ORDINANCE NO. 2010-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 26, ARTICLE II "GOLF CARTS" OF THE VILLAGE CODE OF ORDINANCES RELATING TO GOLF CART USE WITHIN THE VILLAGE; AMENDING SECTION 30-184 "AMOUNT OF REQUIRED OFF-STREET PARKING" RELATING TO GOLF CART PARKING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council adopted Ordinance 2009-4 that created the Golf Cart Safety Board (the "Board") for the purpose of providing recommendations to the Village Council and Village Manager regarding golf cart safety practices; and

WHEREAS, during the last year, the Board met several times to analyze and evaluate the current golf cart regulations within the Village as well as to identify capital improvements and regulations that can be made in order to provide for the efficient and safe circulation, use and operation of golf carts within the Village; and

WHEREAS, on September 1, 2009, the Village Council adopted the Golf Cart/Pedestrian/Bicycle Fernwood Road and Commercial Property Safety and Access Plan, dated August 24, 2009, attached as Exhibit "A" (the "Plan"); and

WHEREAS, on January 12, 2010, the Village Council directed the Village Manager or designee to draft an ordinance to implement the regulatory changes recommended by the Plan; and

WHEREAS, the Village Council, sitting as the Local Planning Agency, has reviewed this Ordinance and has recommended approval; and

WHEREAS, the Village Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS[1]:

Section 1. The preceding "Whereas" clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Amendment to Article II of Chapter 26 of the Village Code. Article II "Golf Carts" of Chapter 26 of the Village Code of Ordinances is hereby amended to read as follows:

ARTICLE II. GOLF CARTS

Sec. 26-21. Legislative intent.

It is the intent of this article to permit and regulate the use of Golf Carts within the Designated Streets of the Village, during non-restricted hours by licensed drivers operating Golf Carts which have passed a safety inspection.

Sec. 26-22. Definitions.

Designated Streets. All streets within the Village except Crandon Boulevard.

Golf Cart. A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes as defined in F.S. ch. 316.003(68).

Permit. An official authorization designating that the Golf Cart to which the authorization is affixed meets the requirements of state law and the Village Code.

Slow Moving Vehicles. Any vehicle designed for use and speeds less than 25 miles per hour.

Sec. 26-23. Authorized use.

(a) Licensed drivers may operate Golf Carts which have been inspected and issued Permits by the Village Police Department on all Designated Streets within the Village between sunrise and sunset.

(b) A Permit to use a Golf Cart on a Designated Street does not permit entry onto private property or semi-private property, including retail parking lots, private roads or common areas in

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[1] [1] Coding: underlined words are additions to existing text, struck through words are deletions from existing text, shaded text reflects changes made from First Reading.

condominiums. Access to these areas may be regulated by the property owners and/or property managers.

(c) Golf Carts that are intended to be leased for any amount of time or to be sold shall only be stored on property that has a Main Permitted Use of a Motel, Hotel, or a use involved in the retail sale of gasoline. The storage of the Golf Carts shall not occur within ten feet of any property line that faces a street. Golf Carts with signs shall be parked only in a C-1 Light Intensity commercial District, O-1 Low Intensity Office District, or at a hotel or motel.

Sec. 26-24. Prohibited use.

The operation in the Village of any Golf Cart in the following manner or under the following conditions is prohibited:

(1) Without a valid, current driver's license;

(2) During hours between sunset and sunrise without being equipped with headlights and a windshield;

(3) Without a valid, current Permit issued by the Village Police Department and affixed to the Golf Cart in a conspicuous location.

(4) In violation of State or County traffic regulations;

(5) Anywhere on the roadway surface of Crandon Boulevard, except to cross that thoroughfare at marked intersections or intersections regulated by a traffic signal or to travel north or south upon Crandon Boulevard solely for the purpose of reaching the immediately next intersection. The operation of Golf Carts upon Crandon Boulevard pursuant to this subsection (5) shall be subject to authorization from Metro-Dade County pursuant to F.S. § 316.212(1);

(6) On the beaches, parks, bicycle paths, sidewalks, or swales of the Village;

(7) Parking in violation of posted regulations;

(8) Obstructing or interfering with normal traffic flow; and

(9) Carrying more passengers than those for which the Golf Cart was designed.

Sec. 26-25. Inspection.

(a) Each Golf Cart shall be inspected by the Village annually.

(b) Upon submitting a completed Permit application, proof of insurance and the payment of a $15.00 application fee, the Village Police Department will schedule an inspection to ensure that the required equipment is installed and operating properly.

(c) The application fees will be deposited into the General Operating Funds of the Village.

(d) The Village Police Department shall issue a Permit to a Golf Cart which passes the inspection. The Permit shall include a registration number and be displayed in a conspicuous location on the Golf Cart.

Sec. 26-26. Required equipment.

A Golf Cart must be equipped with:

(1) Efficient brakes;

(2) Reliable steering apparatus;

(3) Safe tires;

(4) Rear view mirrors;

(5) Red reflectorized warning devices, both in the front and the rear;

(6) Rear stop lamps meeting the minimum standards of F.S. §316.234(1);

(7) Turn signals meeting the minimum standards of F.S. § 316.234(2); and

(8) Safety belts.

Sec. 26-27. Slow Moving Vehicles.

Golf Carts meeting the definition of Slow Moving Vehicle must also have a "SMV" triangular emblem attached to the Golf Cart pursuant to Metro-Dade Ordinance No. 71-94.

Sec. 26-28. Operators.

Drivers must hold a current, valid driver's license in order to operate a Golf Cart upon the streets of the Village.

Sec. 26-29. Traffic laws.

(a) Operators of Golf Carts using Designated Streets within the Village are required to observe all

traffic laws as if they were operating any other motor vehicle.

(b) While traveling on Designated Streets, operators and passengers of Golf Carts must comply with applicable State law as to the requirements and usage of safety belts and child restraint equipment.

(c) Owners and operators of Golf Carts shall comply with applicable State law pertaining to insurance requirements.

Sec. 26-30. Enforcement.

The Village Police Department shall be responsible for enforcing this article.

Section 3. Amendment to Section 30-184 of the Village Code. Section 30-184 "Amount of required off-street Parking" of the Village Code of Ordinances is hereby amended to read as follows:

Sec. 30-184. Amount of required off-street Parking.

(a) The required off-street Parking spaces shall be provided and maintained on the basis of the minimum requirements listed in this article. Golf cart parking spaces shall count towards the minimum off-street parking requirements as provided for in this article.

TABLE INSET:

Use	Required Number of Spaces	Special Conditions Additional Required Spaces
(1) Apartment Building	1.75 per Unit	Developments with more than 10 Units, then 1 additional per 5 Units, marked as guest Parking
***		
(6) Hotel or Motel	1 per Unit	Accessory Uses 65% of requirement if calculated as a Main Permitted Use. 3 golf cart spaces per 50 vehicular parking spaces shall be required.
***		
(10) Offices	1 per 300 sq. Ft.	Medical offices 1 per 250 sq. ft.3 golf cart spaces per 50 vehicular parking spaces shall be required.
***		

(14) Restaurant	1 per 4 fixed seats or 1 per 60 sq. ft. of Floor Area available for seating	There shall be no Parking requirement for a sidewalk or Outdoor Cafe so long as such seating does not exceed 25% of the total seating. 1 golf cart space per 12 fixed seats shall be required.
***		
(16) Retail	1 per 250 sq. ft.	3 golf cart spaces per 50 vehicular parking spaces shall be required.
(17) Service Station	1 per 250 sq. ft. of Retail or office area	1 space per repair bay 1 space marked "reserved"
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~~(d) Uses in the C-1 District shall provide one golf cart space per 50 vehicular spaces.~~

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this ___ day of _____, 2010.

PASSED AND ADOPTED on second reading this ____ day of _____, 2010.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

EXHIBIT "A"

GOLF CART / PEDESTRIAN / BICYCLE FERNWOOD ROAD AND COMMERCIAL PROPERTY SAFETY AND ACCESS PLAN

AUGUST 24, 2009

VILLAGE OF KEY BISCAYNE

VILLAGE COUNCIL

Robert L. Vernon, Mayor
Michael W. Davey, Vice Mayor
Enrique Garcia Robert Gusman
Michael E. Kelly Jorge E. Mendia
Thomas Thornton

VILLAGE ATTORNEY

Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.A.

OFFICE OF THE VILLAGE CLERK

Conchita H. Alvarez, MMC

ADMINISTRATION

Genaro "Chip" Iglesias, Village Manager
Jud Kurlancheek, AICP, Building, Zoning, and Planning Director
Charles R. Press, Police Chief

ENGINEERING AND GRAPHICS

C3TS

GOLF CART SAFETY BOARD

Romain Bignon Michele Estevez
Jane Morris Allene Nicholson
Rafael Perez Blanco Edward Stone
Michael E. Kelly, Village Council Liaison

Golf Cart Safety Board Recommendations

The Village Council adopted Ordinance No. 2009-4 which sets forth the jurisdiction of the Board which requested recommendations related to the following areas:

1. The use and operation of golf carts
2. Capital improvements on public and private property
3. Access, parking, zoning, design bonuses for golf cart amenities

Golf Cart Safety Board
Recommended Policies

The Board held six (6) meetings from April to August 2009. During these meetings, the Board recommended the following policies:

1. Golf carts should be prohibited on Crandon Boulevard with the exception of the area from W. Mashta Drive to the entrance of the Bill Baggs Cape Florida State Recreation Area and to cross the Boulevard.

2. The Zoning and Land Development Code should be amended to require 3 golf cart spaces per 50 vehicular parking spaces.

3. Encourage golf cart access to the shopping centers and offices from Fernwood Road.

4. Encourage golf cart access from shopping center to shopping center.

5. Access referred to above should only be encouraged when it is financially and physically possible.

Golf Cart Safety Board
Recommended Policies

6. Access includes golf carts, pedestrians and bicycles.
7. When public funds are spent on private property to construct improvements, the use of such improvements by the public shall be maintained for an extended amount of time per an agreement with the property owner and the Village Manager.
8. A "stop sign" shall be placed when a pathway crosses a sidewalk.

Golf Cart Safety Board
Recommended Policies

Ordinances No. 97-2 and 97-23 regulate golf carts in the Village. The Board recommends that these ordinances be amended to include the following:

1. Golf carts should be prohibited on Crandon Boulevard with the exception of the area from W. Mashta Drive to the entrance of the Bill Baggs Cape Florida State Recreation Area and at intersections for purposes of crossing the Boulevard.

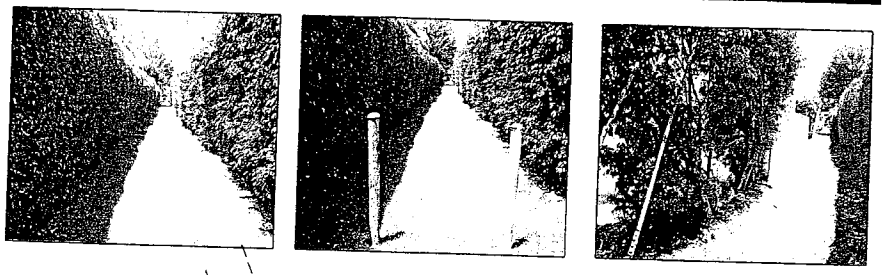
2. Children under the age of three (3) shall be prohibited from riding in a golf cart.

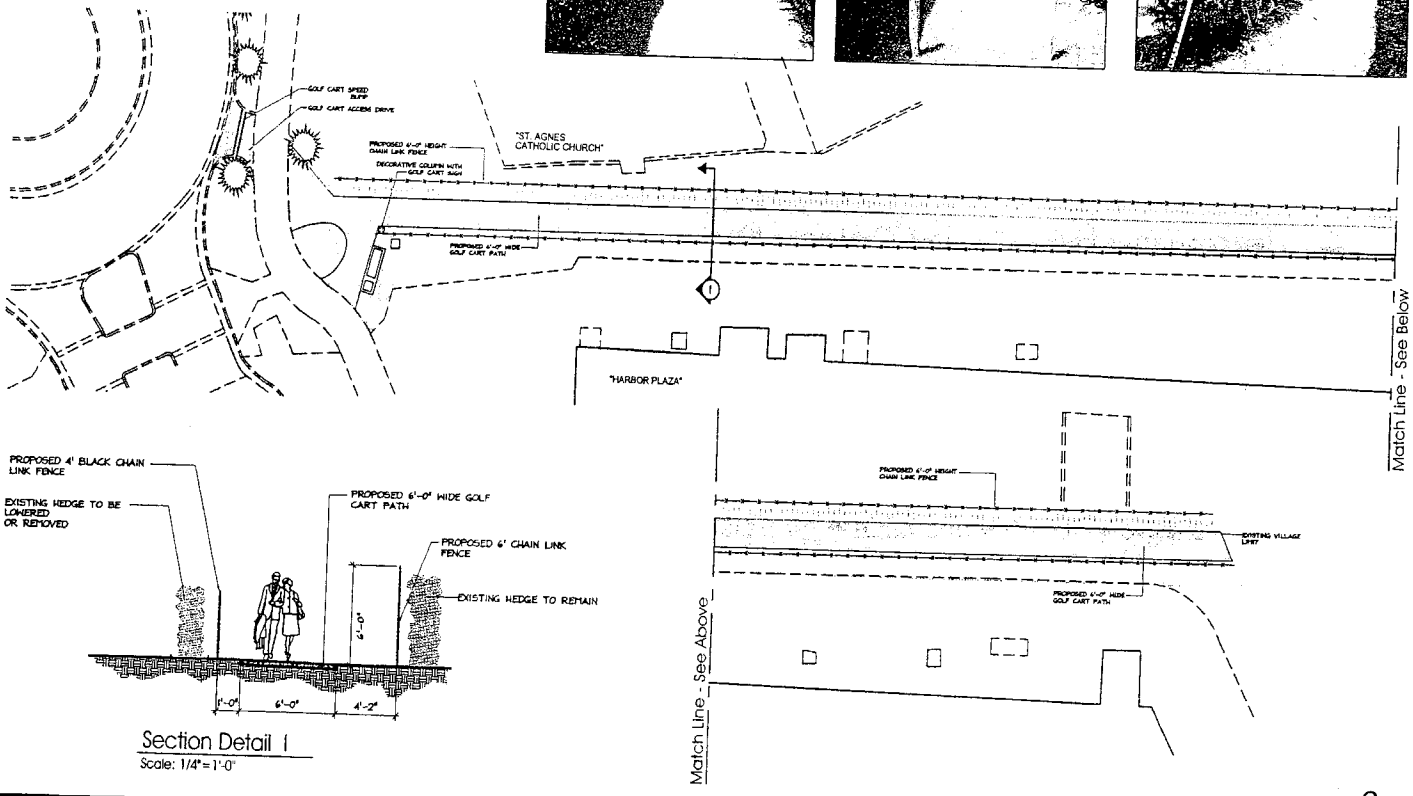
3. A large decal/plate viewable from a distance of 25 ft. shall be required to be placed on the golf cart. The decal/plate shall have the registration number that is assigned by the Police Department.

Golf Cart Safety Board
Proposed Access Points

1. St. Agnes Catholic Church/Harbor Plaza Shopping Center Easement to Calusa Park	93-100 Harbor Dr.
2. Harbor Plaza Shopping Center (7-11) to La Carreta Parking Lot	93 Harbor Dr. and 12 Crandon Blvd.
3. Fernwood Rd. at Key Executive Building	104 Crandon Blvd.
4. Fernwood Rd. at Key Colony Place	200 Crandon Blvd.
5. Fernwood Rd. at 240 Crandon Blvd. Office Building	240 Crandon Blvd.
6. 240 Crandon Blvd. Office Building to the The Square	240-260 Crandon Blvd.
7. The Square to The Galleria Shopping Centers	260-328 Crandon Blvd.
8. Fernwood Rd. to The Galeria Shopping Center	328 Crandon Blvd.
9. Fernwood Rd. to Winn-Dixie Shopping Center Parking Lot	600 Crandon Blvd
10. Key Biscayne Public Library/Sonesta Drive Golf Cart Parking Lot	299 Crandon Blvd.

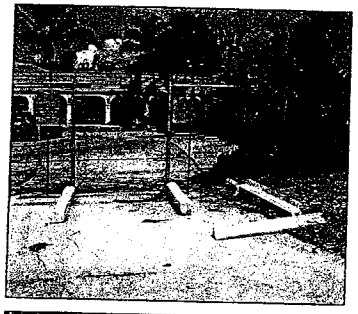
1. ST. AGNES CATHOLIC CHURCH/HARBOR PLAZA EASEMENT TO CALUSA PARK — 93-100 Harbor Drive

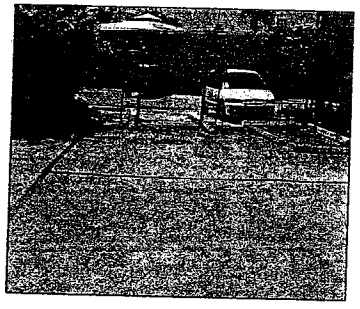


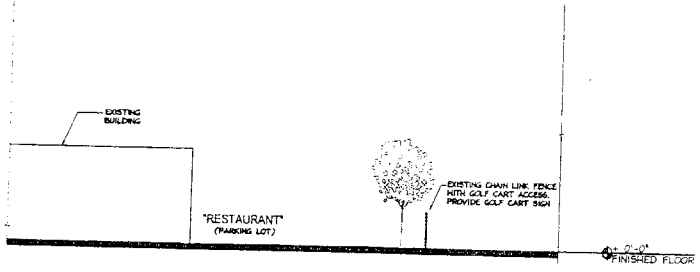


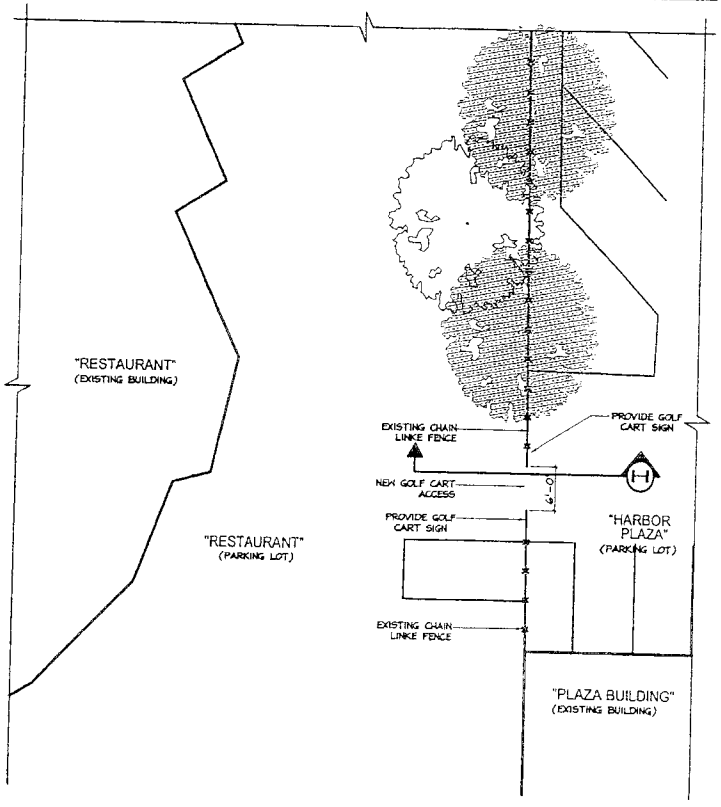
Section Detail 1
Scale: 1/4" = 1'-0"

2. HARBOR PLAZA (7-11) SHOPPING CENTER TO LA CARRETA RESTEURANT PARKING LOT | 93 Harbor Dr./12 Crandon Blvd.





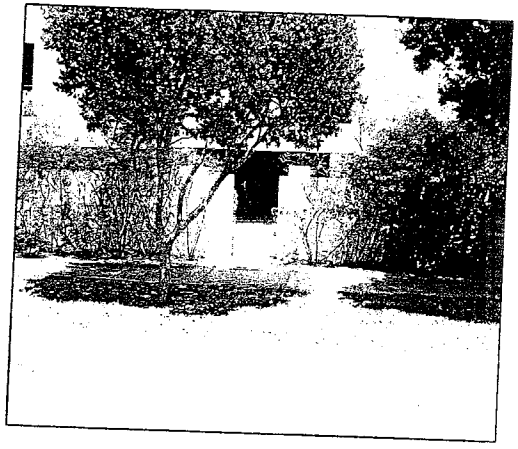


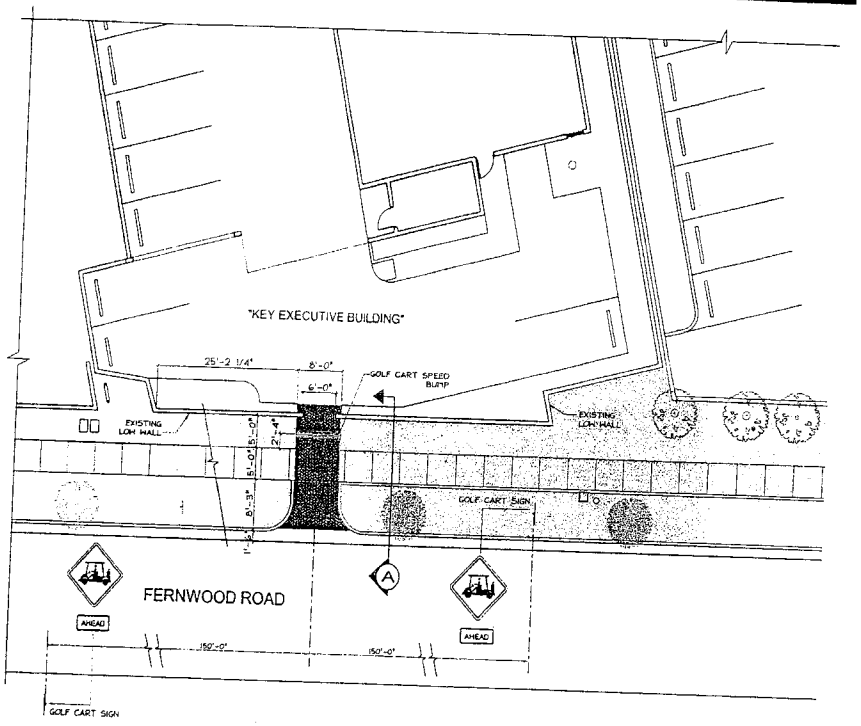


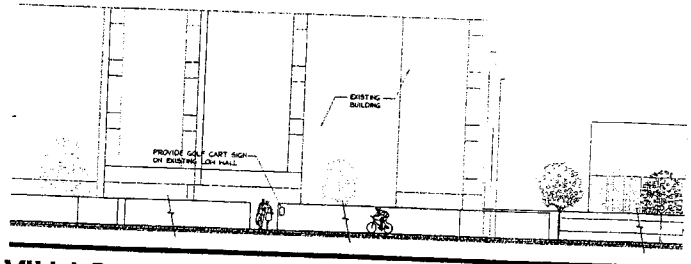
Section Detail H
Scale: 1:20

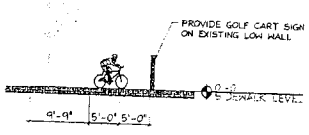
3. FERNWOOD ROAD AT KEY EXECUTIVE BUILDING

104 Crandon Blvd.





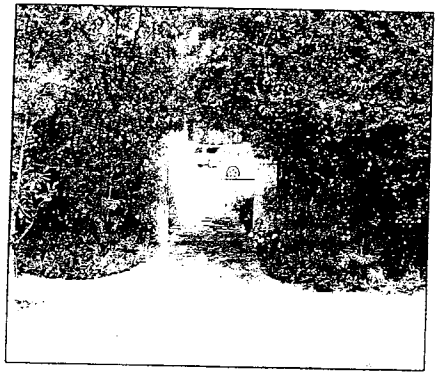


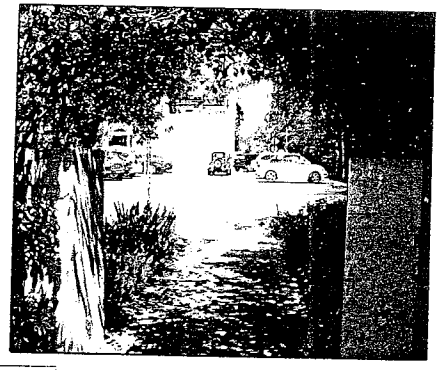


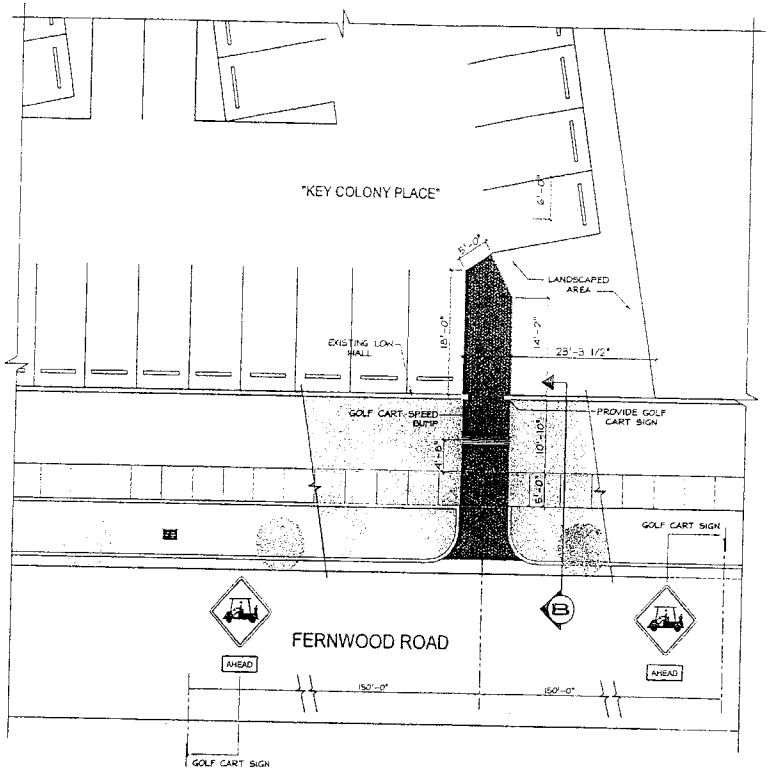
Section Detail A
Scale: 1:20

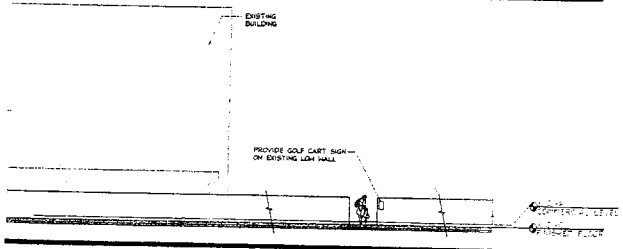
4. FERNWOOD ROAD AT KEY COLONY PLACE

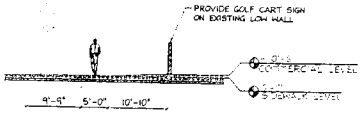
200 Crandon Boulevard











Section Detail B
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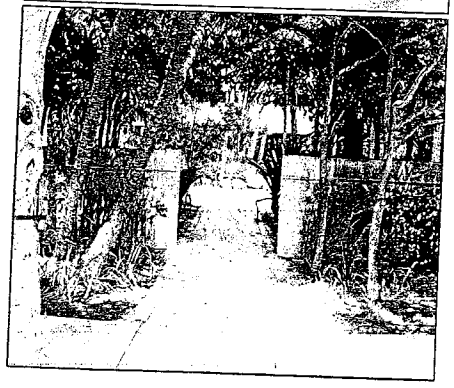
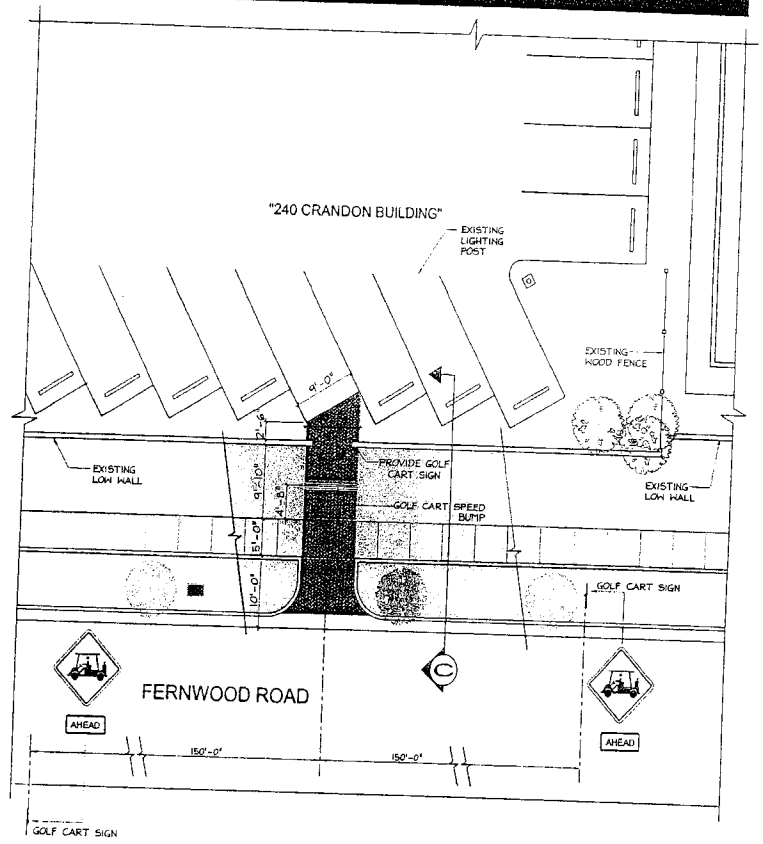
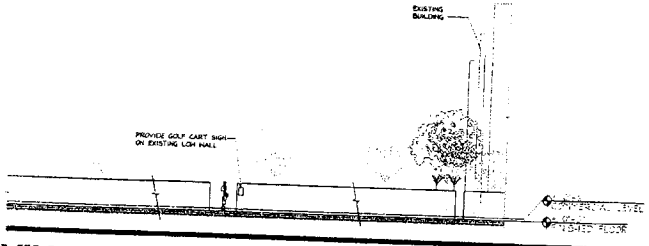
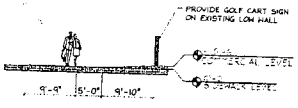
5. FERNWOOD ROAD TO 240 CRANDON BOULEVARD OFFICE BUILDING

240 Crandon Boulevard









Section Detail C
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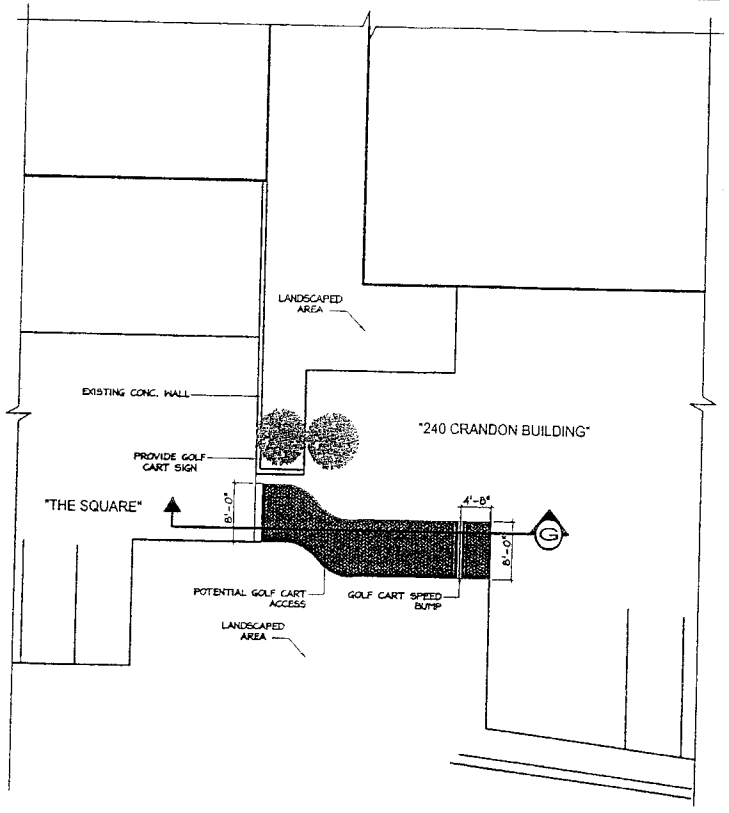
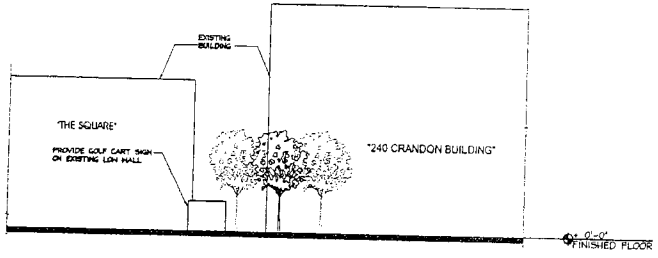
6. 240 CRANDON BLVD. OFFICE BUILDING TO THE SQUARE SHOPPING CENTER

240-260 Crandon Boulevard





Section Detail G
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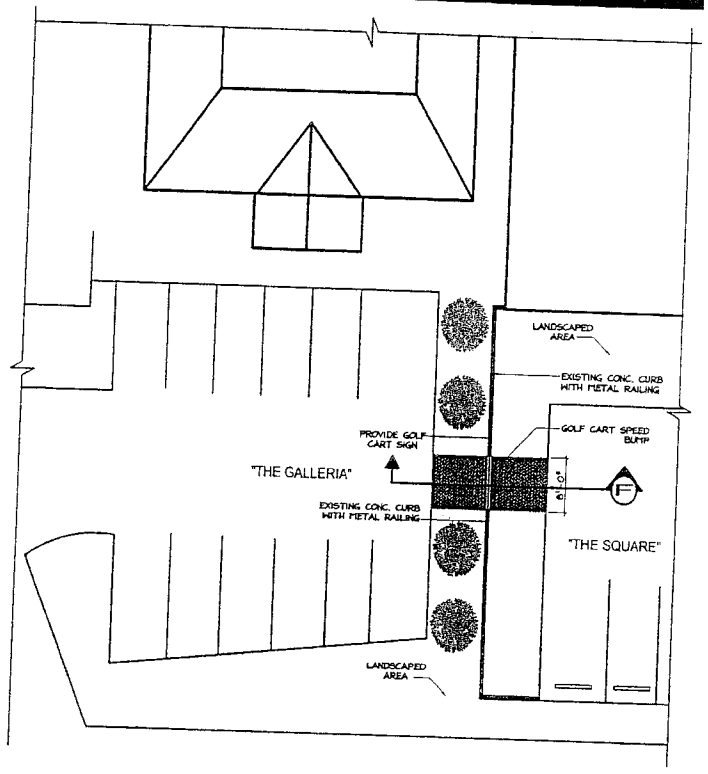
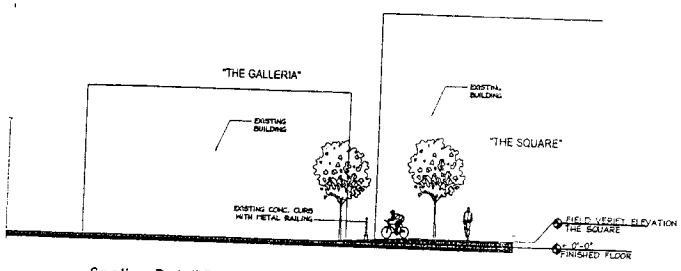
7. THE SQUARE TO THE GALLERIA SHOPPING CENTERS

260-328 Crandon Boulevard





Section Detail F
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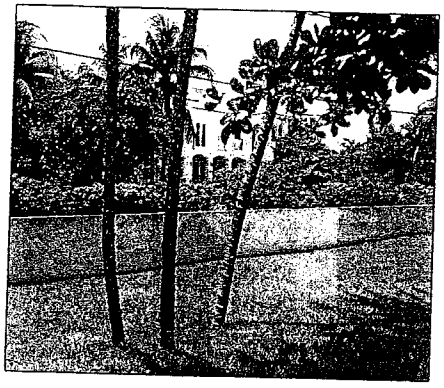
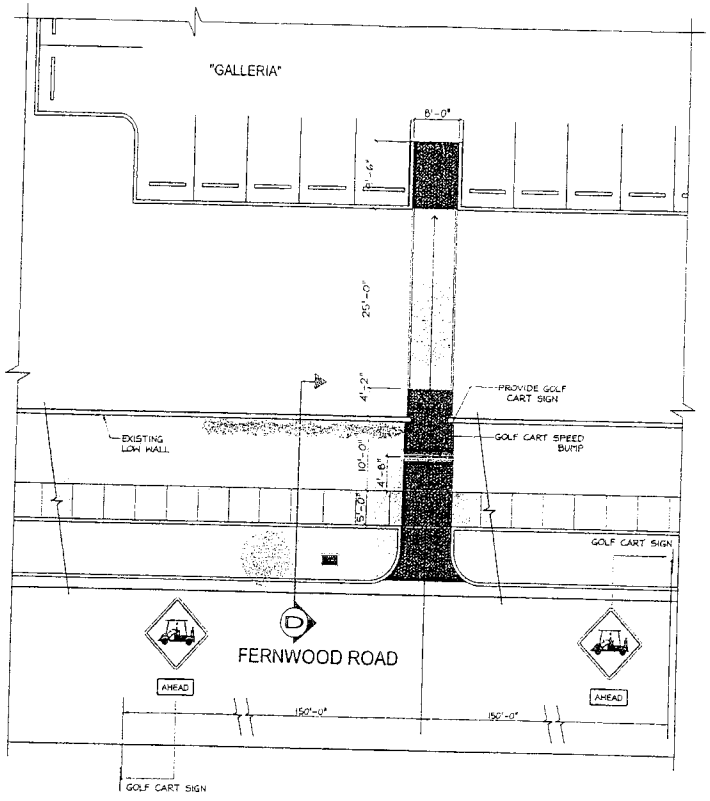
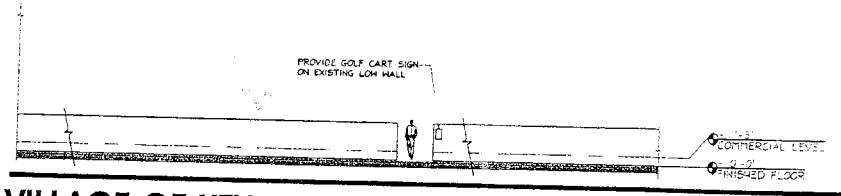
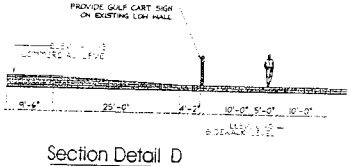
8. FERNWOOD ROAD TO THE GALLERIA SHOPPING CENTER

328 Crandon Boulevard









Section Detail D
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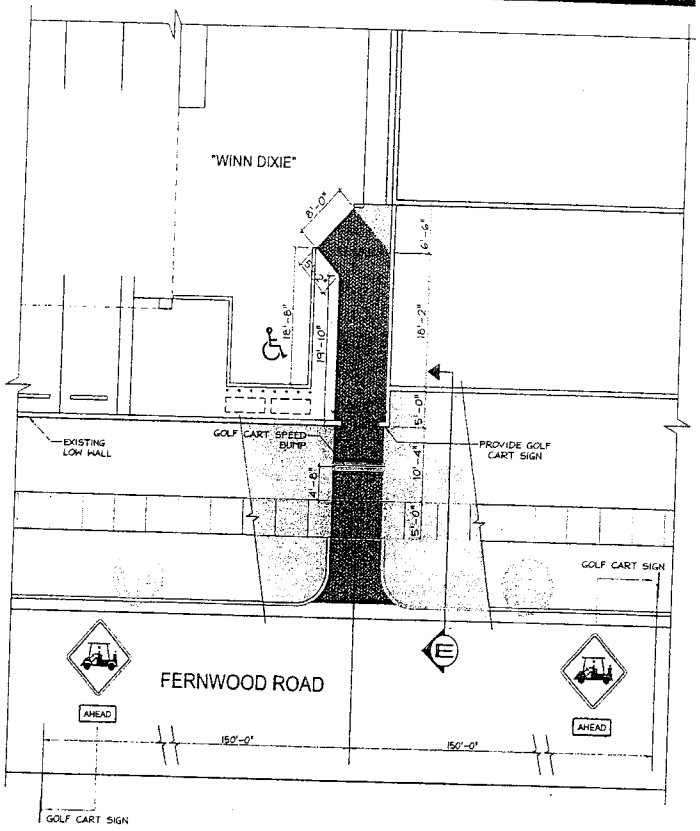
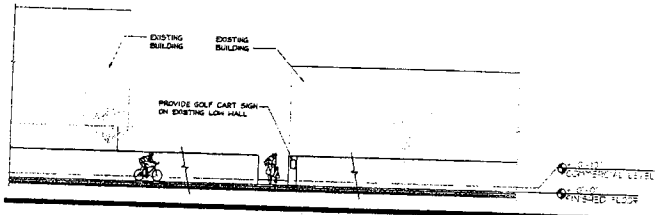
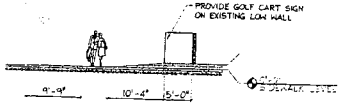
9. FERNWOOD ROAD TO THE WINN DIXIE SHOPPING CENTER PARKING LOT — 600 Crandon Boulevard

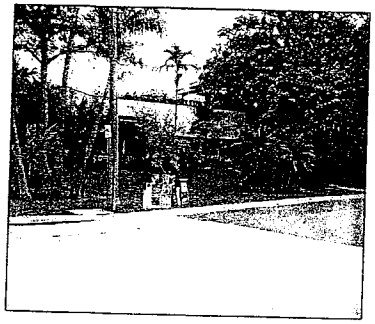


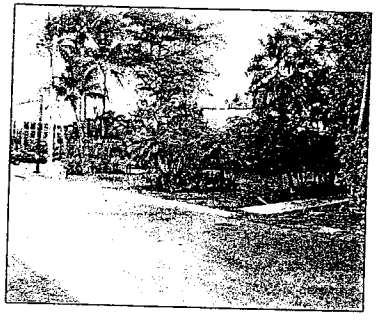


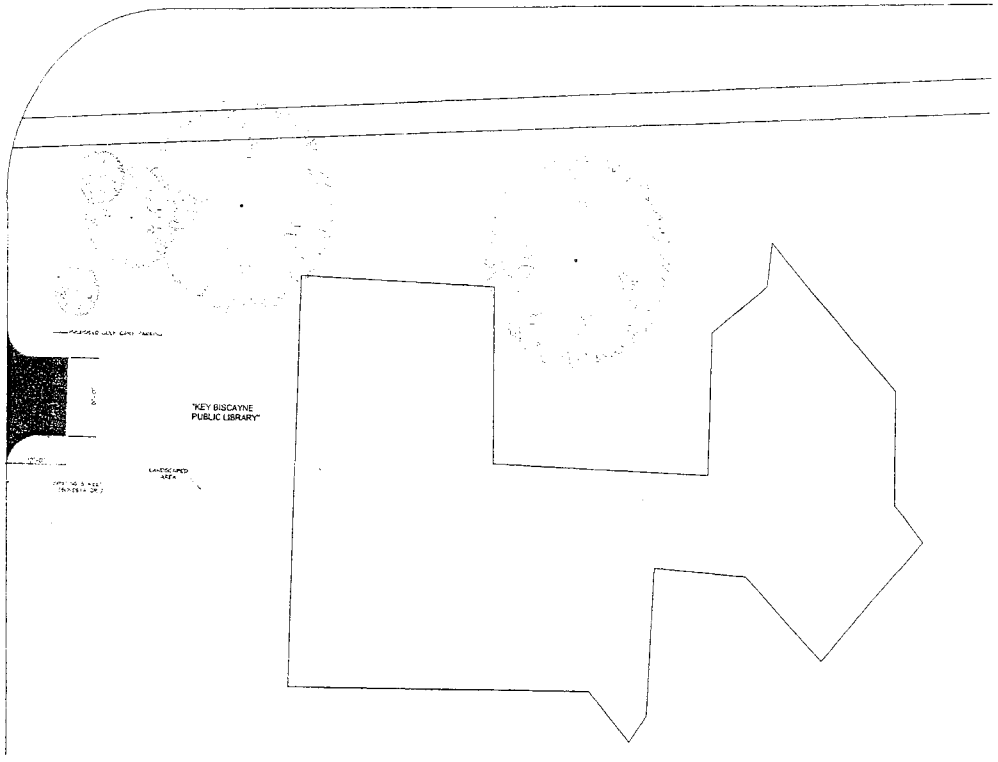


Section Detail E
Scale: 1:20

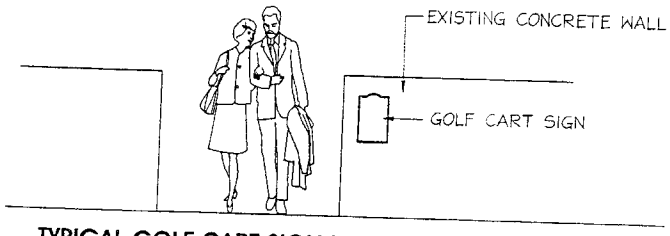
10. KEY BISCAYNE PUBLIC LIBRARY/SONESTA DRIVE GOLF CART PARKING LOT 299 Crandon Boulevard



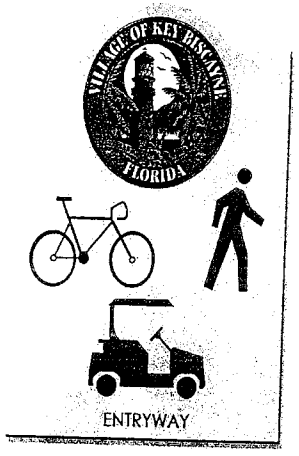


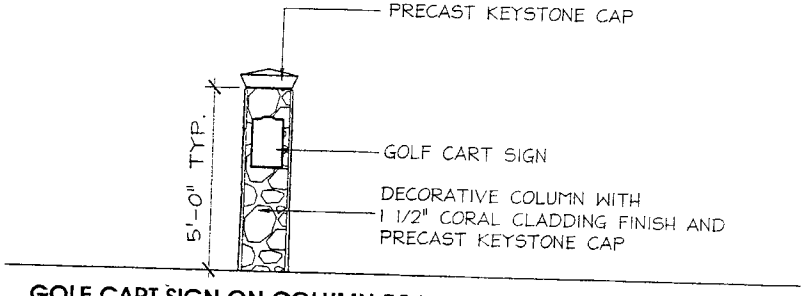


GOLF CART, PEDESTRIAN, AND BICYCLE PATH ENTRYWAY OPTIONS

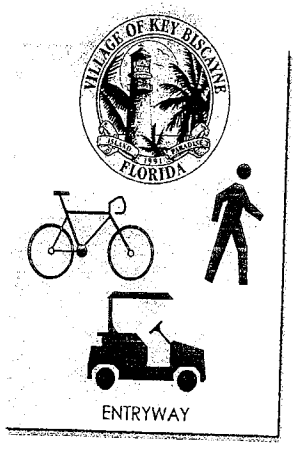


TYPICAL GOLF CART SIGN ENTRYWAY





GOLF CART SIGN ON COLUMN FOR HARBOR DRIVE
TO CALUSA PARK ACCESS



COST ESTIMATES

PROJECT LOCATION	OPTION 1 PAVERS	OPTION 2 ASPHALT
1. St. Agnes Catholic Church/Harbor Plaza Easement to Calusa Park	Part of Village Street Paving or Calusa Park Project	
2. Harbor Plaza (7-11) to La Carreta Lot	$ 250	$ 250
3. Fernwood Rd. at Key Executive Building	$ 6,000	$ 3,000
4. Fernwood Rd. at Key Colony Place	$ 500	$ 500
5. Fernwood Rd. at 240 Crandon Blvd.	$ 500	$ 500
6. 240 Crandon Blvd. to The Square	$ 1,500	$ 1,000
7. The Square to the Galleria	$ 3,000	$ 1,000
8. Fernwood Rd, to the Galleria	$ 15,000	$ 7,000
9. Fernwood Rd. to the Winn Dixie Lot	$ 9,000	$ 5,000
10. Public Library/Sonesta Drive	$ 10,000	$ 5,000
TOTAL ESTIMATED COST	$ 45,750	$ 23,250