



**Land Use and Parks Committee
Neptune Beach City Hall
116 First Street, Neptune Beach, FL 32266
Thursday, November 12, 2020, 8:30 AM
Agenda**

1. Call to Order
2. Old Business

A. Jarboe Park

1. Permitting and Recreational Trails Program Grant Update
 2. Finalizing Park Details - Request for Information Update
- p. 3
- a. Colors - Water Treatment Plant Wall
 - b. Path Lighting
 - c. Volleyball Court
 - d. Tree Transplanting Plan
 - e. Playground Equipment
 - f. Potential Phasing Adjustments

3. New Business

- a. Golf Cart Ordinance
- p. 22

4. Public Comments

5. Adjournment

*Council Members in attendance at the Committee Meeting may include:

Chair: Councilor Josh Messinger
Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Scott Wiley

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Members of the public may provide written comments in the following manner prior to the meeting.

1. Email to the City Clerk, clerk@nbfl.us, prior to the committee meeting
2. Fill out the speaker request form located at: <https://www.ci.neptune-beach.fl.us/home/webforms/request-address-council>

Registered webinar participants can also share comments live during the committee meeting, You must request to do this using the "raise your hand" feature during "Public Comment" portion of the committee meeting.

For questions or additional information, please contact the City Clerk's office at (904) 270-2400, ext. 30

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation, including hearing assistance, to participate in this meeting should contact the City Clerk's Office no later than 48 hours prior to the meeting.

October 15, 2020
Updated November 9, 2020

MEMORANDUM

TO: STAFF
SUBJECT: Finalizing Park Details

ACTION REQUESTED

The purpose of this memo is to provide decisions and provide a direction for finalizing park details in advance of demolition and construction of improvements for Phase I. Staff asked that I provide direction for different facets of the park's construction. Below are responses to those questions, separated by division. Staff may be asked to relay information to appropriate vendors/contractors; or may be requested to provide additional information before a decision can be made.

Colors

- **Fitness Equipment** – Grey
- **Sail Shades** – #8 Sky Blue (as provided in the Gale Pacific Architectural Shade Fabric Swatch book)
- **Court Surfaces**- Blue (Court)/Grey (Border)/White (Boundary Lines)
- **Court Fencing** – Black
- **Vented Wind Screens** – On Hold, do not order, Staff to evaluate the need after improvements are completed
- **Water Treatment Plant Wall**

Lighting

- **Path Lighting** – Please provide a detail of proposed replacement path lighting as submitted from Beaches Energy. Bollard Lighting or Street Lamps with a Coastal Theme are preferred.
See attached email from Beaches Energy outlining light replacement options
- **Tennis Courts** – Court lighting plan as produced by Coast-to-Coast is accepted and approved.
- **Pickle Ball Courts** – Lighting plan as produced by Coast-to-Coast is accepted and approved.
- **Basketball Courts** – Lighting plan as produced by Coast-to-Coast is accepted and approved.

Volleyball Courts

The issues surrounding the volleyball courts will require additional information. The drawings as submitted by Parsons Engineering show (3) total courts being installed; the conceptual pictures from Pittman Landscape Architecture show (3) total courts being installed.

Volleyball Courts Cont.

However, the contractor installing the courts does not believe that there is enough room to get three courts in the proposed area to allow for safe play between all courts, even with the removal of the parking area. In order to adhere to USA Volleyball standards. *The references to parking in this section are for on-street parking along 5th street.*

- **Parsons Engineering** – How much space is available without removing the additional parking along 5th Street?
 - *The current distance from the nearest volleyball post to the parking lot is about 10' with palm trees even closer.*
- **Parsons Engineering** – How much space is available after removing the additional parking along 5th Street?
 - *The parking was removed to allow a continuous path to be installed around the park. The path is located adjacent to the existing curb line and therefore does not consume as much space as the existing parking spaces do. The current distance from the nearest volleyball post to the nearest edge of the proposed path about 18'. The palm trees are proposed to be removed.*
- **Parsons Engineering** – Was consideration given for rules and regulations of the USA Volleyball Association for the inclusion of the third volleyball court? *See detail drawing from Coast-to-Coast*
 - *We included a third court to satisfy the master plan and maximized the space available. The court dimension were set according to standard dimensions. The buffer areas do not meet preferred limits. We discussed the proximity of the seating wall to the court as a clearance concern with the City.*
- **Public Works** – Can the turfblock installed in the parking area along 5th Street be removed safely?
 - *Yes, but staff recommends that the parking along 5th Street remain.*

STAFF RECOMMENDATION

Staff recommends that the City maintains the current, existing number of volleyball courts at (2). The park vision plan didn't consider USA Volleyball Association dimensions and didn't compare that to existing conditions at the park. In order to maintain a minimum 17' (5m) of clearance around the

boundaries of the courts as recommended by the USA Volleyball Association, only (2) courts should be installed. See Diagram on next page from USA Volleyball's 2017-19 Beach Domestic Competition Regulations Referee Handbook.

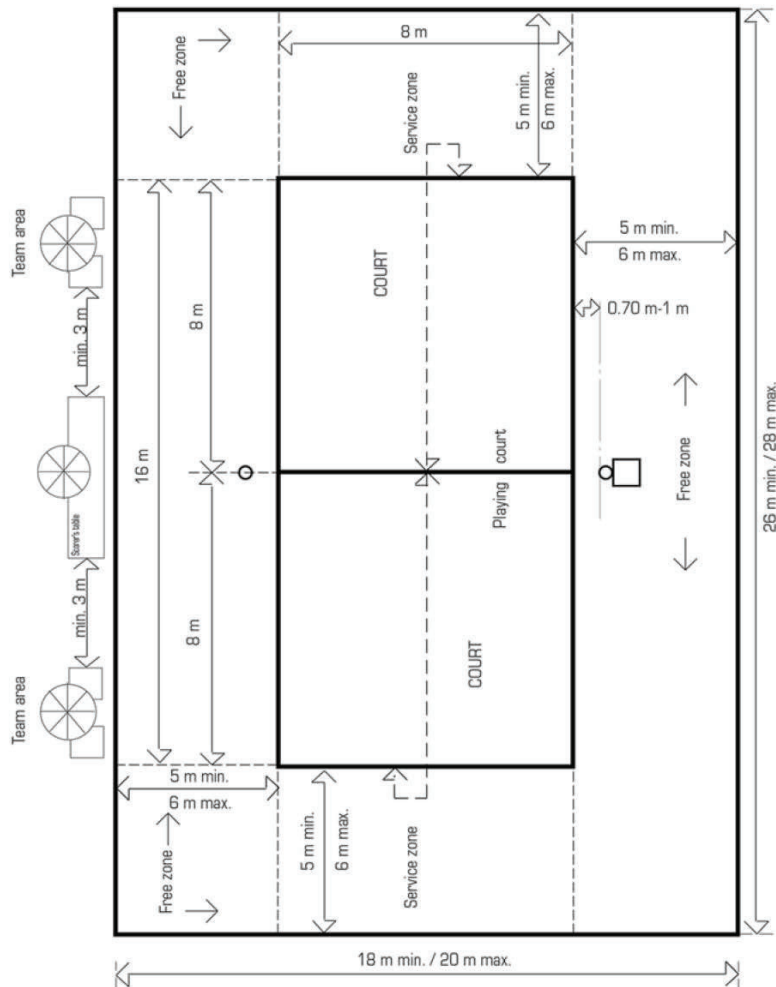
The minimum recreational free zone for a standalone court is 3m. For adjacent courts, the shared free zones would need to be 6m. Also see attached email from Coast to Coast.

Table of Contents

OFFICIAL DIAGRAMS

DIAGRAM I: THE PLAYING AREA

Relevant Rules: 1, 22.1, 23.1, 24.1, 25.1, 26.1



Court Entrances

- **Staff/Pickleball Club** – The parking lot in the middle of the field is scheduled for demolition, is this known to Verna, and if so, why is there still a need to provide an entrance on the Southside of the field?
 - *Staff met with Pickleball by the Sea on 10/14/2020 and discussed the need for an entrance to the courts on the southside of the court complex. Pickleball by the Sea wanted the southern entrance so that players on different courts didn't have to walk through the field of play while getting to or from an open court.*

Staff recommends that the Southern Entrance be installed to the Court Complex.
- **Staff/Pickleball Club** – Should an entrance be provided along the Southeast corner of the Tennis Courts to allow for ingress/egress in line with the Neptune House and bathrooms?
 - *After further review, staff believes that there shouldn't be an entrance on the Southeast Corner of the Tennis Courts since installing an entrance would impede on the basketball courts.*

Pickleball/Tennis Court Wind Screens

- **Staff** – No windscreens, evaluate need (6) months after project is completed.
 - *After further consideration, staff will evaluate conditions after (1) month of project completion.*

Trees/Landscaping Plan

- **Pittman Landscape Architect** – Awaiting tree transplanting plan; updated color renderings; and 2'x3' plants.
 - *Buck Pittman is awaiting final decisions on number of volleyball courts and colors from this RFI. Both tree transplanting plan and updated color renderings will be received by the City by 10/26/2020.*
 - *Initial plan is being updated after Tree Transplanting meeting at Jarboe Park on 11/4/2020.*

Neptune House

- **Pittman Landscape Architect** – Color renderings show a section around the Neptune House colored in to affect the look of pavers or other impervious materials. Is this intentional? If so, is there a detail for the type of paver, concrete, or other material and a layout plan?

- **Parsons Engineering** – If pavers are the intent around the Neptune House, there isn't a detail to show how far out from the building the pavers should go. Awaiting response from Pittman before further direction is given.
 - *No pavers are included in the current plan around the Neptune House. That was going to be evaluated by the City later when a way to cover the area was determined.*
 - *Staff posits that pavers were not included in the quantity estimates provided by both the Landscape Architect and the Engineer.*

STAFF RECOMMENDATION

- Staff recommends that greenspace be left around the Neptune House and no pavers are installed.

Playground Equipment

An additional piece of equipment could be added to the 5-12 play area. See attached email from Kompan.

General Questions for Staff (Colin Moore, Megan George, Leon Smith, Zach Roth)

1. For projects that are piggybacked off another community's RFP, is it typical that the City would also get into a contract with the contractor, specific to the project?
 - *To answer the first question on p. 3, when we piggyback another contract based on an RFP, we have to use the same contract form that the other used before if it is for construction matters. Usually there is a summary sheet changing the defined terms to fit this city, etc. and then the old contract is appended. That is how you ensure same terms, same prices, so RFP process is considered satisfied.*
2. How have previous construction projects operated in the past?
 - *CM acted as Project Manager and Site Superintendent to ensure items were constructed/installed per specifications.*
3. Is there an established Change Order Process?

- Staff is unaware of an already established Change Order Process.
4. How has the City handled Field Work Directives for other projects?
- In the past the CM handled Field Work Directives.
5. Is the contract being offered to ACON, Kompan and Coast-to-Coast as a fee-based, lump sum basis, or is it a quantity-based contract (Time & Material)?
- This is still under consideration and no decision has been made. Staff would prefer a Quantity-based agreement.
6. There is a significant amount of fill required for the project, will it be in place advance of the 11/2 start date?
- The City will provide 5,700 cy of fill dirt to the contractor. PW has begun the process to procure the necessary fill and will have fill available for the 11/2 start date.
 - If so, where will it be staged?
 - The City will stage the fill on the existing Western Basketball near the Neptune House.

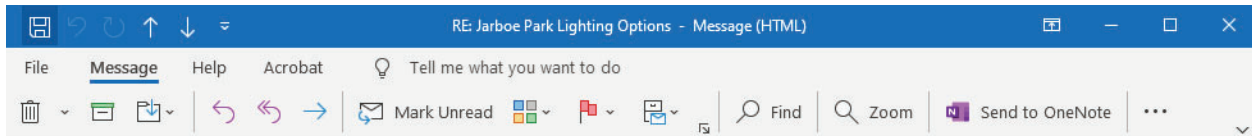
The plans as presented by Parsons Engineering are acceptable to staff and have been reviewed by the City's Building Inspector.

The comments from the Building Inspector are:

- 1.) Must have sufficient ADA Parking*
- 2.) New Lighting Requires Separate Electrical Permit*
- 3.) Concrete Stands (Seating Wall) Need Permit and Inspection*

Staff recommends that the parking along the West side of 5th Street remains through the completion of Phase 1. Staff would demolish the on-street parking along the East side of 5th Street in Phase 2 (internally known as Phase 1b). Phase 2 will begin with the construction of off-street parking on the West side of 5th Street before the on-street parking on the East side is demolished, to accommodate the installation of a multi-use pathway. This is done per plan, see Sheet C-06.

After further review and in consideration of substantial cost savings, staff recommends the in-house Phase 1 construction of the 5th St multi-use path (originally planned for Phase 1b) and installing approximately 40 interim parking places west of 5th Street. Phase 2 would be adjusted to include phases internally known as Phase 1c and Phase 2. Renderings will be updated to show these phasing adjustments.



RE: Jarboe Park Lighting Options



Lamar Whitaker <LWhitaker@beachesenergy.com>
To: Colin Moore

Reply Reply All Forward ...

Mon 10/19/2020 10:38 AM

You forwarded this message on 10/19/2020 10:41 AM.

Good morning Colin as we discussed Thursday if you want to stay with the colonel style street light we will replace them at no cost. If you would like to change to the Granville style street light it will cost 2500.00 per light. BES will supply the wire for the lights at no cost but the installation of the 2 inch conduit that the wire runs from light to light will cost Neptune Beach unless you install it with your labor and material. BES will supply connection boxes for the job.
Lamar Whitaker Utility Superintendent BES

From: Colin Moore <colinmoore@nbfl.us>

Sent: Friday, October 16, 2020 2:32 PM

To: Lamar Whitaker <LWhitaker@beachesenergy.com>

Cc: Leon Smith <dpw@nbfl.us>; Megan George <megangeorge@nbfl.us>; Stefen Wynn <cm@nbfl.us>

Subject: Jarboe Park Lighting Options

Hi Lamar,

It was great meeting you out at the park yesterday. Could you send us an email stating the two lighting options that we can share with Council at a Workshop Monday?

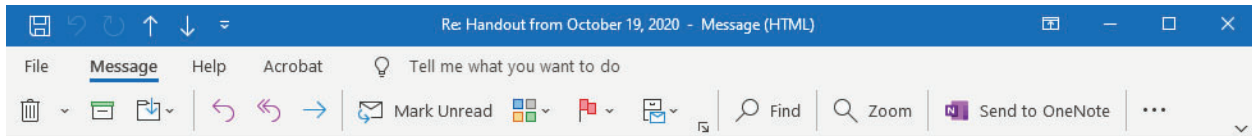
Also please include a note that the City of Neptune Beach would be responsible for the installation of any other type of fixtures and that these would have to be metered.

Thank you so much and hope you have a great weekend.

Colin

Colin Moore

Grant and Resiliency Coordinator
116 First Street
Neptune Beach, Florida 32266
colinmoore@nbfl.us
(904) 270-2400 ext. 44



Re: Handout from October 19, 2020

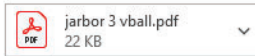


Steve Duke <steveduke@bellsouth.net>
To: Colin Moore

Reply Reply All Forward ...

10/29/2020

You replied to this message on 11/9/2020 1:38 PM.



I sent this over to a friend of mind who builds sand volleyball courts all the time. His comment was; "this will never work If all three courts are going at the same time, players and balls will be all over the adjoining courts-not to mention the hazard of the wall"

That based on the drawing below. We will build whatever you decide on.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Steve

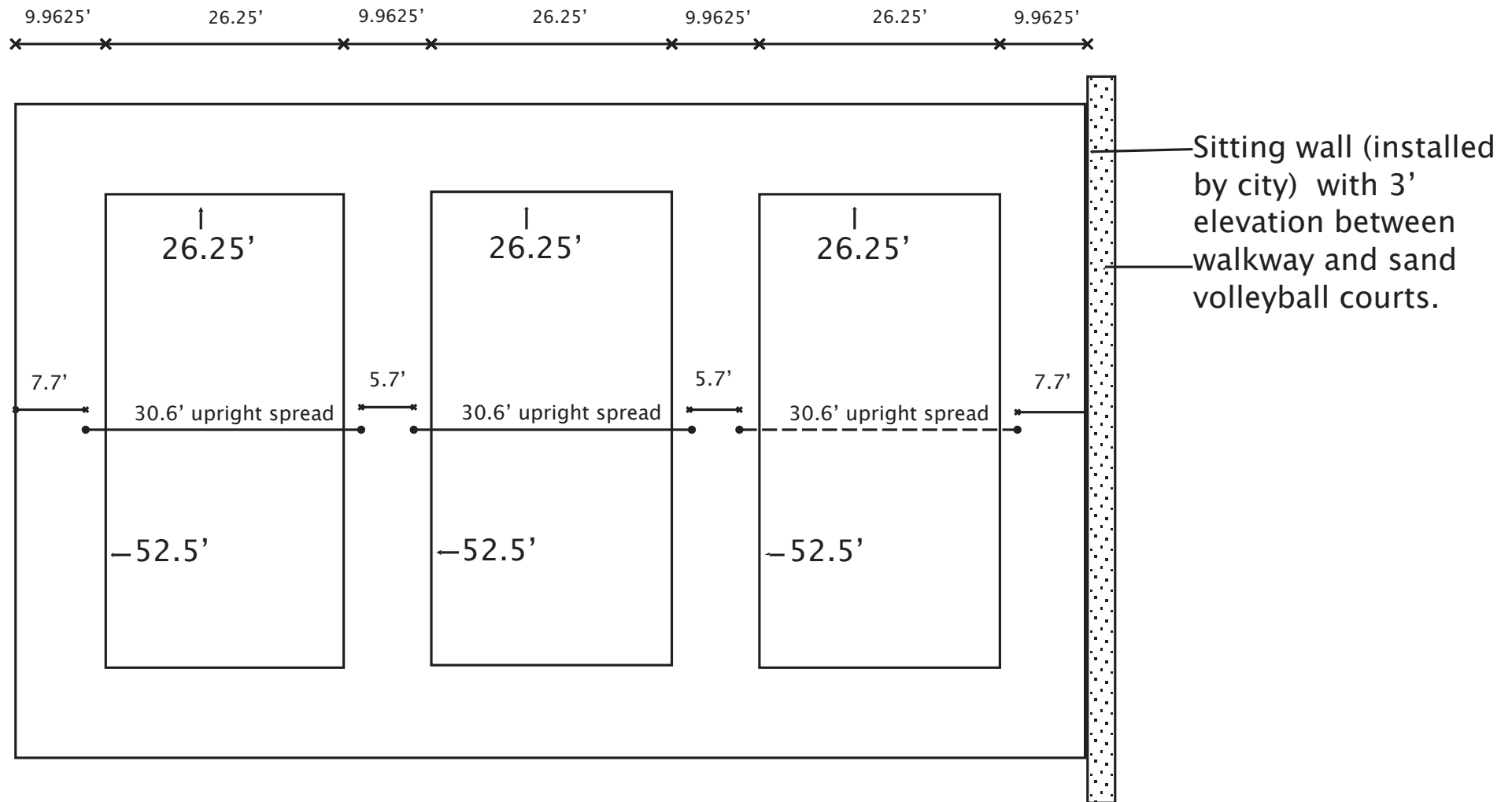
On Oct 28, 2020, at 4:53 PM, Colin Moore <colinmoore@nbfl.us> wrote:

Here's that handout I mentioned.

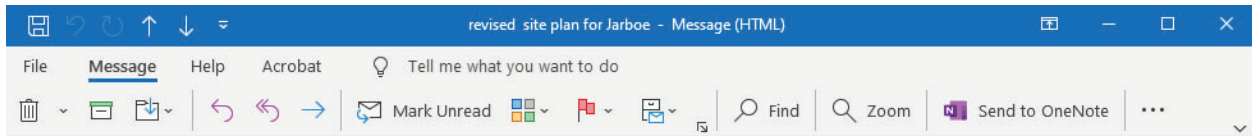
Colin

Colin Moore

Grant and Resiliency Coordinator
116 First Street
Neptune Beach, Florida 32266
colinmoore@nbfl.us
(904) 270-2400 ext. 44



118.6' light pole to tennis walkway
 78.75' (3@26.25')
 39.85' for 4 aprons
 9.9625' per apron



revised site plan for Jarboe



Stacy Moseley <stamos@Kompan.com>
To: Colin Moore

Reply Reply All Forward ...

Sat 11/7/2020 2:03 PM



Colin..

This is very rough as I do not have the tools at home that my CAD designers have. However, I'm excited to see that all of the original selections still fit, along with the addition of the Edge, now that we can creep into the new available space.

Note:

- I see the Edge with sky blue HDP (see attached image) and without a roof. Leaving off the roof will bring the cost down
- We will need to reevaluate the height / position of the shades—this may or may not increase costs
- We will need to requote the EWF amount/costs
- The overall color pallet for this 5-12 is lime green, blues and greys
- Where you see a gap in the swing bay there will be an ADA seat

Hopefully this is enough info to get you through your meeting next week. The net additional cost will be:

- Edge [...@55K](#) including install and freight
- Additional EWF ??
- Any adjustment to shade ??

Once you have consensus on the addition of the Edge I'll get busy firming up the designs and costs. Please reach out to me at any time with questions.

Thank you

Stacy Moseley

Principal Representative, North Florida

Kompan Inc.

M 904-716-7605

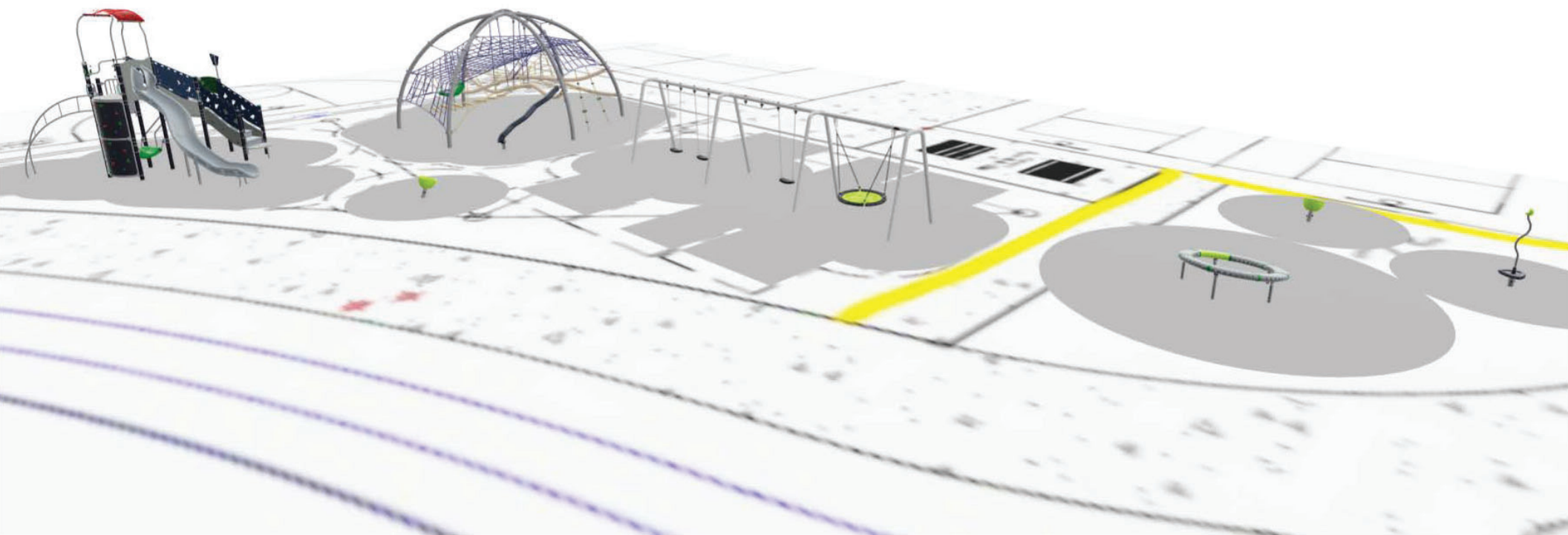
P 800-426-9788

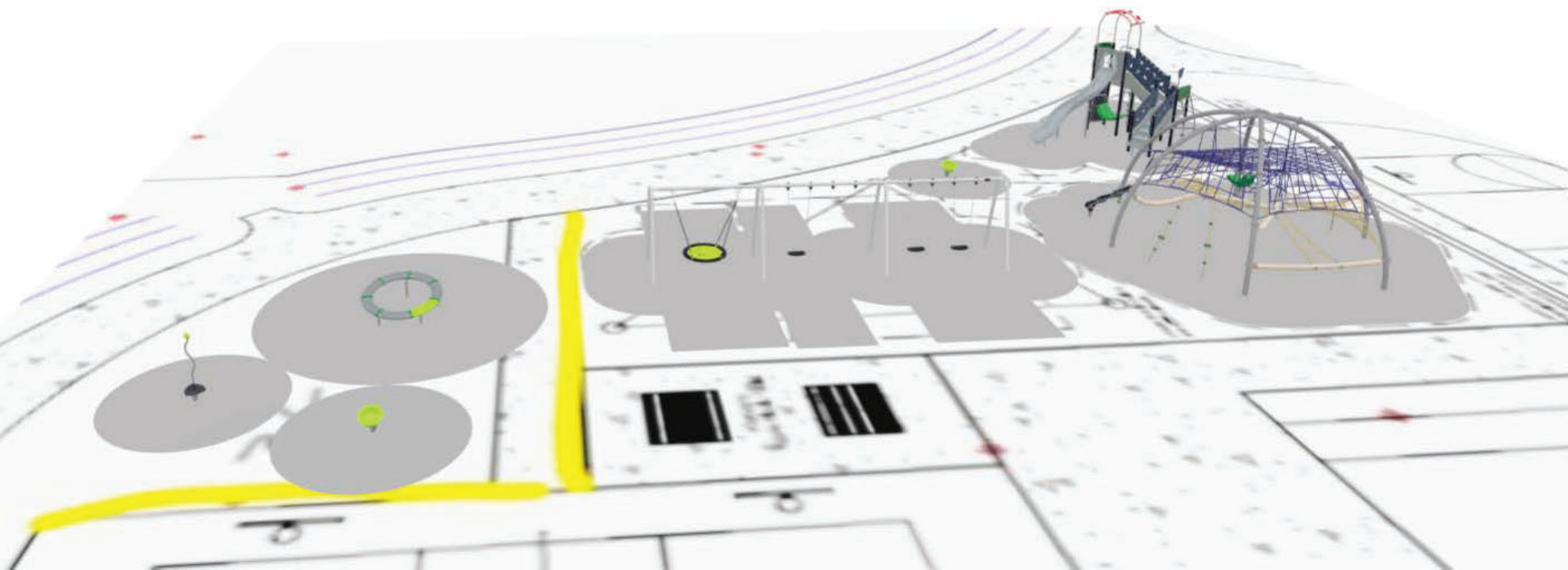


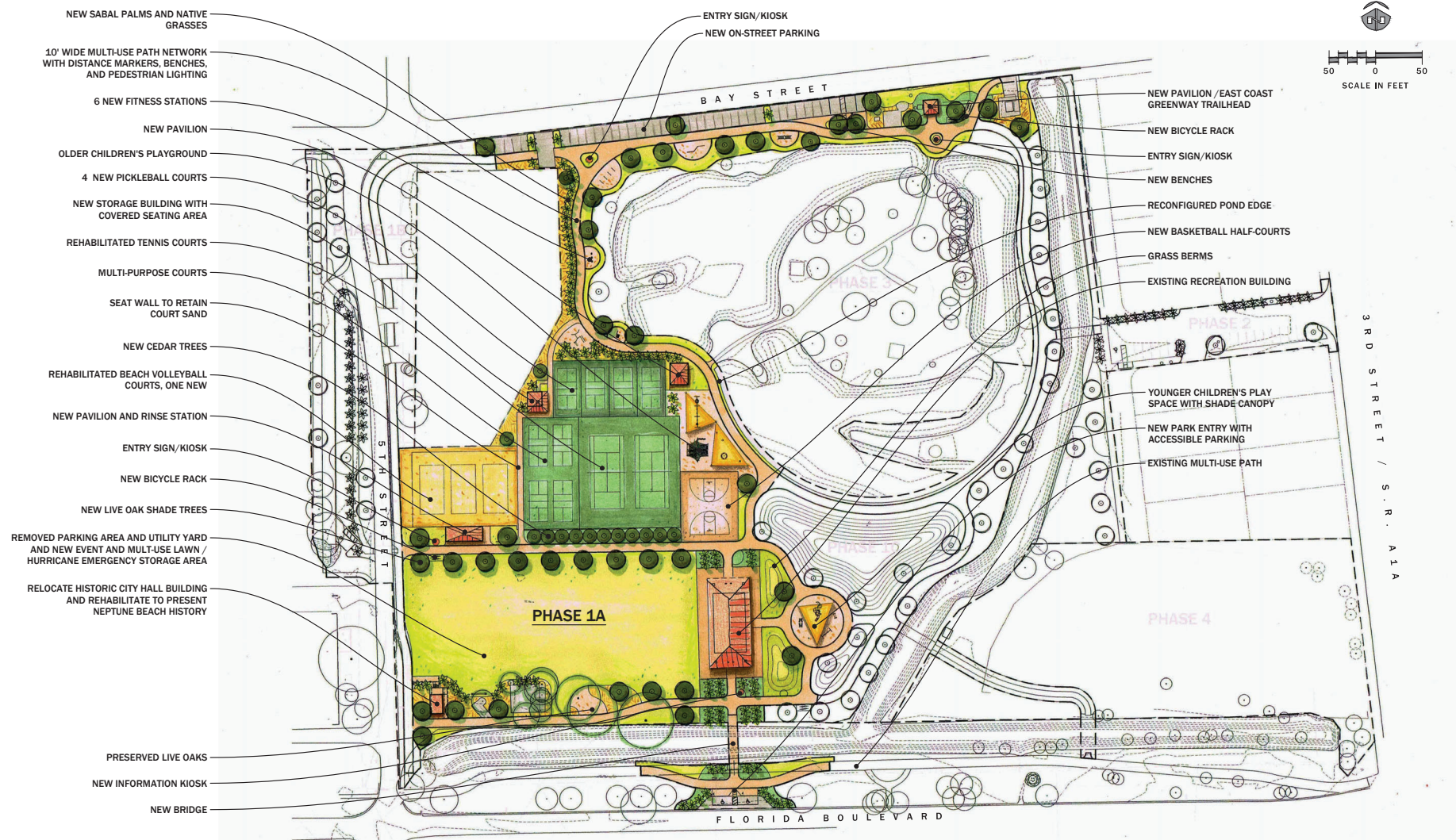
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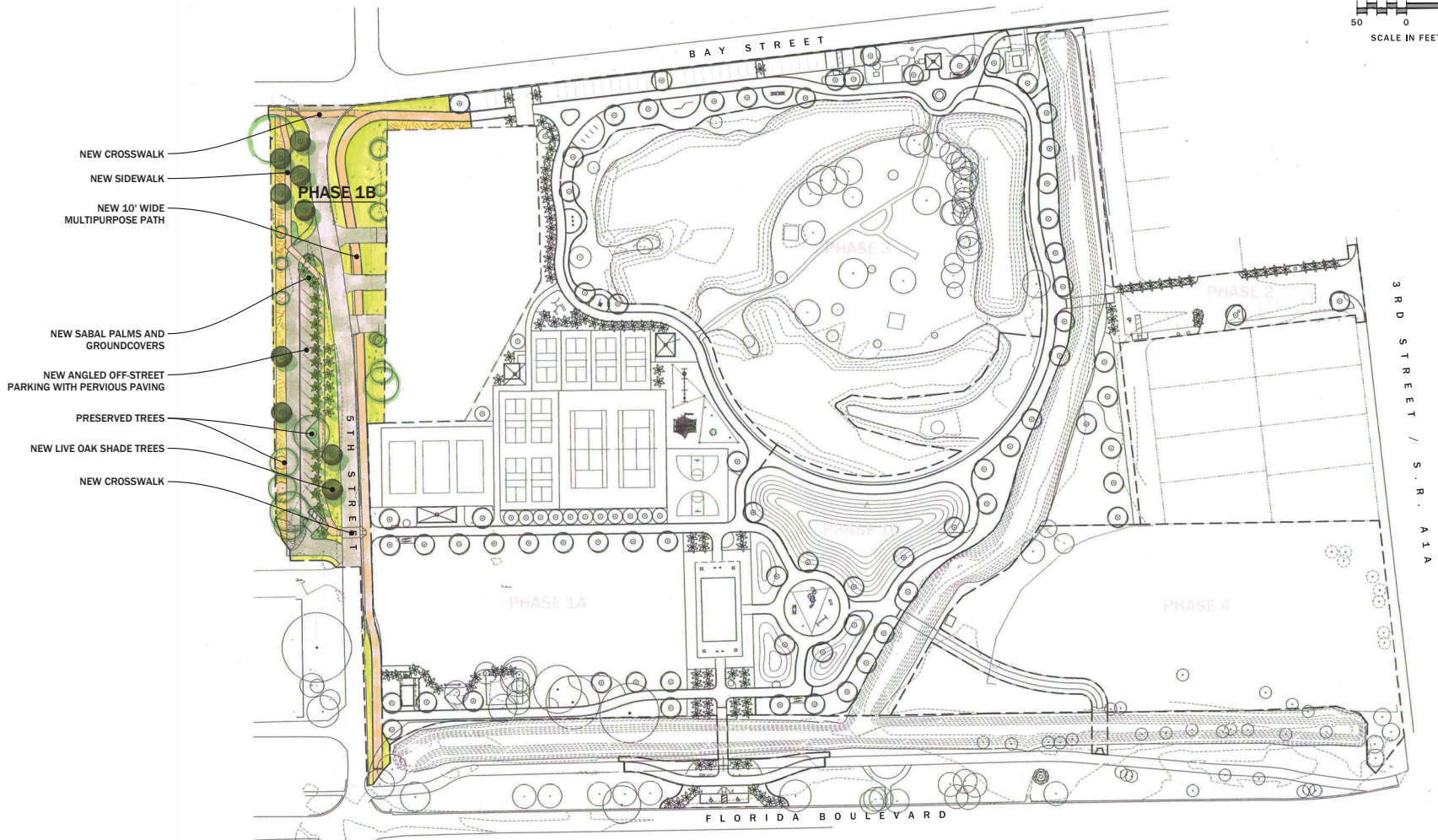
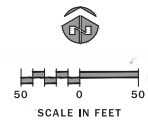
September 2020



JARBOE PARK IMPROVEMENT PLAN

PHASE IA





September 2020



JARBOE PARK IMPROVEMENT PLAN

PHASE 1B



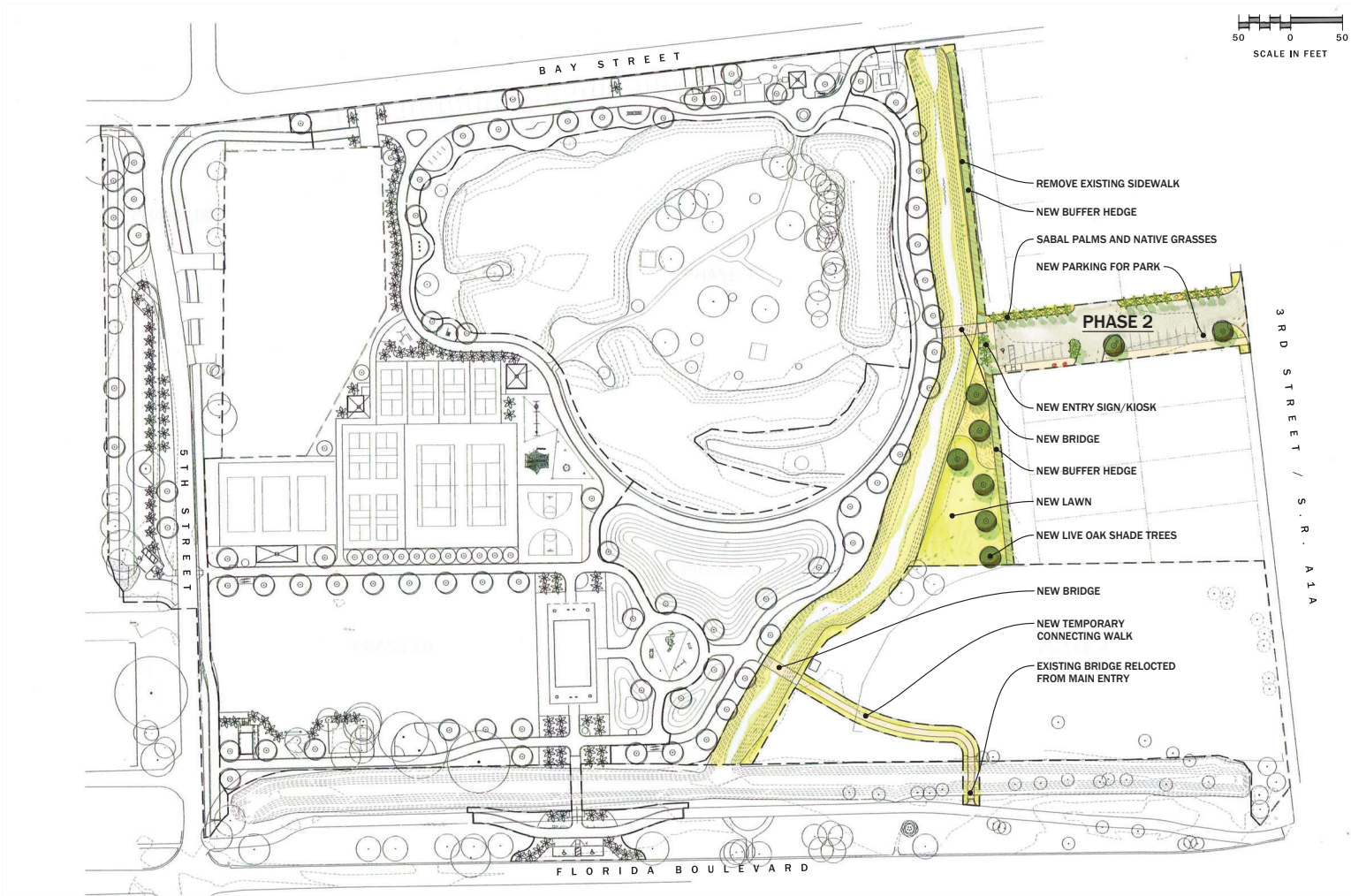


September 2020



JARBOE PARK IMPROVEMENT PLAN
PHASE 1C





September 2020



JARBOE PARK IMPROVEMENT PLAN

PHASE II





INTRODUCED BY:

ORDINANCE NO. 2020-XX

COUNCILOR JOSH MESSINGER

A BILL TO BE ENTITLED

AN ORDINANCE CREATING A NEW ARTICLE V (GOLF CARTS), CHAPTER 22 (NEPTUNE BEACH TRAFFIC AND MOTOR VEHICLES CODE), ORDINANCE CODE, SETTING FORTH STANDARDS AND PROCEDURES FOR APPROVAL AND DESIGNATION OF PUBLIC RIGHTS OF WAY FOR USE BY GOLF CARTS; DESIGNATING PARKING AREAS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida through F.S. § 316.212 has provided guidance to municipalities for the local regulation of golf carts, low-speed vehicles and utility vehicles; and

WHEREAS, the City of Jacksonville established through its ordinance 2018-266-E, a provision within their code regulations for the use of golf carts, low-speed vehicles and utility vehicles; and

WHEREAS, there continues to be a necessity in the City of Neptune Beach for regulations with respect to golf carts, low-speed vehicles and utility vehicles, on and through the streets and alleys within the City of Neptune Beach for the convenience of the citizens and visitors to the community, and to address traffic hazards and safety issues.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA:

Section 1: Creating a New Section 7 (Golf Carts), Article I, Chapter 22 (Neptune Beach Traffic and Motor Vehicles Code), Ordinance Code. A new Section 7, Article I, Chapter 22 is hereby created to read as follows:

Chapter 22. (Traffic and Motor Vehicles)

Article V

Section 70. Golf Carts

Sec. 22 – 70 Findings.

- (a) The Council finds that golf carts provide residents an alternative mode of transportation within communities and the beachfront, reducing vehicle emission and gasoline consumption and separate pathways for golf cart usage within public and private rights of way can provide connection between local roads so as to allow travel between residential, retail, workplace and recreational areas without the need to use an automobile.
- (b) As more residents seek alternatives to automobile use the Council finds that having uniform standards for designation of roads and streets for use by golf carts and operations of golf carts is necessary to protect the health, safety and general welfare of the public.
- (c) Section 316.212, Florida Statutes authorizes local governments to designate public municipal roads and streets for use by golf carts.

Sec. 22 – 71 Definitions

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

- (a) “Alley” – Also known as alleyway, see, “Road.”
- (b) “All-Terrain Vehicle” Shall have the definitions provided in F.S. § 316.2074. As it now exists, that term means: any motorized off-highway vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more nonhighway tires, and manufactured for recreational use by one or more persons. For purposes of this section, “all-terrain vehicle,” also includes a, “two-rider ATV,” as defined in F.S. § 317.0003.
- (c) “Applicant” – Means a person or entity who is requesting that a road be designated as either a Designated Road or a Prohibited Road, or for a sidewalk to be designated as a Golf Cart Path (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and utility vehicles).
- (d) “Application” – Means a request for a Road to be designated as either a Designated Road or a Prohibited Road, or for a sidewalk to be designated as a Golf Cart Path (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and utility vehicles).
- (e) “Authorized Utility Vehicle” – Means a Golf Cart or LSV of the Jacksonville Fire and Rescue Division, Jacksonville Sheriff’s Office Vehicles, Neptune Beach Police Department Vehicles, Neptune Beach Ocean Rescue Division, and Utility Vehicles of

other City Departments, public service corporations operated by private corporations, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Environmental Protection, the Florida Department of Health, the Florida Department of Transportation, and the Florida Department of Corrections as are designated or authorized by the City Manager.

- (f) “City” – Means the City of Neptune Beach, Florida.
- (g) “City Council” – Means the City Council for the City of Neptune Beach, Florida.
- (h) “City Engineer” – Means the official designated or recognized to be performing as a professional engineer for the City.
- (i) “Designated Road” – Means a Road, or portion thereof, that, consistent with this Section, has received approval from the City for the use of Golf Carts. Designated Road shall include roads currently in existence or Roads planned for construction (By default all Roads within the City of Neptune Beach are designated as approved for the use of Golf Carts, Low-Speed Vehicles, and Utility Vehicles).
- (j) “Driver’s License” – A valid, current license to operate a motor vehicle issued by the state of Florida, any other state within the United States; or for foreign visitors, a valid driver’s license from their country of residence.
- (k) “Financial Responsibility” – Liability insurance coverage on a golf cart, low-speed vehicle, or utility vehicle not less than required by Florida law for motor vehicles operated on public highways in the State of Florida.
- (l) “Golf Cart” – Shall have the definitions provided in F.S. § 320.01. As it now exists, that term means: “A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and is not capable of exceeding speeds of (20) miles per hour.”
- (m) “Golf Cart Path” – Means a shared-use pathway which may be used by pedestrians, roller-bladers/skaters, runners, bicyclists, and golf carts (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and utility vehicles).
- (n) “Low-Speed Vehicle” – Also known as, “LSV,” Shall have the definitions provided in F.S. § 320.01. As it now exists, that term means: “Any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including but limited to neighborhood electric vehicles. LSVs must comply with the safety standards in 49 C.F.R. Section 571.500 and Section 316.2122, Florida Statutes.”

- (o) “Multi-Use Path” – Also known as, “Shared Path,” Means a paved or unpaved recreational trail, bicycle path or sidewalk, maintained by the City of Neptune Beach within and without city road rights of way, on public or private property, intended for and open to the use of the public for travel and recreational activities; Multi-Use Paths are not part of the, “County Road System,” as defined in Chapter 336, Florida Statutes.
- (p) “Prohibited Road” – Means a Road, or portion thereof, on which, consistent with this Section, the City has specifically prohibited the use of Golf Carts or LSVs. However, all roads under the jurisdiction of the City of Neptune Beach shall allow Golf Carts unless expressly prohibited by this Chapter, or pursuant to previous ordinances.
- (q) “Road” – Shall have the definitions provided in F.S. § 320.01. As it now exists, that term means: the entire width between boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic; also known as: street, highway, or alley. This term includes associated sidewalks (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and utility vehicles), the roadbed, the rights of way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.
- (r) “Operate” – To ride in or on and control the operation with actual physical control of a golf cart, low-speed vehicle, or utility vehicle.
- (s) “Operator” – Only persons over (16) years of age, and holding valid, current driver’s license may operate a golf cart, low-speed vehicle, or utility vehicle on a street, highway or in the public right of way.
- (t) “Off-Road Vehicle” – A motor-driven vehicle capable of cross-country travel: without benefit of a road or trail; and on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain. The term includes, but is not limited to the following: A multi-wheel drive, or low-pressure tire vehicle; an amphibious machine; a ground effect air cushion vehicle; Swamp Buggy; and other means of transportation deriving motive power from a source other than muscle, or wind. The term does not include, but is not limited to the following: A farm vehicle being used for farming; a vehicle used for military, law enforcement, or other purposes related to good governance by City employees; a construction, mining, or other industrial-related vehicle used in performance of the vehicle’s common functions; a registered aircraft; and other vehicle properly registered by the Florida Highway Safety and Motor Vehicles; or any water craft that is registered under state statutes.
- (u) “Sidewalk” – Means a paved area intended primarily for use by pedestrians (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and

utility vehicles); 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; F.S. §316.003 (47).

(v) "Highway" – See, "Road."

(w) "Street" – See, "Road."

(x) "Utility Vehicle" - Shall have the definitions provided in F.S. § 320.01. As it now exists, that term means: a motor vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but the term does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, or a golf cart, or an all-terrain vehicle as defined in F.S. § 316.2074.

Sec. 22 – 72 Designation Procedures.

The following procedures shall be utilized in designating any portion of any Road as a Designated Road or Prohibited Road or any portion of a Sidewalk as a Golf Cart Path:

- (a) For additional clarity all Roads under the jurisdiction of the City of Neptune Beach are, by default, Designated Roads for golf carts, low-speed vehicles and utility vehicles.
- (b) For additional clarity all sidewalks under the jurisdiction of the City of Neptune Beach are, by default, are restricted from use by golf carts, low-speed vehicles and utility vehicles.
- (c) Upon receipt of an Application, the City Engineer shall, as may be applicable, conduct a study, review any study provided by an Applicant, or review the proposed construction plans, if the Application has been submitted during the development review. The City Engineer shall review the Application in accordance with best practices within the industry and with local, state and federal design standards and guidelines and shall make a recommendation of the following as may be applicable:
 - (1) In the case of a proposed Designated Road, whether Golf Carts may travel on or across the proposed Designated Road, considering factors including the speed, volume, and character of motor vehicle traffic using said road or street, provided that, in no event shall an Application for a proposed Designated Road be granted unless the posted speed limit is (30) miles per hour or less. Upon completion of the review, the City Engineer shall either recommend denial or approval of the Application to the Community Development Director and City Manager.

- i. The Community Development Director shall review the recommendation of the City Engineer and consider the effect that the application has on the City's Comprehensive Plan and Vision. Upon completion of the review, the Community Development Director shall either recommend denial or approval of the Application to the City Manager.
 - ii. The City Manager, or designee, shall review the recommendations from the City Engineer and Community Development Director and shall deny or approve the application.
- (2) In the case of a proposed Prohibited Road, whether it is necessary in the interest of public safety to prohibit the operation of golf carts, LSVs, or utility vehicles on the proposed Prohibited Road. Upon completion of the review, the City Engineer shall either recommend denial or approval of the Application to the Community Development Director and City Manager.
 - i. The Community Development Director shall review the recommendation of the City Engineer and consider the effect that the application has on the City's Comprehensive Plan and Vision. Upon completion of the review, the Community Development Director shall either recommend denial or approval of the Application to the City Manager.
 - ii. The City Manager, or designee, shall review the recommendations from the City Engineer and Community Development Director and shall deny or approve the application.
- (3) In the case of a proposed conversion of an existing Sidewalk into a Golf Cart Path or construction of a Golf Cart Path where no sidewalk and/or Road currently exists, the City Engineer shall consider, as applicable, the current or proposed conditions for non-vehicular traffic in the surrounding community, the character of the surrounding community and the location of proposed and/or existing authorized Golf Cart crossing(s), and whether Golf Carts, bicycles and pedestrians may safely share the proposed Golf Cart Path. Any Golf Cart Path shall have a minimum of fourteen (14) feet of clear width with pavement width of at least (12) feet, measured from the centerline of the clear width. The City Engineer may approve a deviation of both the required width and required pavement width based on topographic conditions but may not approve a proposed Golf Cart Path with less than (8) feet of pavement width. Upon completion of the review, the City Engineer shall either recommend denial or approval of the Application to the Community Development Director and City Manager.

- i. The Community Development Director shall review the recommendation of the City Engineer and consider the effect that the application has on the City's Comprehensive Plan and Vision. Upon completion of the review, the Community Development Director shall either recommend denial or approval of the Application to the City Manager.
 - ii. The City Manager, or designee, shall review the recommendations from the City Engineer and Community Development Director and shall deny or approve the application.
- (4) In the case of a proposed conversion into a Golf Cart Path of an existing or planned Multi-use Path that was installed in lieu of a requirement for both a bike lane and a sidewalk, said conversion will only be allowed if an additional four feet of pavement width and overall clear width is provided (16' of pavement width and 18' of clear width). Additionally, the City Engineer shall consider, as applicable, the current or proposed conditions for non-vehicular traffic in surrounding community, the character of the surrounding community and the location of the proposed and/or existing authorized Golf Cart or Multi-Use Path crossings, and whether Golf Carts, bicycles and pedestrians may safely share the proposed Golf Cart Path. The City Engineer may recommend approval of a deviation of both the required clear width and required pavement width based on topographic conditions, but may not approve a proposed Golf Cart Path in this instance with less than (12) feet of pavement width. Upon completion of the review, the City Engineer shall either recommend denial or approval of the Application to the Community Development Director and City Manager.
 - i. The Community Development Director shall review the recommendation of the City Engineer and consider the effect that the application has on the City's Comprehensive Plan and Vision. Upon completion of the review, the Community Development Director shall either recommend denial or approval of the Application to the City Manager.
 - ii. The City Manager, or designee, shall review the recommendations from the City Engineer and Community Development Director and shall deny or approve the application.
- (d) In the event the City Engineer recommends denial of the Application, the City Engineer shall provide the Community Development Director and City Manager with written findings of fact in support of the denial; a copy of which will be given to the Applicant.
- (1) The City Manager may approve or deny the Application based on the recommendations of the City Engineer and/or Community Development Director.

- (2) In the event that the City Manager denies the Application, the City Manager will provide the Applicant with the denial and any written findings of fact produced by the City Engineer and/or Community Development Director. The Applicant may appeal the denial of the City Manager by filing a written notice of appeal with the City Clerk within (30) days after receipt of the written findings of fact. The appeal shall be heard by the Community Development Board and either the decision by the City Manager shall be affirmed or overruled.
- (e) In the event the City Engineer recommends approval of the application, the City Engineer shall provide the Community Development Director and City Manager with written findings of fact in support of the approval. Upon approval of the Application by the City Manager, the Applicant shall install, or shall cause to be installed, appropriate signs and/or pavement markings to indicate where and that such vehicle use is allowed or prohibited, as may be applicable. All signage and pavement markings shall comply with the standards of the *Manual on Uniform Traffic Control Devices* issued by the *Federal Highway Administration*; and as may be required by the Neptune Beach Code of Ordinances, or Vision Plan; and with any permitting requirements for such signs. At a minimum, signs shall be located at entry points into the development, and on the Roads and Golf Cart Paths. The signs shall be of a design approved through the application process. The Applicant or designee shall pay in full for all costs and expenses associated with the installation of such signage and/or pavement markings. Failure to repair or replace a damaged or missing sign shall cause a Road to lose its designation.
- (f) Communities that own and maintain their own road system (i.e. private communities, Home Owners Associations, community development districts, special districts) may apply pursuant to this Section for the community-owned roads or sidewalks, or any portion thereof, to be designated for Golf Cart use, or for the use of LSVs to be prohibited upon the community-owned roads, or any portion thereof, and for enforcement of the provisions of this Section, if said community has entered into a traffic enforcement agreement with the City of Neptune Beach Police Department. The cost of any and all signage and/or pavement markings required shall be the sole responsibility of the community. Nothing in this Section shall be construed to convey to the City any ownership or maintenance responsibility of the community-owned roads or sidewalks.

Sec. 22 – 73 Operation of Golf Cart, LSV, Utility Vehicles and Equipment

The operation of a golf cart, low-speed vehicle, or utility vehicle on a road under the jurisdiction of the City of Neptune Beach is strictly prohibited unless the golf cart, low-speed vehicle, or utility vehicle is operated, and equipped in full compliance with this ordinance.

- (a) DUTY OF CARE

- (1) No Golf Cart, LSV, or Utility Vehicle shall be operated in a reckless or careless manner. The Florida Uniform Traffic Control Law, F.S. § 316, shall apply where applicable, as per Florida Law.

(b) REGISTRATION REQUIREMENT

- (1) All golf carts, LSVs and Utility Vehicles, including, but not limited to swamp buggies, must be registered with Florida Highway Safety and Motor Vehicles; and must be plated.
- (2) All LSVs and Utility Vehicles must be registered and insured in accordance with F.S. § 302.02, and titled pursuant to Chapter 319, Florida Statutes.

(c) AUTHORIZED OPERATOR

- (1) Only persons over sixteen (16) years of age and holding a valid, current driver's license may operate a golf cart, LSV, or Utility Vehicle on any street, highway or in a public right of way.

(d) FINANCIAL RESPONSIBILITY PROOF

- (1) The operator of a golf cart, LSV, or Utility Vehicle must be able to produce proof of financial responsibility when asked by a City Official while operating a golf cart, LSV, or Utility Vehicle.
- (2) Written proof of financial responsibility must be available either on the golf cart/off road vehicle, or carried by the operator at all times.

(e) TIME OF ALLOWABLE OPERATION AND EQUIPMENT REQUIREMENTS

- (1) Golf carts, LSVs, and Utility Vehicles shall not be operated on Roads under the jurisdiction of the City of Neptune Beach during one-half hour after sunset to one-half hour before sunrise; unless
 - i. The golf cart or off-road vehicle is equipped with two operating headlights (one on each side of the front of the golf cart, LSV or utility vehicle), two operating red tail lights with red brake lights (one on each side of the rear of the golf cart, LSV, or utility vehicle) which are visible from a distance of five hundred (500) feet, and four operating amber turn signals (one on each side of the front, and rear of the golf cart, LSV or utility vehicle) which are visible from a distance of five hundred (500) feet.

- ii. No person who does not hold a valid driver license and is under (17) years of age may operate a Golf Cart upon a Designated Road or Golf Cart Path after 11PM and before 6AM.
- (2) All Golf Carts, LSVs, and Utility Vehicles must be equipped with at least one side-mounted rear-view mirror on the left side of the vehicle.
 - (3) All Golf Carts, LSVs, and Utility Vehicles must be equipped with a windshield.
 - (4) A Golf Cart operating on a Designated Road or Golf Cart Path must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror (inside the operator's cab), and red reflectorized warning devices in both the front and rear.
 - (5) A Golf Cart operating on a Designated Road or Golf Cart Path must be equipped with a horn or other warning device as required by F.S. § 316.271.
 - (6) All LSVs, and Utility Vehicles must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors (inside the operator's cab), windshields, seat belts, and vehicle identification numbers.
 - (7) All Golf Carts, LSVs, or Utility Vehicles that is not under ordinary circumstances moved, operated, or driven at a speed greater than twenty-five (25) miles per hour must display on the back of the vehicle a, "slow-moving vehicle" emblem.
 - (8) The City, or any other state or local agency operating under an interlocal, or mutual aid agreement may use Golf Carts, LSVs, and Utility Vehicles upon any Road or Sidewalk in accordance with F.S. § 316.2126; and F.S. § 316.21265.

(f) VARIANCES

- (1) In the event that a person cannot meet any of the criteria for equipment, that person may make a written request with the Community Development Board for an exception to the provisions of this Ordinance.
 - i. Such written requests shall set forth the item, or items that cannot be met by said person, and the reasons for that, and shall state why the Community Development Board should allow an exception to any of the terms and provisions of this Ordinance.
- (2) The Community Development Board shall have the authority to grant, or deny any such exceptions following the receipt of such a written request, and the appearance of the person making such request at a Community Development

Meeting, by establishing in writing the reasons for the granting, or denying of the exception(s) so requested.

(g) PLACE OF OPERATION

- (1) By default, all Golf carts, LSVs, and Utility Vehicles may be operated on Town streets if the equipment complies with other provisions of this code.
- (2) In general, Golf carts, LSVs, and Utility Vehicles may not be operated along 3rd Street (A-1-A), or any other state or federal highway except to cross said highways at a ninety (90) degree angle; or as may be allowed under F.S. § 316.212.
- (3) By default, Golf carts, LSVs, or Utility Vehicles are not to be driven, or parked on public sidewalks.
- (4) No golf cart, or off-road vehicle shall be allowed to operate in any area designated as a park without the prior approval of the Director of Public Works; vehicles operated by City employees for the purposes of carrying out related job-duties for the good operation of the City are exempted from this restriction.

(h) OCCUPANTS

- (1) The number of occupants in a golf cart, or off-road vehicle shall be limited to the number of persons for whom factory seating is installed, and provided on the Golf Cart, LSV, or Utility Vehicle.
- (2) The operator and all occupants shall be seated in the Golf Cart, LSV, or Utility Vehicle and no part of the body of the operator or occupant shall extend outside the perimeter of the Golf Cart, LSV, or Utility Vehicle while in operation.
- (3) Children under (3) years old are not to be passengers on Golf Carts, LSVs, or Utility Vehicles on public streets, alleys, or roads in the City of Neptune Beach.

(i) TRAFFIC RULES; ENFORCEMENT; AND PENALTIES

- (1) The Florida Uniform Traffic Control Law, F.S. § 316, shall apply where applicable, as per Florida Law.
- (2) The operator of the Golf Cart, LSV, or Utility Vehicle shall comply with all traffic rules and regulations adopted by the State of Florida, and the City of Neptune Beach which govern the operation of motor vehicles.

- (3) The Neptune Beach Police Department is authorized to stop persons whom are reasonably suspected to be in violation of the provisions of this section and may detain such persons as long as is reasonably necessary to determine whether they are in violation of this Section.
- (4) The Neptune Beach Police Department, upon finding a person suspected to be in violation of this Section shall allow the person an opportunity to explain why he or she is not in violation of this ordinance. If a person is in violation of the ordinance, the Neptune Beach Police Department shall ascertain the name and address of the person, warn the person that he or she is in violation of the ordinance, and if there is any doubt about the will or capacity of the person to return safely to their home or usual place of abode, the Neptune Beach Police Department may take the person immediately to their home or usual place of abode.
- (5) Any person who violates this Section shall receive a written warning for his or her first violation.
- i. Violations of this Section that are not subject to penalties of F.S. § 316; and after first receiving a written warning, are hereby declared to be civil infractions for which the following penalties shall be assessed and paid in the following amounts:
 1. First Offense \$50.00
 2. Second Offense \$75.00
 3. Third Offense \$100.00
 - ii. If a person fails to pay the civil fine within the time prescribed on the citation or fails to obtain a court date, or having obtained a court date, fails to appear in court to contest the citation, the person shall be deemed to have waived the right to contest the citation. In such case, final judgement may be entered against the person in the maximum civil fine allowed, which shall be payable within sixty (60) days from the date of execution of the final judgment. Alternatively, the court may issue an order to show cause, requiring the person to appear before the court to explain why action on this citation has not been taken. If any person who is issued such an order fails to appear in response to the court's directive that person may be held in contempt of court in addition to having to pay the civil fine, court costs and restitution, as applicable.

- iii. The enforcement provisions of this Section are supplemental in nature and are not intended to prohibit the City from seeking any remedy available at law or equity.

Sec. 22 – 74 Severability

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Sec. 22 – 75 Effective

This ordinance shall be in full-force and effect from, and after its passage and publication as required by law.

The provision of all other ordinances in conflict with the provisions hereto are no further in force, or effect, and are hereby repealed.

VOTE RESULTS OF FIRST PUBLIC HEARING AND READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Scott Wiley
Councilor Josh Messinger
Councilor Kerry Chin

Passed on First Reading this _____ day of _____, 2020.

VOTE RESULTS OF SECOND AND FINAL PUBLIC HEARING AND READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Scott Wiley
Councilor Josh Messinger
Councilor Kerry Chin

Passed on Second and Final Reading this ____ day of _____, 2021

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

Approved as to form and contents:

Zachary R. Roth, City Attorney