

NASSAU COUNTY SIDEWALK – FEE-IN-LIEU POLICY

ARTICLE 1. INTENT

Section 1. Purpose of the Policy

In general, the Nassau County Board of County of Commissioners (BOCC) supports the construction and installation of sidewalks and trails by a developer at the time of development. However, there are circumstances when current site conditions or other considerations justify the acceptance of a fee-in-lieu of providing sidewalks and or trails.

It is the purpose of this policy to implement Comprehensive Plan Policies T.04.01 and T.04.02 and the Nassau County Vision 2032 Plan, intended to increase the safety and availability of both a multi-modal network and active recreation facilities in Nassau County. It is further the purpose of this policy to establish clear, equitable, and consistent standards for a fee-in-lieu of construction of sidewalks and trails within or along, ~~and connecting to,~~ County and FDOT rights-of-ways. Sidewalk and trail construction is required in Section 11.7.1 of Ord. 99-17, and by Comprehensive Plan Policies T.04.02 and T.04.03. This policy shall establish defined standards related to project eligibility, prioritization, and implementation. This policy shall not apply to the requirements for internal sidewalks or trails within a development.

Section 2. Discretionary Power

A fee-in-lieu of sidewalk and or trail is subject to review and approval of the County Engineer. This policy shall not limit the County Engineer's authority to deny a fee-in-lieu of sidewalk construction request, with a written justification. The standards and material contained herein are meant to guide and support any decision made by the County Engineer regarding fee-in-lieu of sidewalk or trail construction.

ARTICLE 2. PROJECT ELIGIBILITY

Section 1. Fee-in-lieu of Sidewalk and or Trail Construction Requests

For any project required to construct sidewalks or trails along Nassau County or FDOT rights-of-way per the standards of Section 11.7.1 of Ord. 99-17, the Developer may request to pay a fee-in-lieu of constructing said physical improvements based on the evaluation criteria. This policy shall not apply to the requirements for internal sidewalks or trails within a development. All requests to pay a fee-in-lieu of sidewalk construction or a connection shall be reviewed and approved or denied by the County Engineer.

Any project required to construct trails per Comprehensive Plan policies T.04.02 and T.04.03 may request to pay a fee-in-lieu of said physical improvements based on the evaluation criteria. All requests to pay a fee-in-lieu of trail construction or a connection shall be reviewed and approved or denied by the County Engineer.

Section 2. Evaluation Criteria

While any project Developer may submit a request to pay a fee-in-lieu of sidewalk construction, it is the County's intention to limit the approval of such requests to eligible projects. The following list of criteria

shall be used by the County Engineer for the purpose of evaluating a fee-in-lieu request. A request is not required to meet all of the following criteria to be considered eligible:

- 1) There are no sidewalks within 1/2 mile as measured from the project boundary along the roadway for which the request is made, and there are no known approved, pending, or potential development nearby that would require the installation of sidewalks.
- 2) There is a planned roadway or infrastructure improvement scheduled to be implemented within the next five (5) years which would require the removal or relocation of the required sidewalk.
- 3) Unusual circumstances that make the sidewalk installation, connection, or construction requirement unreasonable or inappropriate, as determined by the Directors.
- 4) The trail is identified on FTMS-8, but there is no determination on the side of the road the trail will be located on.
- 5) Within FDOT right-of-way, FDOT preference will be considered.

An application for the fee-in-lieu, and associated fees, shall be submitted to Engineering Services during the Development Review Committee (DRC) process. The fee for the application shall be consistent with the fees to request a variance with Engineering Services.

ARTICLE 3. FEE CALCULATION

The fee calculation for approved payments in lieu of sidewalk or trail shall be based on the cost for the County to construct the paved, ADA compliant sidewalk/trail and ADA compliant curb ramps. ~~All sidewalks shall have a width of 5', or 6' in areas with high pedestrian activity such as by schools, shopping centers, transportation facilities or parking areas, and trails shall have a width of 10'.~~ The current cost is attached as reference and will be amended from time to time to reflect changes in the cost of construction. All sidewalks and trails shall be constructed in accordance with the attached FDOT standard details.

For roads identified by the County, where a trail and sidewalk are proposed but the side of the road for each facility is undetermined, the applicant shall pay for the construction of a 7.5' wide facility. Payments shall be due prior to:

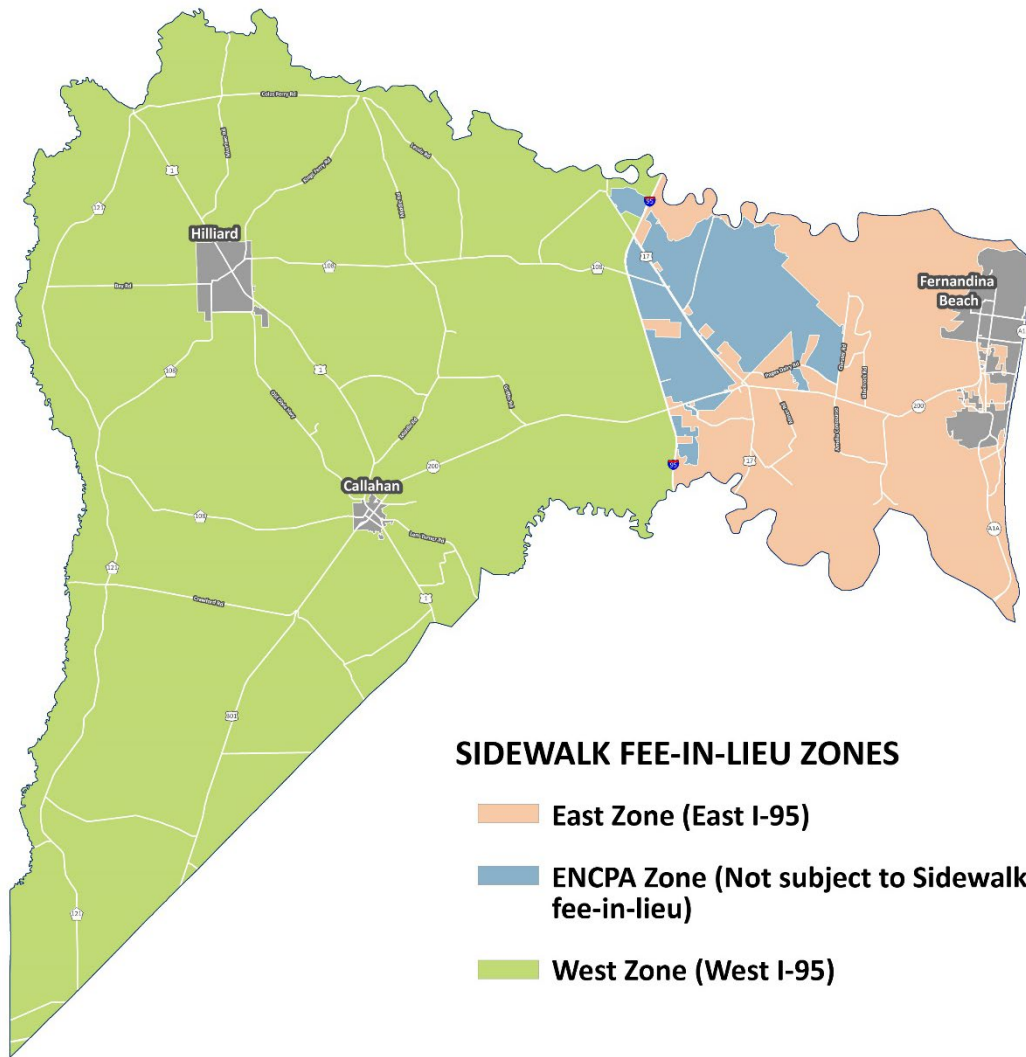
- 1) Issuance of Site Work Permit.
- 2) Final plat approval for applicable residential projects that do not require a Site Work Permit.

ARTICLE 4. COUNTY USE OF SIDEWALK FEE-IN-LIEU OF CONSTRUCTION FUNDS

Section 1. Use Types

There is hereby established a special fund for the deposit of all sums paid in lieu of sidewalk and trail installation per this policy (hereafter referred to as the 'Sidewalk Fund'). These funds shall only be used to install new sidewalks and trails or new pedestrian facilities (such as curb ramps or crosswalks), this includes the widening of an existing sidewalk to the width of a trail. Costs associated with sidewalk repairs shall be otherwise budgeted for by the County and shall not come out of the Sidewalk Fund. The Sidewalk Fund will be monitored and operated through the Office of Management and Budget.

The County shall create a Sidewalk and Trail Prioritization List for the purpose of identifying those areas in which new sidewalks can be installed by the County using the Sidewalk Fund. Article 5 outlines the County's process for prioritizing projects.



SIDEWALK FEE-IN-LIEU ZONES

- East Zone (East I-95)
- ENCPA Zone (Not subject to Sidewalk fee-in-lieu)
- West Zone (West I-95)

Section 2. Payments

As set forth by this policy, payments collected through fee-in-lieu shall be split into two zones: East of I-95 and West of I-95; the funds shall be used in the zone in which they are collected. This fee is not applicable to lands within the East Nassau Community Planning Area (ENCPA). Engineering Services will coordinate with the Office of Management and Budget on the monitoring and utilization of the Sidewalk Fund.

In the event that a Sidewalk Prioritization List is not available or that collected fees are insufficient to cover any projects on the Sidewalk Prioritization List, the County Engineer may elect to reserve these funds until additional fees are collected. Alternatively, the County Engineer may use the funds to build a

new sidewalk segment not specifically listed on a prioritization list, if said sidewalk completely fills a gap between two existing sidewalk segments or improves safety for pedestrians.

ARTICLE 5. PRIORITIZATION OF NEW SIDEWALK AND TRAIL CONSTRUCTION

The County shall periodically compile a priority listing for the construction of paved sidewalk improvements, giving full consideration to the following criteria:

- 1) Sidewalks along one side of the street that provide access to an existing or planned public school shall normally be given first priority in an order established by the County.
- 2) Sidewalks along one side of the street that provide access to an existing or planned public facility, such as a park, shall normally be given second priority in an order established by the County.
- 3) Sidewalks along streets designated as a major or minor collectors, where gaps currently exist or connections between existing sidewalks can be made, shall normally be given third priority in an order established by the County.
- 4) Sidewalks along County major and minor collectors where no facilities currently exist, shall be given fourth priority.
- 5) Sidewalks in locations where a sidewalk exists on one side but not the other shall normally be given fifth priority in an order established by the County.
- 6) Sidewalks in locations other than those described above shall normally be given sixth priority in an order established by the County.

The County shall periodically compile a priority listing for the construction of paved trail improvements, giving full consideration to the following criteria:

- 1) Paved trails that provide access to an existing or planned public school shall normally be given first priority in an order established by the County.
- 2) Paved trails that provide access to an existing or planned public facility, such as a park, shall normally be given second priority in an order established by the County.
- 3) Paved trails where gaps exist or provide for connectivity to other trails, shall normally be given third priority in an order established by the County.
- 4) Paved trails along streets where no facilities currently exist, that are identified on the Future Transportation Map Series 8 shall be given fourth priority.
- 5) Paved trails in locations other than those described above shall normally be given fifth priority in an order established by the County.

ARTICLE 6. FUTURE SITE IMPROVEMENTS OR CHANGES

A fee-in-lieu of sidewalk or trail request approved by the County Engineer shall only apply to those requirements in place at the time of development. This policy shall not be construed to grant exceptions to sidewalk installation requirements related to any future building or parking lot expansions, redevelopment, or changes in use which would require sidewalk installation per the standards of the Nassau County Code of Laws and Ordinances.

ARTICLE 7. ~~Appeals~~ EXEMPTIONS

A An exemption from sidewalk or trail construction with County or FDOT rights-of-way and fee-in-lieu will be granted for residential developments that meet the fee-in-lieu criteria set forth in Article 2 Section 2 of sidewalk this policy, and the following conditions:

1. Average lot frontage shall be no less than two hundred feet (200').
2. Average lot acreage two (2) acres or trail request more.

ARTICLE 8. VARIANCES AND APPEALS

A variance from sidewalk construction and fee-in-lieu, in accordance with variance procedures in Ordinance 99-17 Article 15, may be approved for residential developments.

A variance denial for sidewalk construction and fee-in-lieu may be appealed by the applicant to the Planning and Zoning Board of County Commissioners within thirty (30) days of a written denial from the County Engineer. in accordance with Ordinance 99-17 Article 15.