

3. Ordinance 2024-37, amending the Code of Ordinances, Title VII, Traffic and Vehicles, by creating Chapter 75, Golf Carts, first reading.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Frazier, Growth Management Director

THRU: Suzanne Sherman, City Manager

DATE: August 8, 2024

RE: Ordinance 2024-37, amending the Code of Ordinances, Title VII, Traffic and Vehicles, by creating Chapter 75, Golf Carts, first reading.

SUMMARY:

The Palm Bay 2045 Comprehensive Plan Future Land Use Element was adopted on May 1, 2023, and became effective on June 10, 2023. The remaining Palm Bay Comprehensive Plan Elements were adopted on May 18, 2023, and became effective on July 20, 2023. To bring the Land Development Code into compliance with the Comprehensive Plan, an update has been drafted for consideration by the City Council.

The proposed update is more concise and only includes requirements pursuant to Chapter 163, F.S. As such, some regulations are proposed to be moved to other parts of the Palm Bay Code of Ordinances as new "Titles", "Chapters", "Sub-Chapters", and "Sections".

To facilitate the relocation, and to retain the City's authority to regulate certain issues, new "Titles", "Chapters", "Sub-Chapters", and "Sections" were created as listed below.

- Title X, Impact Fees Chapter 103 was created for the relocation of Parks, Police, and Fire Impact Fees
- Chapter 103, Closure and Abandonment of Easements and Drainage Rights-of-Way was created and added to Title IX, General Regulations
- Chapter 204, Stormwater Management Utility was created and added to Title XX, Utilities Code
- Chapter 205, Water Shortage Emergency was created and added to Title XX, Utilities Code
- Chapter 102, Public Nudity was created and added to Title IX, General Regulations
- Provisions For Emergency Power And Pumping Equipment In Residential Areas was moved to Title XX, Utilities Code, Chapter 201, Sewer Use, Subchapter Private Lift Stations
- Section 74.25, Regulation of Vehicles In Residential Areas was created and added to Title VII, Traffic and Vehicles, Chapter 74, Stopping, Standing, and Parking, Subchapter Parking Regulation
- Chapter 75, Golf Carts was created and added to Title VII, Traffic and Vehicles
- Subchapter 33, Fire Prevention and Protection; Buildings and Structures was created and added

Honorable Mayor and Members of the City Council

Legislative Memorandum

Page | 2

to Title III, Administration, Chapter 33, Fire Department

Upon repeal and replacement of Title XVII, Land Development Code, the aforementioned regulations will be retained in other sections of the Palm Bay Code of Ordinances.

REQUESTING DEPARTMENTS:

City Attorney's Office

City Manager's Office

Growth Management

FISCAL IMPACT:

None.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed ordinance.

ATTACHMENTS:

1. Ordinance

ORDINANCE 2024-37

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE VII, TRAFFIC AND VEHICLES, BY CREATING CHAPTER 75, GOLF CARTS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 2. The City of Palm Bay Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 75, Golf Carts, is hereby created and shall henceforth read as follows:

>>CHAPTER 75: GOLF CARTS

Section 75.01 LEGISLATIVE INTENT.

It is the intent of this chapter to permit and regulate the use of golf carts upon roads, streets, and sidewalks within the City of Palm Bay; to maintain and protect the safety of residents of the City of Palm Bay; to abide by the restrictions of Sections 316.008, 316.212 and 316.1995, Florida Statutes, as amended from time to time; and to provide guidelines to be considered by the Florida Department of Transportation (FDOT) for the approval of State highway crossings from City streets.

Section 75.02 APPLICABILITY.

This chapter shall only be effective on streets and roads in a golf cart community within the City of Palm Bay, Florida and approved State highway crossings intersecting Palm Bay roads or streets only.

Section 75.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL-TERRAIN VEHICLES/OFF-ROAD VEHICLES (ATVS). Any motorized off-highway vehicle fifty-five (55) inches or less in width which has a dry weight of fifteen hundred (1,500) pounds or less, is designed to travel on three (3) or more nonhighway tires and is manufactured for recreational use by one (1) or more persons. For the purposes of this section, ALL-TERRAIN VEHICLE also

includes a "two-rider ATV" as defined in Section 317.0003, Florida Statutes (See, Section 316.2074, Florida Statutes).

CONTROLLED INTERSECTION. An intersection where pedestrian and/or vehicular traffic are controlled by any standard uniform traffic control device, as determined by the FDOT.

DESIGNATED PEDESTRIAN CROSSING. That portion of a roadway at a controlled intersection distinctly indicated as a crosswalk for pedestrian crossing by striping or signage or other markings on the road surface or along the roadway.

DESIGNATED STREET OR DESIGNATED ROADS. 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. A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour (reference Section 320.01(22) Florida Statutes). Golf cart shall not be construed to mean low-speed or neighborhood electric vehicle.

GOLF CART COMMUNITY. A residential, commercial, or mixed-use subdivision or community within the City deemed safe and appropriate for the regulated use of golf carts as defined by Florida Statutes. The application of this designation shall be reviewed by the City Engineer and approved by the City Manager and City Council. The community shall regulate and enforce safe operation of golf carts within the community.

GRADE SEPARATED CROSSING. A tunnel or overpass designed and constructed for the purpose of crossing a street or highway.

LOW-SPEED VEHICLE. Any four (4) wheeled vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

SIDEWALK. That portion of a street between the curb line, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

STATE ROADWAY. Any roadway of the State highway system under the jurisdiction of the State except limited access facilities.

Section 75.04 OPERATION OF GOLF CARTS.

(A) The operation of any golf cart on roads or streets outside a golf cart community within the City of Palm Bay is prohibited as follows:

- (1) In violation of State, County, or City traffic regulations.
- (2) On streets or roads with speed limits greater than thirty-five (35) miles per hour unless the street or road is approved by the City Engineer for crossing only, and the golf cart crossing is located at an approved controlled intersection.
- (3) Golf cart use on streets or roadways without appropriate golf cart crossing signage (MUTCD W11-11) posted by the City of Palm Bay or within a designated golf cart community.
- (4) Operation of golf carts that are not equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.
- (5) Operation between the hours of sunset and sunrise, unless the Florida Division of Motor Vehicles (DMV) certifies the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.
- (6) Operation of golf carts by minors, unless accompanied by an adult, and the golf cart is equipped with an operational horn.
- (7) Transporting more passengers than the number of passengers for 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 shall be prohibited.

(B) Golf cart use on sidewalks and bicycle paths within a golf cart community shall be prohibited unless:

- (1) The City Engineer or designee reviews the character, condition, and current use of the surrounding community, speed of roadway(s) being crossed, location(s) of golf cart crossings, and that golf carts, bicycles, disabled, and able-bodied pedestrians can safely share the sidewalk. FDOT shall review the Ordinance before adoption.
- (2) A minimum unobstructed sidewalk width of eight (8) feet is required and separated from back of curb, or edge of shoulder by at least five (5) feet is recommended, less may be considered on a case-by-case basis.
- (3) A minimum width of four (4) foot grassed or stabilized, relatively flat area should be provided beyond the outside edge of sidewalks for recovery or stalled golf carts.

(4) Sidewalks with existing adjacent drainage features or fencing shall not be considered.

(C) Golf carts operated in compliance with subsection (A) above, shall be allowed to operate upon the streets, roads, State highway system, and sidewalks designated for operation as follows:

(1) Within golf cart communities, which are defined within Section 75.03 above, and on roads, and streets designated therein for golf cart usage. Each golf cart community shall provide signage and regulations for the use of golf carts on designated streets within golf cart communities where golf carts may be operated.

(2) To cross designated City roadways with a posted speed limit greater than thirty-five (35) miles per hour.

(3) Speed modified or 'hybrid' golf carts not conforming to the definition set forth in this chapter, are not authorized for streets within golf cart communities.

Section 75.05 GOLF CART CROSSINGS PROPOSED FOR DESIGNATED CITY STREETS OR ROADS WITH A POSTED SPEED LIMIT GREATER THAN THIRTY-FIVE (35) MILES PER HOUR.

(A) Golf cart crossings shall be approved by the City Engineer or designee if each of the following criteria are met for each type of crossing:

(1) Mid-block crossings: To be considered for a golf cart crossing at a mid-block location along any State road where a golf course or a single mobile home park is constructed or located on both sides of the roadway, the proposed location and roadway characteristics shall meet the following criteria:

(a) Maximum vehicular volume of fifteen thousand (15,000) average daily traffic (ADT) or less along the roadway segment.

(b) Maximum posted speed limit of forty (40) miles per hour or less.

(c) Maximum number of lanes is three (3) with or without bike lanes.

(d) Maximum allowable median width is fifteen (15) feet or less.

(e) Minimum distance to the nearest driveway, access point, or pedestrian crosswalk is three hundred fifty (350) feet in each direction.

(f) Crossing along roadway tangents only with the nearest point of curvature at least three hundred fifty (350) feet in each direction.

(g) A clear and unobstructed view of the roadside on the approach to the crossing.

(h) Mid-block crossing signing and pavement markings should be installed as shown in Figure 5.1-2.

(2) The crossing at a side street-controlled intersection shall meet the following criteria:

(a) Side street maximum vehicular volume twelve hundred (1,200) ADT and AM/PM peak hour not to exceed one hundred ten (110) vehicles per hour single direction.

(b) Main street posted speed limit or eighty-fifth (85th) percentile intersection approach speed is thirty-five (35) miles per hour or less.

(c) Maximum crossing distance for undivided roadways shall be equal to three (3) lanes or less not including any right turn lanes, bike lanes, and crosswalks. For divided roadways of four (4) lanes, a minimum of twenty-two (22) feet median width is required.

(d) Side street approaches should have an exclusive left turn lane and a shared through-right turn lane. Other lane approach configurations will be considered on a case-by-case basis.

(e) Side street intersection alignment shall be at a ninety (90) degree (not more than one hundred five (105) degrees) angle to the mainline tangent. Skewed or offset intersections are not permitted for golf cart crossings.

(f) Approach stop signs and pavement marking shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and FDOT Standard Plans Index No. 711-001.

(3) Full signalized intersections: To be considered for a golf cart crossing at a roadway intersection with full signal control, the location along any City road shall meet the following criteria:

(a) Side street maximum vehicular volume fifteen hundred (1,500) ADT and AM/PM peak hour not to exceed two hundred (200) vehicles per hour single direction.

(b) Side street posted speed limit or eighty-fifth (85th) percentile intersection approach speed is thirty-five (35) miles per hour or less.

(c) Maximum crossing distance equal to five (5) lanes or less not including any right turn lanes, bike lanes and crosswalks.

(d) Side street approaches should have at least one (1) exclusive left turn lane and at least one (1) exclusive through or shared through-right turn lane. Other lane approach configurations will be considered on case-by-case basis.

(e) Side street intersection alignment shall be a ninety (90) degree (not more than one hundred five (105) degrees) angle to the mainline tangent. Skewed or offset intersections are not permitted for golf cart crossings.

(B) Golf carts are the only vehicles permitted to use the designated crossings or to traverse State rights-of-way. Other vehicles such as low-speed vehicles are strictly prohibited.

Section 75.06 GOLF CART CROSSINGS PROPOSED AT A LOCATION ON THE STATE HIGHWAY SYSTEM.

(A) All requests for State highway golf cart crossings shall be submitted to the City's Growth Management Department and reviewed by the City Engineer or designee for submission to the appropriate (FDOT) District Traffic Operations Engineer (DTOE). Only grade separated facilities shall be considered.

(B) Golf cart crossings at locations on the State Highway System shall meet each of the following mandatory criteria for the following types of crossings:

(1) Mid-block crossings: To be considered for a golf cart crossing at a mid-block location along any State road where a golf course or a single mobile home park is constructed or located on both sides of the roadway, the proposed location and roadway characteristics shall meet the following criteria:

(a) Maximum vehicular volume of fifteen thousand (15,000) average daily traffic (ADT) or less along the roadway segment.

(b) Maximum posted speed limit of forty (40) miles per hour or less.

(c) Maximum number of lanes is three (3) with or without bike lanes.

(d) Maximum allowable median width is fifteen (15) feet or less.

(e) Minimum distance to the nearest driveway, access point, or pedestrian crosswalk is three hundred fifty (350) feet in each direction.

(f) Crossing along roadway tangents only with the nearest point of curvature at least three hundred fifty (350) feet in each direction.

(g) A clear and unobstructed view of the roadside on the approach to the crossing.

(h) Mid-block crossing signing and pavement markings should be installed as shown in Figure 5.1-2.

(i) Golf carts are the only vehicles permitted to use the designated crossing or to traverse State rights-of-way. Other vehicles such as low-speed vehicles are strictly prohibited.

(2) Side street stop-controlled intersections: To be considered for a golf cart crossing at a roadway intersection with side street stop control, the location along any State road shall meet the following criteria:

(a) Side street maximum vehicular volume twelve hundred (1,200) ADT and AM/PM peak hour not to exceed one hundred ten (110) vehicles per hour single direction.

(b) Main street posted speed limit or eighty-fifth (85th) percentile intersection approach speed is thirty-five (35) miles per hour or less.

(c) Maximum crossing distance for undivided roadways shall be equal to three (3) lanes or less not including any right turn lanes, bike lanes and crosswalks. For divided roadways of four (4) lanes or less, a minimum of twenty-two (22) feet median width is required. See Figure 5.1-4.

(d) Side street approaches should have an exclusive left turn lane and a shared through-right turn lane. Other lane approach configurations will be considered on case-by-case basis.

(e) Side street intersection alignment shall be ninety (90) degree (not more than one hundred five (105) degrees) angle to the mainline tangent. Skewed or offset intersections are not permitted for golf cart crossings.

(f) Approach stop signs and pavement markings shall be in accordance with MUTCD and Department's Standard Plans, Index No.711-001.

(g) Golf cart signs (W11-11) should be placed on the mainline approach.

(3) Full signalized intersections: To be considered for a golf cart crossing at a roadway intersection with full signal control, the location along any State road shall meet the following criteria:

(a) Side street maximum vehicular volume fifteen hundred (1,500) ADT and AM/PM peak hour not to exceed two hundred (200) vehicles per hour single direction.

(b) Side street posted speed limit or eighty-fifth (85th) percentile intersection approach speed is thirty-five (35) miles per hour or less.

(c) Maximum crossing distance equal to five (5) lanes or less not including any right turn lanes, bike lanes, and crosswalks.

(d) Side street approaches should have at least one (1) exclusive left turn lane and at least one (1) exclusive through or shared through-right turn lane. Other lane approach configurations will be considered on case-by-case basis.

(e) Side street intersection alignment shall be a ninety (90) degree (not more than one hundred five (105) degrees) angle to the mainline tangent. Skewed or offset intersections are not permitted for golf cart crossings.

(4) If available information reviewed by FDOT supports a golf cart crossing. FDOT would then require a full engineering study prepared by a State of Florida licensed engineer representing the requestor. The engineering study shall contain the following information:

(a) Document the need for a golf cart crossing based on conditions set forth in Section 316.212, Florida Statutes, verifying the following:

1. The intersecting City road has been designated for use by golf carts.

2. A golf course or single mobile home park is constructed on both sides of a State road.

(b) Document all safety considerations with respect to intersecting sight distances, proximity to intersection and driveway conflict areas, number and configuration of approach lanes to signalized intersections and roadway speed and volume thresholds as described in the above criteria.

(c) Document the proposed golf cart crossing or roadway segment location (Roadway ID and Mile Post) and corresponding signing, marking, and signal treatments (if applicable). A schematic layout should be provided over aerial photography or survey to show locations of signs, markings and other treatments in proximity to existing traffic control devices.

(d) Document all crash history within the vicinity of the proposed golf cart crossing based on a minimum of three (3) years data.

Section 75.07 OTHER PROHIBITED CONDUCT.

(A) ATVs and low-speed vehicles as defined in this chapter shall not be operated on designated roads, streets, sidewalks, or bicycle paths.

(B) Golf carts shall comply with all applicable local and State traffic laws and may be ticketed for traffic violations in the same manner as motor vehicles.

Section 75.08 SIGNAGE.

The City Manager shall designate the department which shall post appropriate signs to indicate that operation of golf carts is allowed.

Section 75.09 INAPPLICABLE TO NEIGHBORHOOD ELECTRIC VEHICLES.

This chapter shall not apply to neighborhood electric vehicles which have been sanctioned for on the road use by any State or federal law or rule which may be effective in the future.

Section 75.10 PENALTY AND ENFORCEMENT.

Any person who violates any provision of this subchapter shall, upon conviction, be guilty of an infraction pursuant to Section 316.655, Florida Statutes, as may be amended from time to time. Enforcement of this subchapter shall be pursuant to Section 316.072, Florida Statutes, as may be amended from time to time. The City's Police Department shall have the authority to enforce the provisions set forth herein and applicable traffic laws, provided. However, the enforcement of rules and regulations established by golf cart communities shall be the sole responsibility of each community if the community remains private.<<"

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 4. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 5. If any portion, clause, phrase, sentence, or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable,

inoperative, or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative, or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 6. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2024-xx, held on _____, 2024; and read in title only and duly enacted at Meeting 2024-xx, held on _____, 2024.

Rob Medina, Mayor

ATTEST:

Terese M. Jones, City Clerk

Reviewed by CAO: _____

Strikethrough words shall be deleted; highlighted words shall be included and will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.