximum speed of 15 miles per hour on multi-use sidewalks and trails, as defined in section 106-72 herein, designated for use by golf carts as provided for herein.

(8) Transporting more passengers than the number of passengers which the golf cart was designed to carry or transporting any passenger who is not seated in a position intended by the golf cart manufacturer to carry a passenger.

(9) Operation of a golf cart on any county road/street, sidewalk or trail in the unincorporated area which the county has not designated for the use or operation of golf carts, as provided for herein, is prohibited.

(b) Golf carts operated in compliance with subsection (a) above, shall be allowed to operate upon the streets, roads, multi-use sidewalks and trails designated for operation as follows:

(1) All roads/streets within the Sherwood Estates Subdivision.

a. North Carpenter Road shall not be a designated road/street except that North Carpenter Road may be crossed at designated crossings.

(2) There are no designated roads/streets in the Savannahs at Sykes Creek Subdivision, except that Savannahs Trail may be crossed at the designated crossing for golf carts located approximately 100 feet south of the entrance to the subdivision.

(3) All roads/streets, multi-use sidewalks and paved trails permitting golf cart use as indicated by appropriate signage within the boundaries of the Viera Development of Regional Impact except in the drive lanes of the following roadways as set out in subsection a. through k. below:

a. Murrell Road shall not be a designated road/street, except that Murrell Road may be crossed at any signalized intersection and at designated pedestrian crossings.

b. Stadium Parkway shall not be a designated road/street, except that Stadium Parkway may be crossed at any signalized intersection and at designated pedestrian crossings.

c. Tavistock Drive shall not be a designated road/street, except that Tavistock Drive may be crossed at designated pedestrian crossings.

d. Judge Fran Jamieson Way shall not be a designated road/street, except that Judge Fran Jamieson Way may be crossed at any signalized intersection and at designated pedestrian crossings.

e. Lake Andrew Drive shall not be a designated road/street, except that Lake Andrew Drive may be crossed at any signalized intersection and at designated pedestrian crossings.

f. Viera Boulevard shall not be a designated road/street, except that Viera Boulevard may be crossed at any signalized intersection and at designated pedestrian crossings. Notwithstanding any other definitions of this ordinance; no portion of a street, road, multi-use sidewalk or trail within the I-95/Viera Boulevard interchange shall be designated for golf cart usage.

g. Wickham Road shall not be a designated road/street, except that Wickham Road may be crossed at any signalized intersection and at designated pedestrian crossings.

h. Pineda Causeway Extension shall not be a designated road/street, except that Pineda Causeway Extension may be crossed at any signalized intersection and at designated pedestrian crossings.

i. Notwithstanding any other provision of this Section, a golf cart shall not be operated upon any road/street within the Viera Development of Regional Impact (1) having a posted speed limit in excess of 30 miles per hour; or (2) identified by County as an arterial or collector roadway unless otherwise authorized by the county manager.

j. A golf cart operated within the Viera Development of Regional Impact upon a road/street with a posted speed limit of 30 miles per hour or less may, for the sole purpose of continuing travel along such road/street, be operated across an intersecting roadway with a posted speed limit in excess of 30 miles per hour but not exceeding 35 miles per hour, provided that such intersection is signalized. For crossing all other non-signalized intersections or at designated pedestrian crossings, the golf cart must utilize the designated crosswalk yielding to pedestrians and all handicapped/disabled mobility aids.

k. Golf carts shall remain on designated interior park road ways unless otherwise authorized by the Parks and Recreation Department pursuant to sec. 78-123.

(4) Except as limited herein, all roads/streets and trails located within the ~~individual residential subdivisions of the~~ Suntree Planned Unit Development (PUD) ~~including Inverness Avenue and~~ within the Vizcaya, Sawgrass, Suntree Estates, and St. Andrews Isles residential subdivisions adjacent to the Suntree PUD.

a. Jordan Blass Boulevard between St. Andrews Boulevard to the pedestrian crossing located on Jordan Blass Boulevard adjacent to the northwest corner of the Suntree Elementary school

property shall be a designated road. Jordan Blass Boulevard east of the pedestrian crossing, located as described, to Wickham Road shall not be a designated road.

~~b. Interlachen Road, Jordan Blass Boulevard (as above), and North and South Pinehurst shall be designated roads except that operation of golf carts upon Interlachen Road, Jordan Blass Drive, and North and South Pinehurst Drive for any other purpose than to drive the most direct route between the operator's home and the golf course/clubhouse both of which shall be located within the Suntree PUD, or between the operator's home and Suntree Elementary School both of which shall be located within the Suntree PUD, is prohibited.~~

~~e. St. Andrews Boulevard shall be a designated road except that operation of golf carts for any other purpose than to drive the most direct route between the operator's home located in the Suntree PUD or the Sawgrass, St. Andrews Isle, or Vizeaya subdivisions and the golf course/clubhouse, or the most direct route between the operator's home located in the Suntree PUD or the Sawgrass, St. Andrews Isle, or Vizeaya subdivisions and Suntree Elementary School, is prohibited.~~

b. Wickham Road shall not be a designated road/street, except that Wickham Road may be crossed at the designated pedestrian crossing located at Wickham Road and North Pinehurst Avenue.

(5) All roads and streets within the Barefoot Bay subdivision, except as set out in subsection a. below:

a. Micco Road shall not be a designated road/street, except that Micco Road may be crossed at designated pedestrian crossings located at the Micco Road and Sebastian Road and at Micco Road and East Drive.

b. That part of Barefoot Boulevard located east of the Barefoot Bay subdivision to the intersection of Barefoot Boulevard and the driveway entrance to the shopping area at 7960 U.S. Highway 1, Sebastian, Florida, shall be a designated road/street.

(6) Ron Beatty Boulevard, extending from Barefoot Boulevard south to Micco Road, shall be a designated road/street.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 5. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 6. Inclusion in Code. 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 Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this 20 day of September, 2016.

ATTEST:



Scott Ellis, Clerk of Court

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

By 

Jim Barfield, Chairman
(As approved by the Board on Sept. 20, 2016.)

copy

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DEPT/OFFICE:	Commissioner Curt Smith, District 4

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Summary Explanation & Background:
The Suntree Master Homeowners Association has voted to request an amendment to Chapter 106, Traffic and Vehicles, Article III – Golf Carts, Brevard County Code of Ordinances. Said amendment would allow the usage of golf carts on all roads/streets within the Suntree Planned Unit Development boundaries and in all residential subdivisions within the Suntree Master Homeowners Association.

Currently, golf carts are only permitted to use the major thoroughfares within the PUD for the purpose of accessing the Suntree County Club or Suntree Elementary School.

It is requested legislative intent and permission to advertise a code change to implement an amendment to the existing Code to allow the usage of golf carts on all roads/streets within the Suntree Planned Unit Development boundaries and within certain subdivisions as described below.

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Clerk to the Board Instructions:

Exhibits Attached: Ordinance

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager	Department Director / Extension Commissioner Curt Smith, District 4
Stockton Whitten	Assistant County Manager	

copy

ORDINANCE NO. 2016-_____

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WHEREAS, the Board of County Commissioners desires to implement an amendment to the Code of Ordinances as it relates to golf cart usage within the Suntree Planned Unit Development boundaries and within certain adjacent residential subdivisions; and

WHEREAS, the Board of County Commissioners has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions. ~~Strike through indicates deletions.~~

SECTION 1. Section 106-73, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 106-73. Operation of golf carts.

(a) The operation of any golf cart on county roads/streets/sidewalks/trails in the unincorporated area of the county is prohibited under the following conditions:

- (1) Operation between the hours of sunset and sunrise except as otherwise provided for herein.
- (2) Failure to equip a golf cart with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices on both the front and rear of the golf cart when operated on roads/streets, multi-use sidewalks and trails designated for golf cart use in accordance with this ordinance. Failure to equip a golf cart operated by an unlicensed driver with an efficient horn.

(3) Operation between the hours of sunset and sunrise unless the golf cart is equipped with functional headlights, brake lights, turn signals, and a windshield pursuant to F.S. § 316.212 (45)(2012) as well as the equipment specified in subsection (2) above.

(4) Failure to, in accordance with F.S. § 316.217, (2012), operate a golf cart with lighted headlights when operated between the time of sunset to sunrise and/or during conditions of rain, smoke, or fog.

(5) Operation of a golf cart by a person or operator who has not attained the age as stipulated in F.S. § 316.121.

(6) In violation of state or county traffic regulations.

(7) On bicycle paths, ped-ways, or sidewalks; however, golf carts may be operated up to a maximum speed of 15 miles per hour on multi-use sidewalks and trails, as defined in section 106-72 herein, designated for use by golf carts as provided for herein.

(8) Transporting more passengers than the number of passengers which the golf cart was designed to carry or transporting any passenger who is not seated in a position intended by the golf cart manufacturer to carry a passenger.

(9) Operation of a golf cart on any county road/street, sidewalk or trail in the unincorporated area which the county has not designated for the use or operation of golf carts, as provided for herein, is prohibited.

(b) Golf carts operated in compliance with subsection (a) above, shall be allowed to operate upon the streets, roads, multi-use sidewalks and trails designated for operation as follows:

(1) All roads/streets within the Sherwood Estates Subdivision.

a. North Carpenter Road shall not be a designated road/street except that North Carpenter Road may be crossed at designated crossings.

(2) There are no designated roads/streets in the Savannahs at Sykes Creek Subdivision, except that Savannahs Trail may be crossed at the designated crossing for golf carts located approximately 100 feet south of the entrance to the subdivision.

(3) All roads/streets, multi-use sidewalks and paved trails permitting golf cart use as indicated by appropriate signage within the boundaries of the Viera Development of Regional Impact except in the drive lanes of the following roadways as set out in subsection a. through k. below:

a. Murrell Road shall not be a designated road/street, except that Murrell Road may be crossed at any signalized intersection and at designated pedestrian crossings.

b. Stadium Parkway shall not be a designated road/street, except that Stadium Parkway may be crossed at any signalized intersection and at designated pedestrian crossings.

- c. Tavistock Drive shall not be a designated road/street, except that Tavistock Drive may be crossed at designated pedestrian crossings.
- d. Judge Fran Jamieson Way shall not be a designated road/street, except that Judge Fran Jamieson Way may be crossed at any signalized intersection and at designated pedestrian crossings.
- e. Lake Andrew Drive shall not be a designated road/street, except that Lake Andrew Drive may be crossed at any signalized intersection and at designated pedestrian crossings.
- f. Viera Boulevard shall not be a designated road/street, except that Viera Boulevard may be crossed at any signalized intersection and at designated pedestrian crossings. Notwithstanding any other definitions of this ordinance; no portion of a street, road, multi-use sidewalk or trail within the I-95/Viera Boulevard interchange shall be designated for golf cart usage.
- g. Wickham Road shall not be a designated road/street, except that Wickham Road may be crossed at any signalized intersection and at designated pedestrian crossings.
- h. Pineda Causeway Extension shall not be a designated road/street, except that Pineda Causeway Extension may be crossed at any signalized intersection and at designated pedestrian crossings.
- i. Notwithstanding any other provision of this Section, a golf cart shall not be operated upon any road/street within the Viera Development of Regional Impact (1) having a posted speed limit in excess of 30 miles per hour; or (2) identified by County as an arterial or collector roadway unless otherwise authorized by the county manager.
- j. A golf cart operated within the Viera Development of Regional Impact upon a road/street with a posted speed limit of 30 miles per hour or less may, for the sole purpose of continuing travel along such road/street, be operated across an intersecting roadway with a posted speed limit in excess of 30 miles per hour but not exceeding 35 miles per hour, provided that such intersection is signalized. For crossing all other non-signalized intersections or at designated pedestrian crossings, the golf cart must utilize the designated crosswalk yielding to pedestrians and all handicapped/disabled mobility aids.
- k. Golf carts shall remain on designated interior park road ways unless otherwise authorized by the Parks and Recreation Department pursuant to sec. 78-123.
- (4) Except as limited herein, all roads/streets and trails located within the ~~individual residential subdivisions of the~~ Suntree Planned Unit Development (PUD) ~~including Inverness Avenue~~ and within the Vizcaya, Sawgrass, Suntree Estates, and St. Andrews Isles residential subdivisions adjacent to the Suntree PUD.
- a. Jordan Blass Boulevard between St. Andrews Boulevard to the pedestrian crossing located on Jordan Blass Boulevard adjacent to the northwest corner of the Suntree Elementary school

property shall be a designated road. Jordan Blass Boulevard east of the pedestrian crossing, located as described, to Wickham Road shall not be a designated road.

~~b. Interlachen Road, Jordan Blass Boulevard (as above), and North and South Pinehurst shall be designated roads except that operation of golf carts upon Interlachen Road, Jordan Blass Drive, and North and South Pinehurst Drive for any other purpose than to drive the most direct route between the operator's home and the golf course/clubhouse both of which shall be located within the Suntree PUD, or between the operator's home and Suntree Elementary School both of which shall be located within the Suntree PUD, is prohibited.~~

~~e. St. Andrews Boulevard shall be a designated road except that operation of golf carts for any other purpose than to drive the most direct route between the operator's home located in the Suntree PUD or the Sawgrass, St. Andrews Isle, or Vizcaya subdivisions and the golf course/clubhouse, or the most direct route between the operator's home located in the Suntree PUD or the Sawgrass, St. Andrews Isle, or Vizcaya subdivisions and Suntree Elementary School, is prohibited.~~

b. Wickham Road shall not be a designated road/street, except that Wickham Road may be crossed at the designated pedestrian crossing located at Wickham Road and North Pinehurst Avenue.

(5) All roads and streets within the Barefoot Bay subdivision, except as set out in subsection a. below:

a. Micco Road shall not be a designated road/street, except that Micco Road may be crossed at designated pedestrian crossings located at the Micco Road and Sebastian Road and at Micco Road and East Drive.

b. That part of Barefoot Boulevard located east of the Barefoot Bay subdivision to the intersection of Barefoot Boulevard and the driveway entrance to the shopping area at 7960 U.S. Highway 1, Sebastian, Florida, shall be a designated road/street.

(6) Ron Beatty Boulevard, extending from Barefoot Boulevard south to Micco Road, shall be a designated road/street.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 5. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 6. Inclusion in Code. 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 Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this 20 day of September, 2016.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk of Court

By _____
Jim Barfield, Chairman
(As approved by the Board on Sept. 20, 2016.)