

RESOLUTION NO. 09-11

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING THE OPERATION OF GOLF CARTS AND LOW SPEED VEHICLES UPON COUNTY ROADS AND RIGHT-OF-WAYS WITHIN THE NOCATEE DEVELOPMENT OF REGIONAL IMPACT, SUBJECT TO COUNTY ENGINEER APPROVAL; AUTHORIZING THE OPERATION OF GOLF CARTS AND LOW SPEED VEHICLES ON DESIGNATED PATHS WITHIN COUNTY RIGHT-OF-WAYS WITHIN THE NOCATEE DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FINDINGS OF FACT, SEVERABILITY PROVISIONS AND AN EFFECTIVE DATE.

WHEREAS, section 316.212, Florida Statutes, and Ordinance 2009-1, authorize St. Johns County to authorize the operation of Golf Carts on certain public roads or streets designated by the County for use by Golf Carts; and

WHEREAS, the approved Nocatee Development of Regional Impact, hereinafter referred to as "Nocatee" is a master-planned community which integrates a mixture of residential, recreational, retail and workplace uses connected by roads, paths and trails; and

WHEREAS, considering the speed, volume, and character of the existing and proposed future local roads within Nocatee having a posted speed limit of 25 miles per hour or less, Golf Carts may be permitted to be operated on such roads, subject to County Engineer approval; and

WHEREAS, separate pathways for Golf Cart and/or Low Speed Vehicle usage within County rights of way within Nocatee can provide connections between local roads having speed limits of 25 miles per hour or less so as to allow travel via Golf Cart or Low Speed Vehicle between residential, retail and workplace areas within Nocatee without the need to use an automobile; and

WHEREAS, the PARC Group Inc., hereinafter referred to as the "Developer" and the Tolomato Community Development District are developing cart paths designated for Golf Cart and Low Speed Vehicle use within County Rights-of-Way to allow for interconnectivity between residential, recreational, retail and workplace areas in Nocatee using such vehicles; and

WHEREAS, the Developer and the Tolomato Community Development District will contribute a substantial investment to design, engineer and build roads and rights of way that will accommodate and allow use of Golf Carts within the Nocatee Development of Regional Impact; and

WHEREAS, the Developer and the Tolomato Community Development District are seeking reasonable assurances that the Developer and the Tolomato Community Development District may allow for the use of Golf Carts within County Rights-of-Way, located within Nocatee, subject to County Engineer review and approval consistent with County Ordinance 2009-1; and

WHEREAS, electrically powered vehicles provide residents an alternative mode of transportation within the community, reducing vehicle emissions and gasoline consumption.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

Section 1. Findings of Fact.

The above recitals are incorporated by reference into the body of this Resolution, and such recitals are adopted as Findings of Fact.

Section 2. Golf Cart Usage on Roads within Nocatee.

The Board has determined that, upon review and permitting by the County Engineer, electrically powered Golf Carts may be operated on Designated County Roads, both existing and future roads within Nocatee having a posted speed limit of 25 miles per hour or less. Golf Cart crossings of other roads within Nocatee shall be reviewed and permitted by the County Engineer. Golf Cart operators shall use such vehicles in accordance with Ordinance 2009-1, and applicable Florida Statutes.

Section 3. Low Speed Vehicle Usage on Roads within Nocatee.

Electrically powered Low Speed Vehicles (LSVs) meeting the requirements of section 320.01 (42), Florida Statutes, may be operated, consistent with section 316.2122, Florida Statutes and on roads within Nocatee having a posted speed of 35 miles per hour or less. LSV crossings of other roads within Nocatee shall be reviewed and permitted by the County Engineer.

Section 4. Signage Plan.

Uniform signage, as reviewed and permitted by the County Engineer, shall be posted at the major entrances into Nocatee and at designated locations within the Town Center and neighborhoods to inform motorists that Golf Carts may be present and using the roadways. Such signage shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) standards, as issued by the Federal Highway Administration (FHWA) of the United States Department of Transportation (USDOT), and County Ordinance 2009-1.

Section 5. Operation of Golf Carts and Low Speed Vehicles on Cart Paths within County Rights-of-Way within Nocatee.

Electrically powered Golf Carts and LSVs may be operated upon pathways designated for Golf Cart and/or LSV use within County rights-of-way ("Cart Paths") with their design reviewed and permitted by the County Engineer in accordance with the Best Practices within the Industry, local, state and federal design standards and guidelines. Cart Paths shall have a minimum of twelve (12) feet of clear width, with pavement width of at least ten (10) feet, measured from the centerline of the twelve (12) feet clear width. The County Engineer may

approve a deviation of both the required clear width and required pavement width based on topographic conditions. Signage shall be placed at Cart Path entrances (such as where such cart paths cross public roads) informing users that only Golf Carts and LSVs may use such pathways.

Where due to right of way constraints, wetlands preservation requirements or other engineering issues, a Cart Path is placed immediately adjacent to a pathway designated for pedestrian and/or bicycle uses, appropriate separation delineators shall be placed so as to direct Golf Cart and LSV operators to stay in the designated Cart Path, and for pedestrians and bicycles to stay on the designated pedestrian/bicycle path area. Such separation delineators shall comply with MUTCD standards with approval by the County Engineer.

The posted speed limit on the Cart Paths shall not exceed 15 miles per hour. Violations of a posted speed limit or failure to meet the licensure or age requirements on the Cart Paths shall be enforceable by the Sheriff or Code Compliance Officers in accordance with Section 7 of Ordinance 2009- I and applicable sections of the Florida Statutes.

Section 6. Nighttime Use of Golf Carts and LSVs within Nocatee.

Between sunset and sunrise, electrically powered Golf Carts may be operated on the roads meeting the criteria in Section 1 above and on Cart Paths within County rights-of-way in Nocatee, including crossings allowed under Section 2, if such Golf Carts are equipped with headlights, brake lights, turn signals, and a windshield. Between Sunset and Sunrise, electrically powered LSVs meeting the criteria of sections 316.2122 and 320.01 (42) Florida Statutes, may also use Cart Paths within County rights-of-way in Nocatee.

Section 7. Severability.

If any section, sentence, clause or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution. This Resolution shall be read with section 316.212 and 320.01 (42), Florida Statutes, as may be amended from time to time. If any conflict exists or arises between this Resolution and said statute or any rule promulgated under that statute, the statute or rule shall control and automatically sever the conflicting Resolution provision. However, if the conflict is solely due to this Resolution being more restrictive, than the provisions of this Resolution shall control.

Section 8. Effective Date.

This Resolution shall be effective upon the adoption of the St. Johns County Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 6th day of January, 2009.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA**

By: Cyndi Stevenson
Chairman

RENDITION DATE 1/9/09

ATTEST:

By: Robin S. Platt
Clerk

Adopted regular meeting 1/6/09
Effective: 1-6-09

