

Ordinance 2009- 14

**AN ORDINANCE OF NASSAU COUNTY, FLORIDA
REVISING SECTION 11.7.6 OF THE NASSAU COUNTY
ROADWAY AND DRAINAGE STANDARDS, ORDINANCE
99-17, AS AMENDED, TO PROVIDE FOR BONDING THE
CONSTRUCTION OF SIDEWALKS IN RESIDENTIAL
SUBDIVISIONS; PROVIDING SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the County's Roadway and Drainage Standards established in Ordinance 99-17, as amended, allows the County to accept a bond when the County approves deferring the installation of sidewalks in a residential subdivision until after the housing is installed; and

WHEREAS, the County desires to amend the applicable provisions of the Roadway and Drainage Standards to provide a more effective policy regarding construction of sidewalks in residential subdivisions.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF NASSAU COUNTY, FLORIDA:**

1. Section 11.7.6 of the Nassau County Roadway and Drainage Standards, Ordinance 99-17, as amended, shall be further amended as follows:

~~**11.7.6** Construction of sidewalks in new subdivisions may be deferred until installation of housing. In this case, the housing contractor will be required to install sidewalks before a final inspection will be approved. This deferral must be approved by the Public Works Director and a bond equal to 10% of the estimated construction cost must be posted to insure complete installation.~~

11.7.6 In residential subdivisions, sidewalks shown on the approved engineering plans or otherwise required to be constructed within or adjacent to the common areas shall be installed by the developer and approved by the County prior to recording the subdivision plat. Alternatively, construction of these sidewalks may be deferred until the County inspects the subdivision for final approval. In that event, the construction of said sidewalks shall be included in the construction bond for the plat. The bond shall include an amount equal to 115% of the costs of constructing uninstalled sidewalks lying in or adjacent to common areas.

In residential subdivisions where lots have an area of one (1) acre or less, construction of sidewalks shown across individual residential lots, as shown on the approved engineering plans, may be deferred until the house on the individual lot is installed. However, the sidewalk across an individual lot shall be constructed by the developer prior to the issuing of a Certificate of Occupancy for the house on the particular lot when the approved engineering plans show a sidewalk is required for that lot. This requirement shall be stated in the Declaration of Covenants and Restrictions of the subdivision, or by other instrument of record which runs with title to the particular lot or lots.

2. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

3. Effective Date. This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED THIS 13th DAY OF

July, 2009.

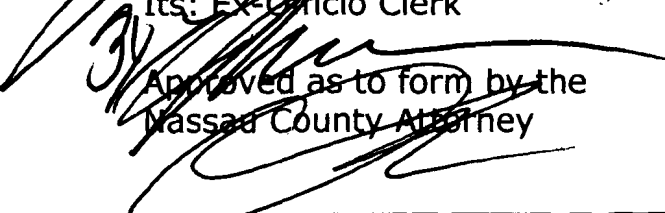
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


BARRY V. HOLLOWAY
Its: Chairman

ATTEST AS TO CHAIRMAN'S
SIGNATURE:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

ELM 7/13/09


Approved as to form by the
Nassau County Attorney

DAVID A. HALLMAN