

Meeting Date
August 5, 2014



AGENDA	
Section	New Business
Item No.	V F 1

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Chapter 106, Article III, Brevard County Code of Ordinances – Golf Cart Use
DEPT/OFFICE:	Citizen Request by The Viera Company, 7380 Murrell Road, Suite 201, Viera, Florida

Requested Action:

The Viera Company requests that the Board of County Commissioners direct Staff to evaluate specific amendments to Brevard County’s Golf Cart Ordinance proposed by The Viera Company to appropriately regulate the use of golf carts within the Viera DRI; and, with input from The Viera Company, finalize such amendments to the Golf Cart Ordinance for submittal to the Board of County Commissioners for consideration and adoption.

Summary Explanation & Background:

The current Golf Cart Ordinance expressly addresses the Viera DRI and generally allows golf carts to operate on internal subdivision streets and authorizes golf carts to cross collector roads and arterials at specific locations. However, the ordinance prohibits golf carts from operating on (1) most collector roads and arterials and (2) sidewalks, making it impossible to lawfully travel by golf cart from a subdivision to other locations within the Viera DRI – even though county signs at various locations within the Viera DRI allow golf carts to cross collectors and arterials from sidewalks.

In 2011, the Florida legislature amended the State Uniform Traffic Control Law to allow local governments to enact ordinances authorizing golf cart operation on sidewalks adjacent to municipal streets, county roads and state highways within a local government’s jurisdiction. In addition, the Florida Department of Transportation Traffic Engineering Manual, revised January 2012, now contains criteria and guidelines for operating golf carts on sidewalks.

Golf cart use in the Viera DRI has become common and is increasing rapidly in response to rising gasoline prices and the perception that golf carts are economical, convenient, low maintenance and environmentally friendly. Under the current ordinance, however, there is confusion over where and how golf carts may be lawfully operated leading to widespread disregard of the ordinance and reluctance by law enforcement to actively enforce it. As a result, the current ordinance fails to appropriately regulate golf carts in the Viera DRI which indirectly promotes unlawful and unsafe golf cart use.

Therefore, The Viera Company proposes the following amendments to the Golf Cart Ordinance limited to the Viera DRI:

1. Prohibit golf carts from operating on all arterials, collectors and roads having a speed limit exceeding 30mph.
2. Authorize golf carts to operate on designated multi-use sidewalks which meet FDOT criteria, including having a minimum width of 8’;
3. Authorize golf carts to cross collector roads and arterials from designated multi-use sidewalks at signalized intersections and any designated pedestrian crossing.
4. Limit golf cart speeds to 15 mph on multi-use sidewalks and restrict passengers to seated positions intended by the manufacturer.
5. All signs designating golf cart use shall be maintained by an entity other than the County.

Contact: Jay A. Decator III, Corporate Counsel, The Viera Company; Ph - 321-242-1200; Email: jay.decator@duda.com

Clerk to the Board instruction:

Exhibits Attached: (1) Discussion Draft of Amended Ordinance in Legislative Format (showing additions and deletions); (2) Discussion Draft of Amended Ordinance (clean version).

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

County Manager Stockton Whitten	Assistant County Manager Mel Scott	Department Director / Extension
	Assistant County Manager Venetta Valdengo	



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
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August 6, 2014

M E M O R A N D U M

TO: Mel Scott, Assistant County Manager

RE: Item V.F.1., Request by The Viera Company to Amend Chapter 106, Article III, Brevard County Code of Ordinances – Golf Cart Use

The Board of County Commissioners, in regular session on August 5, 2014, directed staff to evaluate specific amendments to the Brevard County Golf Cart Ordinance proposed by The Viera Company to regulate the use of golf carts within the Viera DRI; and, with input from The Viera Company, to finalize such amendments to the Ordinance for submittal to the Board for its consideration.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

cc: Planning and Development Director

Sec. 106-71. Legislative intent.

It is the intent of this article to permit and regulate the use of golf carts upon the roads, designated multi-use sidewalks and designated trails of the unincorporated areas of the county.

(Ord. No. 98-23, § 1, 4-21-98)

Sec. 106-72. Definitions.

~~All-terrain vehicles/off-road vehicles (ATVs)~~ shall mean those vehicles defined by F.S. § 316.2074 (1997), as may be amended from time to time.

Bicycle path shall mean any road, path, or way that is open to bicycle travel, which road, path or way is physically separated from motorized vehicular traffic (excluding golf carts) by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

County manager shall mean the individual appointed by the board of county commissioners pursuant to ~~section 2.9~~ section 2.9 of the Home Rule Charter for Brevard County to serve as county manager.

Designated pedestrian crossing shall mean that portion of a roadway at an intersection distinctly indicated as a crosswalk for pedestrian crossing by lines or other markings on the road surface.

Designated multi-use sidewalks shall mean all sidewalks approved for use by pedestrians, bicycles and golf carts and designated as such by appropriate signs, which signs shall be provided and maintained by the entity seeking additional designated multi-use sidewalks, located at each intersection of such sidewalk and any street, road, trail or other sidewalk; which multi-use sidewalks shall have a minimum un-obstructed width of eight feet, be located not less than five feet from the outside edge of the nearest traffic lane of any adjacent road or street, and have one adjoining grassed shoulder which is relatively flat and not less than four feet wide.

Designated streets or designated roads shall mean all streets or roads or portions of roads or streets upon which golf carts shall be allowed to operate; under the conditions as provided for herein, ~~which are listed in Attachment A, attached and incorporated herein by reference.~~

Golf cart shall mean a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes (reference F.S. § 316.003(68) (~~1997~~2012)). "Golf cart" shall not be construed to mean neighborhood electric vehicle.

Neighborhood electric vehicle (NEV) shall mean a self-propelled electrically powered motor vehicle which is emission free, designed to be operated at a maximum speed of 25 miles per hour, has at least four wheels in contact with the ground, has an unloaded weight of less than 1,800 pounds, is equipped with efficient brakes, headlights, brake lights, turn signals, windshield, rearview mirrors, and three-point safety belts.

Trail(s) shall mean a paved path, at least ten feet in width, which is constructed for the purpose of operation of golf carts and NEVs (as well as bicycle and pedestrian use), approved for use by golf carts and NEVs by the county manager and designated for golf cart use by appropriate signagesigns, which signs shall be provided and maintained by the entity seeking additional designated trails, located at each intersection of such trail and any street, road, sidewalk or other trail.

(Ord. No. 98-23, § 2, 4-21-98)

Sec. 106-73. Operation of golf carts.

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

(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 ~~designated~~ roads/streets, multi-use sidewalks and trails designated for golf cart use in accordance with this ordinance.

(3) Operation between the hours of sunset and sunrise unless ~~the golf cart~~ 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. § 316.212.

(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~~ section 106-72 herein, designated ~~within the Viera North PUD or for use by golf carts as designated and approved by the county traffic engineer.~~ provided for herein.

(8) ~~Carrying~~ 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)~~ (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 ~~or, 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, which signs shall be provided and maintained by the entity seeking additional designated roads/streets, multi-use sidewalks and paved trails, within the Viera ~~North Planned Unit Development (PUD), east of I-95, and abutting subdivisions, south of the city limits of Rockledge, Florida~~ Regional Impact, except as set out in subsections a. ~~and b~~ through j. below:

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

~~b. Viera Boulevard shall not be a designated road/street, except Viera Boulevard may be crossed only at designated pedestrian crossings.~~

~~(4) All roads/streets and paved trails permitting golf cart use as indicated by appropriate signage within the Central Viera PUD, west of I-95, and abutting subdivisions, south of the city limits of Rockledge, Florida except as set out in subsections a. through e. below:~~

~~a.b. Stadium Parkway shall not be a designated road/street, except that Stadium Parkway may be crossed at the designated pedestrian crossings at Viera Boulevard, at the driveway entrance of the Duran Country Club and the Duran practice range/short course; at the designated pedestrian crossings between the Harry T. and Harriet V. Moore Justice Center and the Brevard County Central Government Services Complex, and at the designated pedestrian crossing at its intersection with Wickham Road. any signalized intersection and at designated pedestrian crossings.~~

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

~~ed. 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 ~~the any signalized intersection and at~~ designated ~~location at Ivanhoe Drive.~~ pedestrian crossings.

~~df.~~ Viera Boulevard shall not be a designated road/street, except that Viera Boulevard may be crossed at ~~the designated pedestrian crossings at Stadium Parkway and at Tavistock Drive~~ any signalized intersection and at designated pedestrian crossings not within the I-95 interchange. 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.

eg. Wickham Road shall not be a designated road/street, except that Wickham Road may be crossed at ~~the any signalized intersection and at~~ designated ~~location immediately west~~ 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 the intersection of Wickham Road and Stadium Parkway. County as an arterial or collector roadway unless otherwise authorized by the county manager.

~~(5j.~~ 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 controlled by a four-way stop sign; provided, however, that a golf cart may be operated across an intersecting roadway having a posted speed limit exceeding 35 miles per hour if such intersection is controlled by a traffic signal.

(4) 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 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.

c. 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.

d. 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.

| (65) 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.

| (76) Ron Beatty Boulevard, extending from Barefoot Boulevard south to Micco Road, shall be a designated road/street.

(Ord. No. 98-23, § 3, 4-21-98; Ord. No. 02-24, § 1, 5-21-02; Ord. No. 2009-13, § 1, 4-14-09; Ord. No. 09-38, § 1, 12-15-09)

Sec. 106-71. Legislative intent.

It is the intent of this article to permit and regulate the use of golf carts upon the roads, designated multi-use sidewalks and designated trails of the unincorporated areas of the county.

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Bicycle path shall mean any road, path, or way that is open to bicycle travel, which road, path or way is physically separated from motorized vehicular traffic (excluding golf carts) by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

County manager shall mean the individual appointed by the board of county commissioners pursuant to section 2.9 of the Home Rule Charter for Brevard County to serve as county manager.

Designated pedestrian crossing shall mean that portion of a roadway at an intersection distinctly indicated as a crosswalk for pedestrian crossing by lines or other markings on the road surface.

Designated multi-use sidewalks shall mean all sidewalks approved for use by pedestrians, bicycles and golf carts and designated as such by appropriate signs, which signs shall be provided and maintained by the entity seeking additional designated multi-use sidewalks, located at each intersection of such sidewalk and any street, road, trail or other sidewalk; which multi-use sidewalks shall have a minimum un-obstructed width of eight feet, be located not less than five feet from the outside edge of the nearest traffic lane of any adjacent road or street, and have one adjoining grassed shoulder which is relatively flat and not less than four feet wide.

Designated streets or designated roads shall mean all streets or roads or portions of roads or streets upon which golf carts shall be allowed to operate under the conditions as provided for herein.

Golf cart shall mean a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes (reference F.S. § 316.003(68) (2012)). "Golf cart" shall not be construed to mean neighborhood electric vehicle.

Neighborhood electric vehicle (NEV) shall mean a self-propelled electrically powered motor vehicle which is emission free, designed to be operated at a maximum speed of 25 miles per hour, has at least four wheels in contact with the ground, has an unloaded weight of less than 1,800 pounds, is equipped with efficient brakes, headlights, brake lights, turn signals, windshield, rearview mirrors, and three-point safety belts.

Trail(s) shall mean a paved path, at least ten feet in width, which is constructed for the purpose of operation of golf carts and NEVs (as well as bicycle and pedestrian use), approved for use by golf carts and NEVs by the county manager and designated for golf cart use by appropriate signs, which signs shall be provided and maintained by the entity seeking additional designated trails, located at each intersection of such trail and any street, road, sidewalk or other trail.

(Ord. No. 98-23, § 2, 4-21-98)

Sec. 106-73. Operation of golf carts.

(a) The operation of any golf cart on county roads/streets/sidewalks/trail 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.

(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(5)(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. § 316.212.

(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, which signs shall be provided and maintained by the entity seeking additional designated roads/streets, multi-use sidewalks and paved trails, within the Viera Development of Regional Impact, except as set out in subsections a. through j. 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 not within the I-95 interchange. 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 the 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 controlled by a four-way stop sign; provided, however, that a golf cart may be operated across an intersecting roadway having a posted speed limit exceeding 35 miles per hour if such intersection is controlled by a traffic signal.

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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.

c. 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.

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(Ord. No. 98-23, § 3, 4-21-98; Ord. No. 02-24, § 1, 5-21-02; Ord. No. 2009-13, § 1, 4-14-09; Ord. No. 09-38, § 1, 12-15-09)