

ORDINANCE 86-8

A ORDINANCE REQUIRING DEVELOPERS OF PROPERTIES ADJACENT TO HERNANDO COUNTY'S MAJOR ARTERIAL HIGHWAY GRID TO PROVIDE FOR THE FUNDING AND CONSTRUCTION OF FRONTAGE ROADS UPON DEMONSTRATION OF NEED AND DEMAND BY THE COUNTY; PROVIDING FOR PERMITTING; PROVIDING FOR MAINTENANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR APPEALS; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is of increasing importance and concern to the County to provide for a transportation grid which expedites traffic flows quickly and safely; and

WHEREAS, the major arterial highway grid is the main provider of traffic carrying capability in the County; and

WHEREAS, the major arterial grid is becoming congested by increased traffic and the provision of more and more driveway cuts with little regard to the overall effect upon the major transportation arterials; and

WHEREAS, frontage roads have been shown to reduce the traffic cut problems and increase the utility of the major transportation arterials by separating local traffic from through traffic; and

WHEREAS, development adjacent to major arterials are a prime generator of local traffic;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, AS FOLLOWS:

SECTION 1. INTRODUCTION

This Ordinance is enacted under the Home Rule power of the County for the purpose of providing transportation improvements in the interest of the public health, safety, and welfare of the citizens of Hernando County. This Ordinance shall apply and be in force in all areas of Hernando County not within the boundaries of any municipality.

SECTION 2. DEFINITIONS

Arterial Highway: Those streets which are used primarily for fast or heavy traffic which convey traffic from local streets to expressways and other collector streets. Arterials are classified as either major or minor depending on the intermittency of traffic. For purposes of this Ordinance, the following Hernando County Roads are classified as arterial highways subject to the terms and provisions of this Ordinance: US 301, US 98, US 41, US 19, CR 485, and SR 50.

Developer: The person or entity responsible for increasing the traffic demand upon the arterial

system by either building a new building, expanding the capacity of an existing building, changing of the approved use, or subdividing real property to create additional building lots. Development shall be considered to have occurred when any of the above activities have been accomplished with a projected subsequent average daily traffic increase of more than ten Average Daily Traffic Counts (ADT) derived from the Institute of Transportation Engineers (ITE) Trip Generation Manual, Third Edition (as amended).

Frontage Road Link: A length of frontage road approximating an optimum design distance of 1320 linear feet. In cases where existing streets intersect the frontage road area, the link may be significantly less than 1320 linear feet.

Frontage Road Segment: A length of frontage road running concurrent to the right of way of the arterial highway from property line to property line of any given property owner along the arterial highway. A frontage road segment may or may not constitute a link or links.

SECTION 3. GENERAL REQUIREMENTS

Developers of properties adjacent to the major arterial highway grid must provide at the developer's expense a frontage road from property line to property line parallel to the arterial highway upon demonstration of need and demand by the County.

The frontage road is to be designed to County designated specifications. The developer shall furnish to the County sufficient funds for the engineering and construction of the frontage road across the property when the County indicates that sufficient length is available to construct a link in the frontage road system.

All driveway cuts issued to developers of properties adjacent to arterial highways shall be considered temporary and subject to removal when the frontage road link is constructed across the property.

SECTION 4. PERMITTING

Property owners of property adjacent to arterial highways as defined by this ordinance shall be required to obtain a County permit for driveway cut(s) to the property prior to and in addition to any state or federal permits. Application shall be made to the County agency established by the Board of County Commissioners for the enforcement of the terms and provisions of this Ordinance. This County permit shall be taken to the State and/or Federal agency as a recommendation from the County.

SECTION 5. MAINTENANCE

All frontage roads created under the provisions of this ordinance shall be maintained in a passable condition to current County maintenance standards by the property owner upon whose property the road is constructed.

The property owner may contract with the County to provide for the maintenance of the roadway or dedicate the roadway and right of way to the County for inclusion into the County roadway maintenance system.

If the dedication is accepted by the Board of County Commissioners, the property owner will no longer have the obligation to maintain the roadway.

SECTION 6. ENFORCEMENT

The Board of County Commissioners of Hernando County shall establish the enforcing agency which shall be charged with the duty of administering the provisions of this ordinance and securing compliance therewith. In furtherance of this responsibility, the enforcing agency shall:

- a. issue permits required by this ordinance.
- b. make such inspections as may be necessary to carry out the purpose and intent of this ordinance and to initiate appropriate action to bring about compliance with this ordinance if such inspections disclose any instance of non-compliance.
- c. request the assistance of the County Attorney in taking appropriate legal action upon the failure of the responsible party to comply with such violation order at the time specified therein.

SECTION 7. PENALTIES

Any person, firm, or corporation found guilty of violating any of the provisions of this ordinance shall be guilty of a second degree misdemeanor, which upon conviction, shall be punishable by a fine not to exceed \$500.00 and up to sixty (60) days in jail. Each day that an offense or violation of this ordinance continues shall be deemed a separate offense.

SECTION 8. APPEALS

Any person, firm, or corporation aggrieved by a determination that such entity is subject to the application of this ordinance by virtue of being a developer, as herein defined, may appeal such determination to the Board of County Commissioners. An appeal shall be filed in writing with the Board of County Commissioners within thirty (30) days from the date such determination is made by the enforcing agency established pursuant to Section 6 hereof.

SECTION 9. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said Ordinance shall not be affected thereby.

SECTION 10. INCLUSION INTO THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of Hernando County Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "Ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 11. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of the official acknowledgment from the Office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION
THIS 6th DAY OF May, 1986.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY William T. Koenig
WILLIAM T. KOENIG, CHAIRMAN

ATTEST Harold W. Brown
HAROLD W. BROWN, CLERK

