

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 30-181 “LOCATION, CHARACTER AND SIZE OF REQUIRED PARKING SPACES” RELATING TO GOLF CART PARKING STALL SIZE; AMENDING SECTION 30-184 “AMOUNT OF REQUIRED OFF-STREET PARKING” RELATING TO GOLF CART PARKING; PROVIDING FOR NONCONFORMITY; 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 FOLLOWS¹:

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.

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.

(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 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 Miami-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 Miami-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 30-181 of the Village Code. Section 30-181 “Location, character and size of required Parking spaces” of the Village Code of Ordinances is hereby amended to read as follows:

Sec. 30-181. Location, character and size of required Parking spaces.

- (a) The off-street Parking facilities required by this article shall be located on the same Lot or parcel of land that the Use they are intended to serve is on.
- (b) Parking stall and aisle dimensions.

1. Automobile Parking Stall and Aisle Dimensions.

TABLE INSET:

Orientation to aisle	45 Degrees	60 Degrees	75 Degrees	90 Degrees
Stall width	12'	10'	9'	9'
Stall length	26.5'	23'	20'	18'
Aisle width	12'	17'	21'	22'
Bumper overhang	1.8'	2.2'	2.4'	2.5'

2. Golf Cart Parking Stall and Aisle Dimensions. The minimum dimensions for a Golf Cart parking space shall be 8 feet wide by 11 feet in length.

(r) In shopping centers with non-elevated walkways, Golf cart parking stalls shall be located in front of sidewalk cafes. One 42 inch high bollard per stall shall be located between the parking lot and the sidewalk café. The bollard shall be painted to match the primary color on the building. Shopping centers with elevated walkways are not required to meet the regulation contained in this subsection.

Section 4. 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. <u>3 Golf Cart spaces per 50 vehicular parking spaces shall be required.</u>

(10) Offices	1 per 300 sq. ft.	Medical offices 1 per 250 sq. ft. <u>3 Golf Cart spaces per 50 vehicular parking spaces shall be required.</u>

(20) Shopping Center	1 per 220 sq. ft.	No differentiation by Use. If movie theater, see requirements for places of assembly. <u>3 Golf Cart spaces per 50 vehicular parking spaces shall be required.</u>

(23) Village Civic Center	As required by the master plan and associated Parking study approved by the Village Council	<u>Golf Cart spaces may be located in the public right of way.</u>

(d) ~~Uses in the C-1 District shall provide one golf cart space per 50 vehicular spaces.~~

Section 5. Non-Conformity. All off street parking spaces or stalls, which do not conform to the amendments made by this Ordinance shall be deemed nonconforming. The owners of such nonconforming parking spaces or stalls shall be notified by the Building, Zoning, and Planning Director or designee within ninety (90) days from the effective date of this Ordinance regarding the nonconformity. In addition, within 180 days from the effective date of this Ordinance such nonconforming parking spaces or stalls shall fully comply with the provisions of this Ordinance.

Section 6. 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 7. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 8. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this 26th day of January, 2010.

PASSED AND ADOPTED on second reading this 23rd day of February, 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 Kurlancheck, 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



VILLAGE OF KEY BISCAYNE

FERNWOOD RD/COMMERCIAL ACCESS POINTS

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.

4



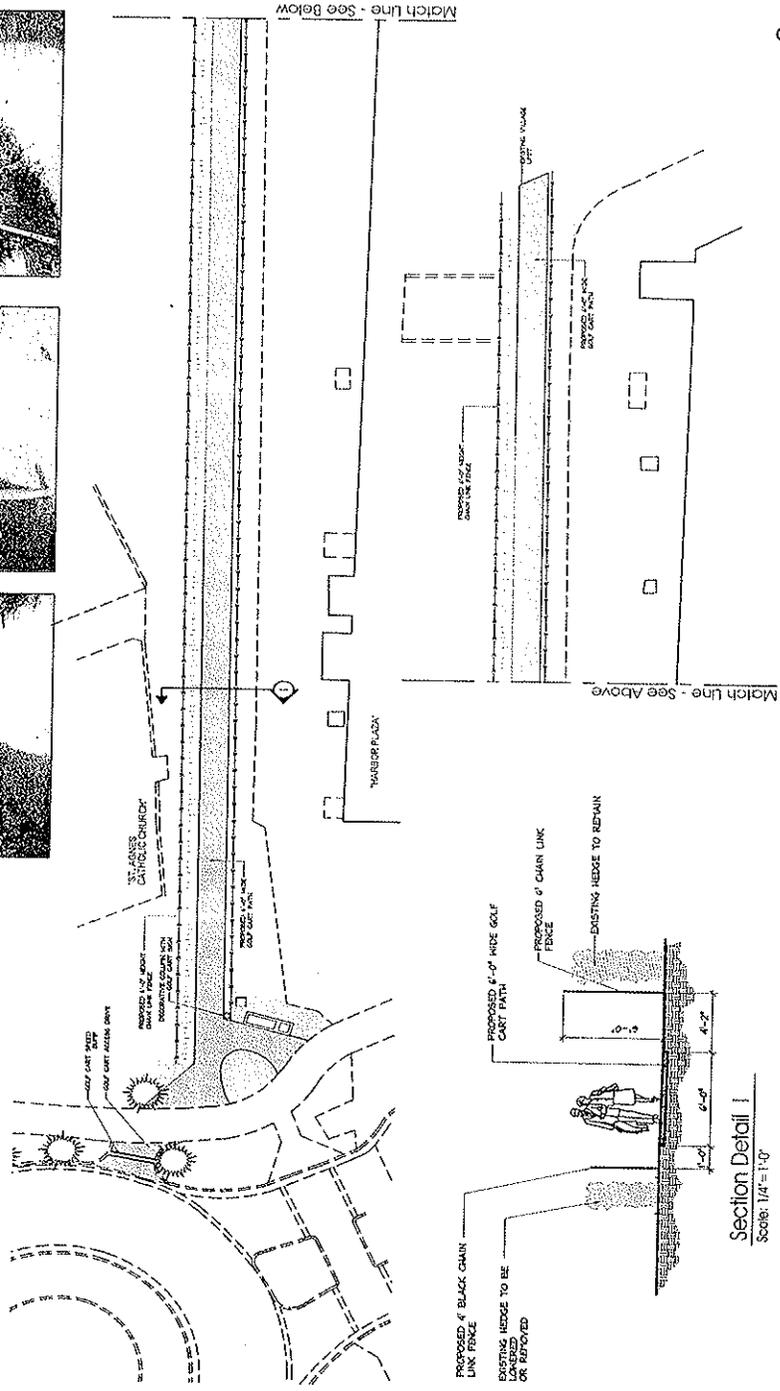
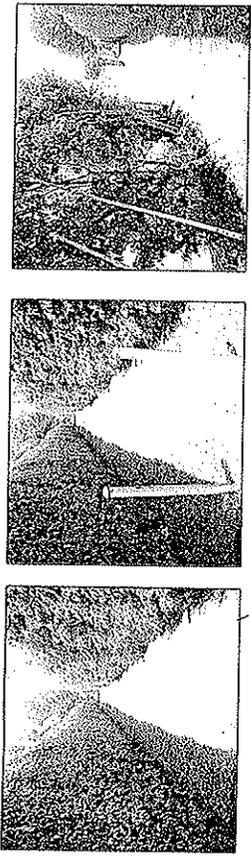
Golf Cart Safety Board

Proposed Access Points

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



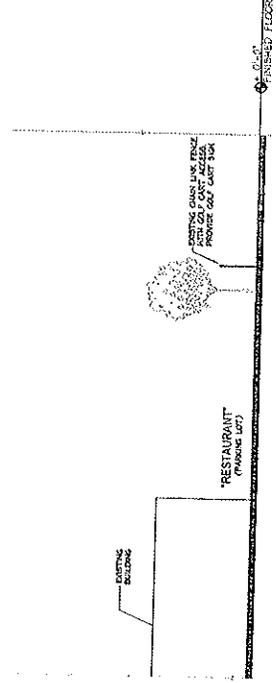
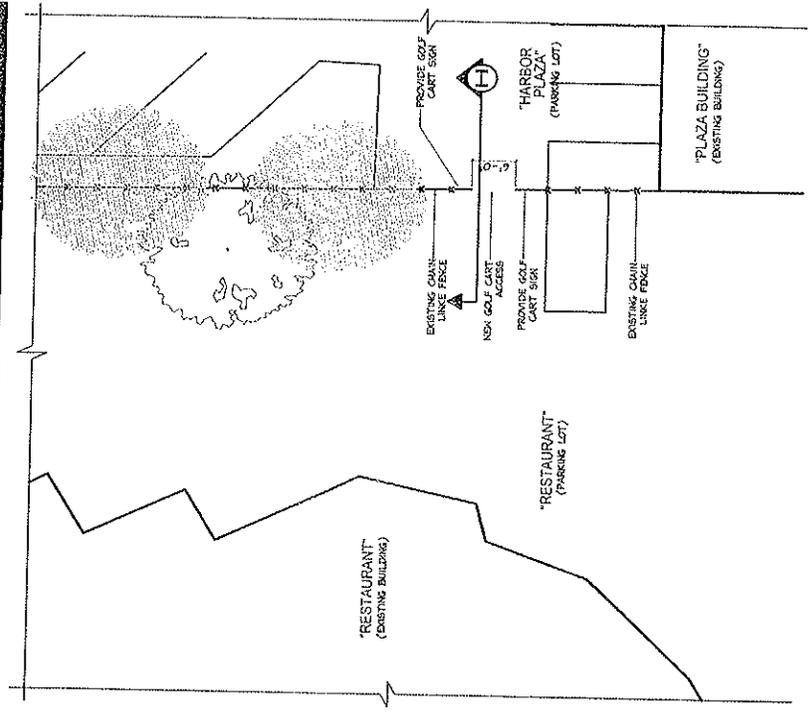
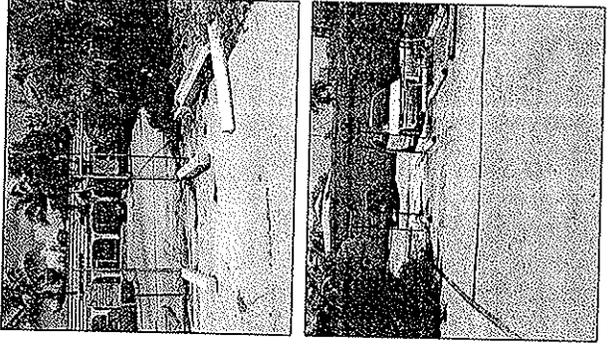
1. ST. AGNES CATHOLIC CHURCH/HARBOR PLAZA EASEMENT TO CALUSA PARK 93-100 Harbor Drive



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



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



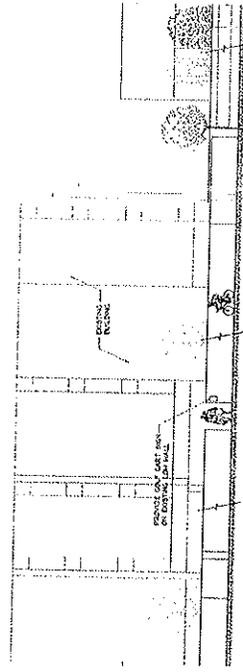
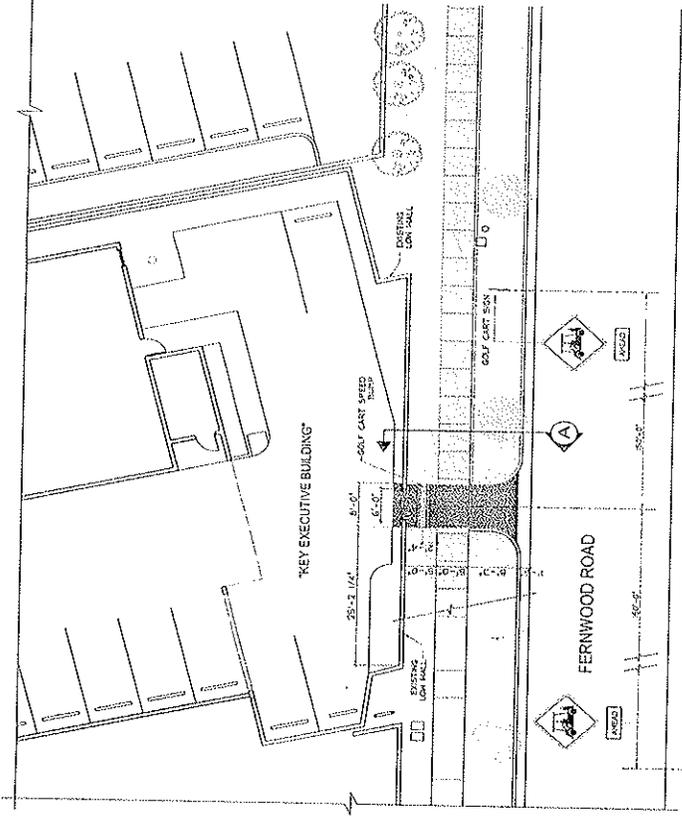
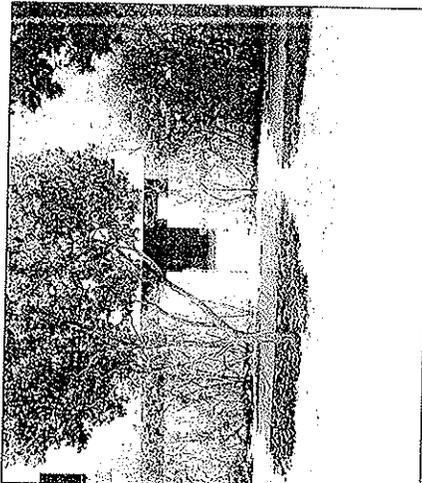
Section Detail H
Scale: 1/20



VILLAGE OF KEY BISCAIYNE FERNWOOD RD/COMMERCIAL ACCESS POINTS

FERNWOOD ROAD AT KEY EXECUTIVE BUILDING

104 Crandon Blvd

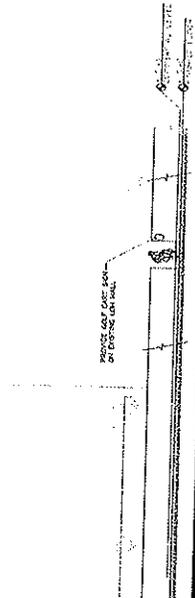
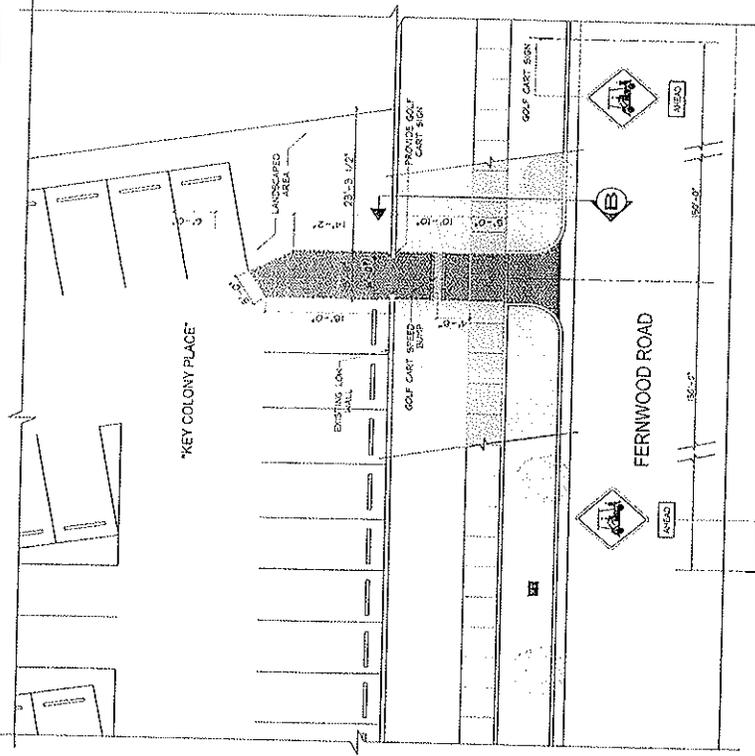
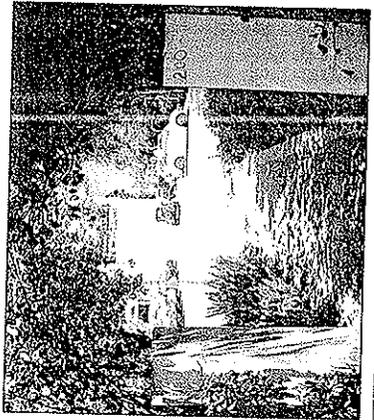


Section Detail A
SCALE: 1/20



VILLAGE OF KEY BISCAINE FERNWOOD RD/COMMERCIAL ACCESS POINTS

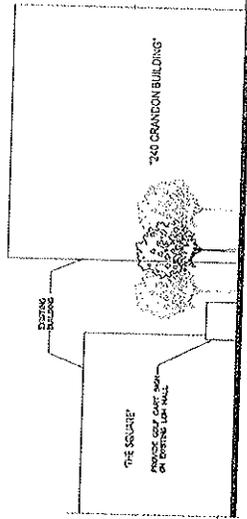
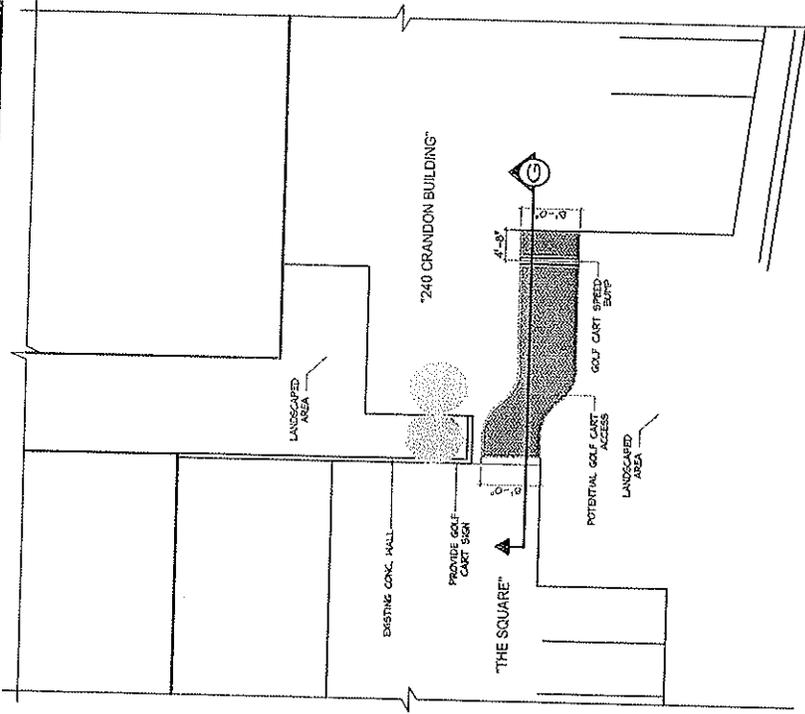
4- FERNWOOD ROAD AT KEY COLONY PLACE 200 Crandon Boulevard



VILLAGE OF KEY BISCAYNE

FERNWOOD RD/COMMERCIAL ACCESS POINTS

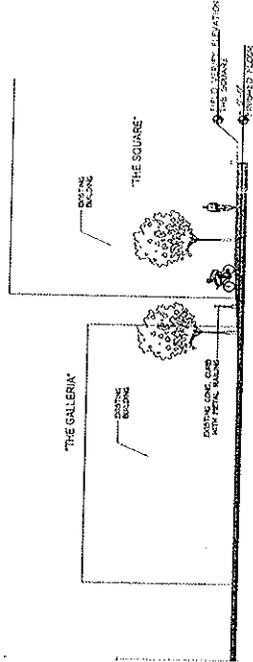
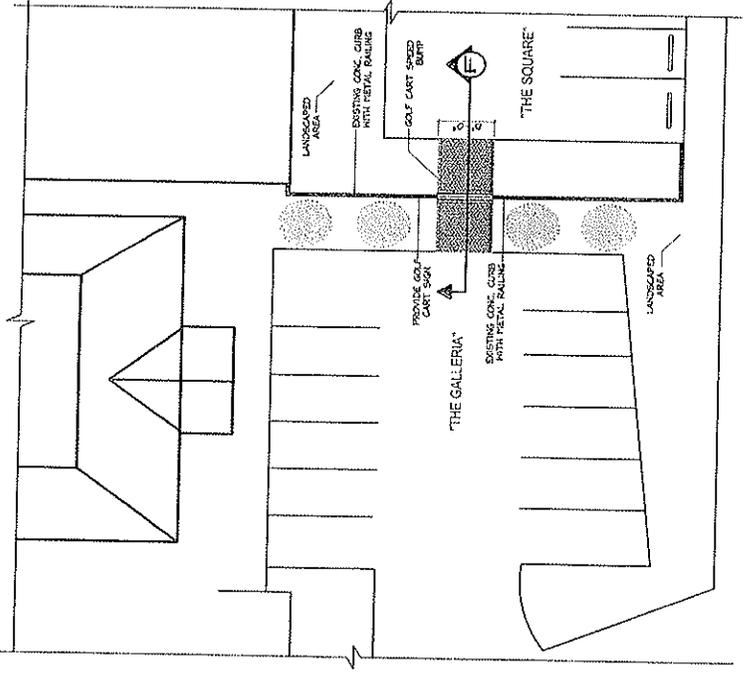
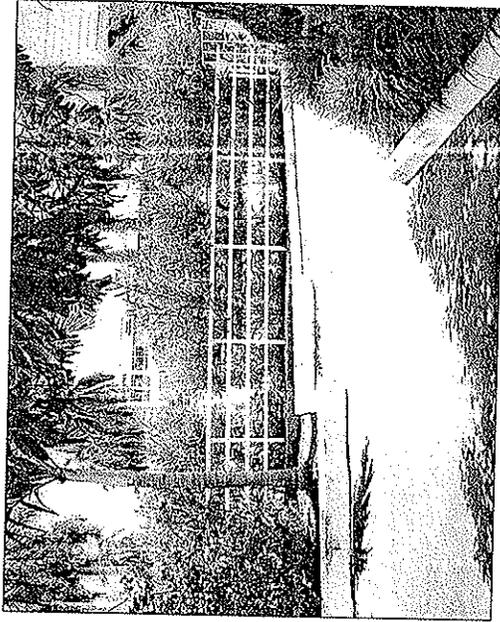
6. 240 CRANDON BLVD. OFFICE BUILDING TO THE SQUARE SHOPPING CENTER 240-260 Crandon Boulevard



Section Detail G
Scale: 1/20



THE SQUARE TO THE GALLERIA SHOPPING CENTERS
260-328 Crandon Boulevard



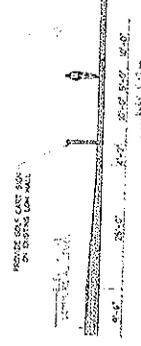
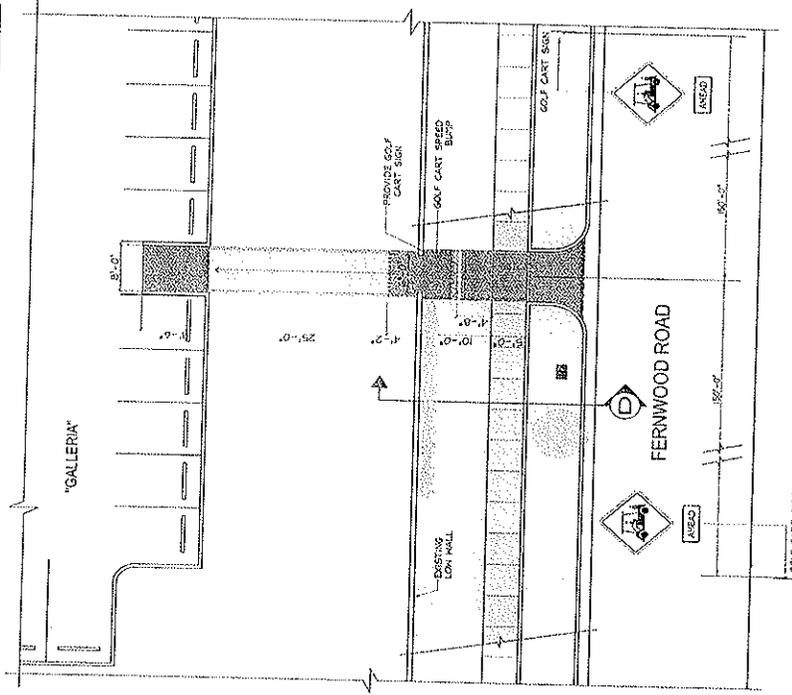
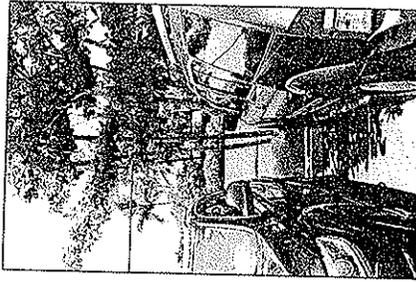
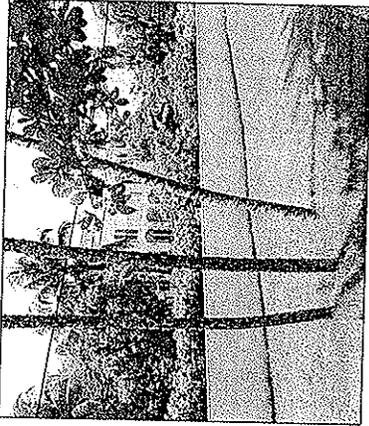
Section Detail F
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VILLAGE OF KEY BISCAYNE
FERNWOOD RD/COMMERCIAL ACCESS POINTS

8. FERNWOOD ROAD TO THE GALLERIA SHOPPING CENTER

328 Grandon Boulevard



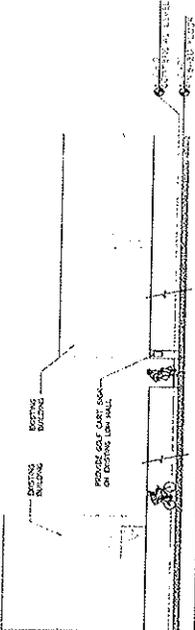
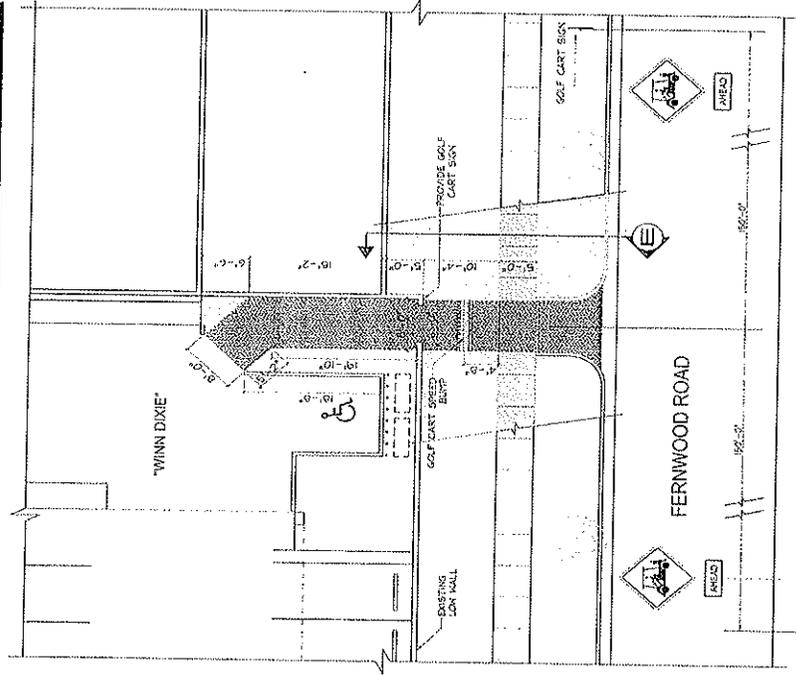
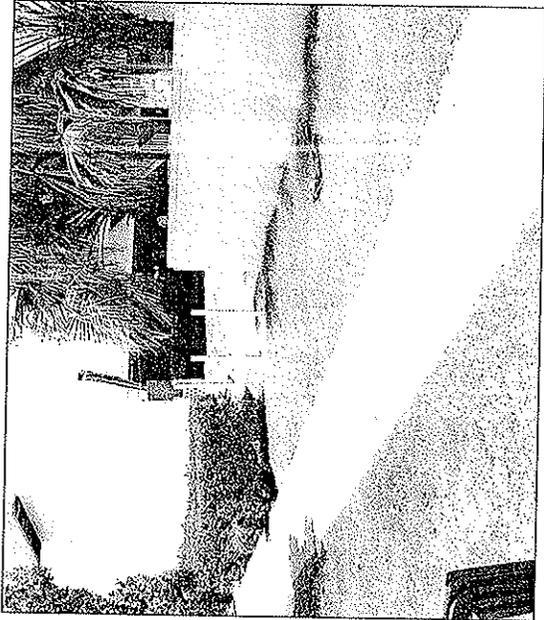
13

Section Detail D
SCALE: 1/8" = 1'-0"

VILLAGE OF KEY BISCAYNE FERNWOOD RD/COMMERCIAL ACCESS POINTS



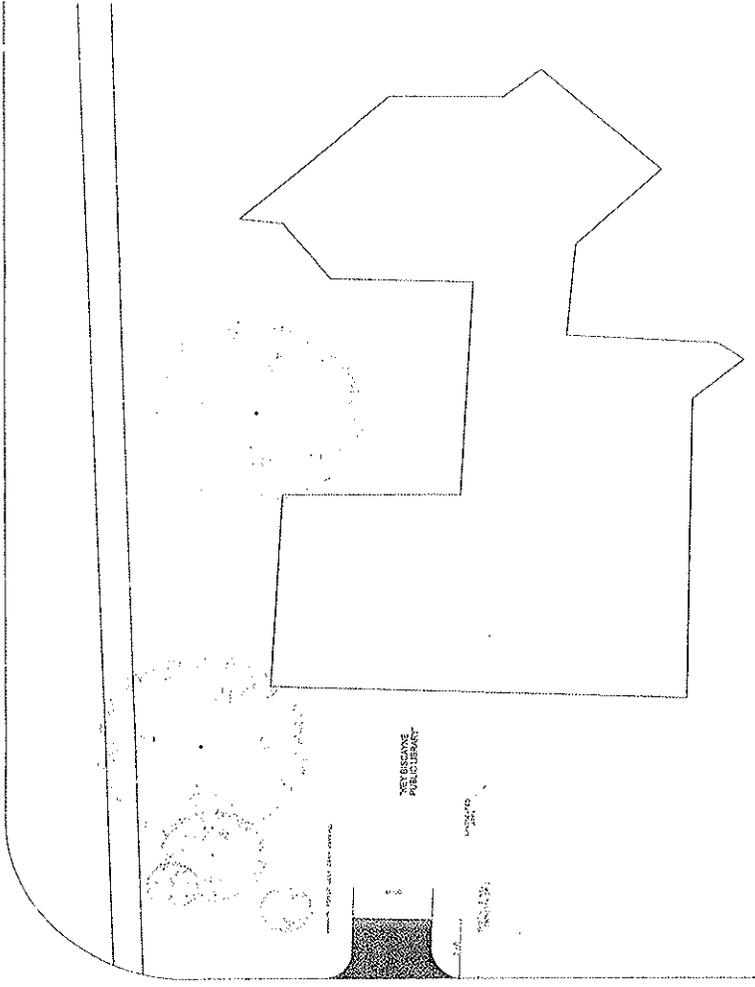
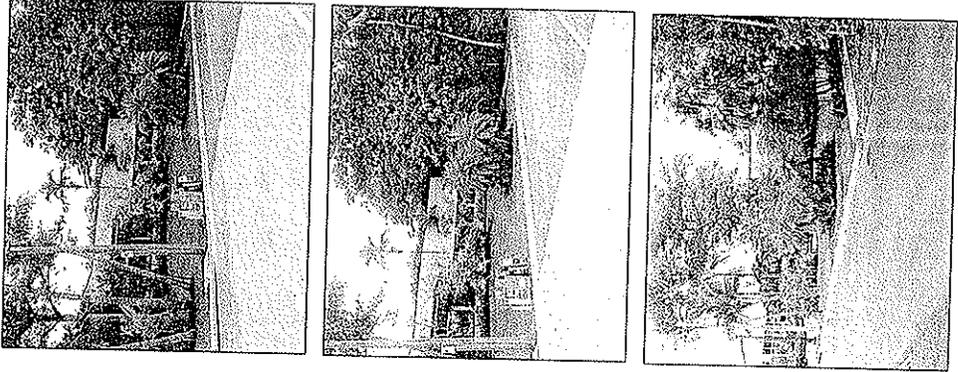
9 FERNWOOD ROAD TO THE WINN DIXIE SHOPPING CENTER PARKING LOT 600 Crandon Boulevard



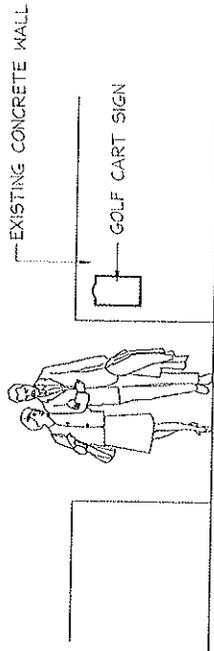
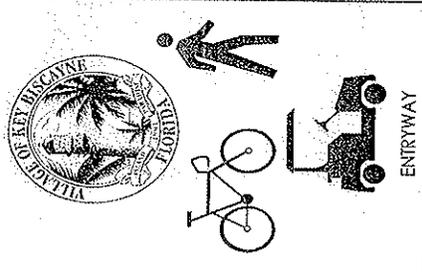
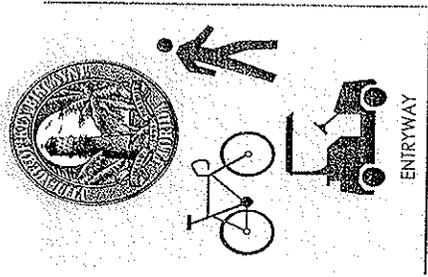
VILLAGE OF KEY BISCAYNE FERNWOOD RD/COMMERCIAL ACCESS POINTS



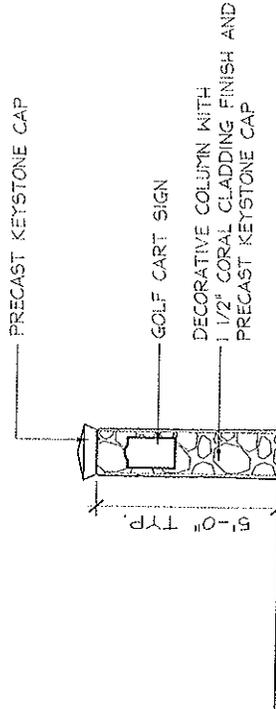
10. KEY BISCAYNE PUBLIC LIBRARY/SONESTA DRIVE GOLF CART PARKING LOT 299 Clandon Boulevard



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	OPTION 2
	PAVERS	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



VILLAGE OF KEY BISCAINE

FERNWOOD RD/COMMERCIAL ACCESS POINTS

