

ORDINANCE NO.: 2006- 12

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DEPT. OF COUNTY CLERK
TALLAHASSEE, FLORIDA

FILED

1 AN ORDINANCE AMENDING CHAPTER 26 (SUBDIVISION
2 REGULATIONS), ARTICLE I (GENERAL PROVISIONS), SECTION 26-3
3 (APPLICABILITY; EXCEPTIONS) AND ARTICLE II (PROCEDURES FOR
4 COUNTY REVIEW AND APPROVAL), SECTION 26-21 (PROCEDURE FOR
5 CONDITIONAL APPROVAL OF A CONDITIONAL PLAT) OF THE
6 HERNANDO COUNTY CODE OF ORDINANCES RELATING TO
7 REGULATION OF SUBDIVISIONS; PROVIDING FOR INCLUSION IN THE
8 CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

9
10
11
12 WHEREAS, the first set of subdivision regulations was adopted by the Board of County
13 Commissions in 1974 pursuant to County Ordinance 74-4; and,

14
15 WHEREAS, the County periodically reviews its Land Development Regulations for
16 purposes of revising, updating and improving same; and,

17
18 WHEREAS, the County desires to amend Chapter 26 of Code as provided for herein.

19
20 NOW THEREFORE:

21
22 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
23 HERNANDO COUNTY, FLORIDA:

24
25 SECTION 1. Amending Chapter 26 (Subdivision Regulations), Article I (General Provisions),
26 Section 26-3 (Applicability; exceptions). Chapter 26 (Subdivision Regulations), Article I (General
27 Provisions), Section 26-3 (Applicability; exceptions) is amended to read as follows, with underlined
28 matter added and struck-through matter deleted:

29
30 **Sec. 26-3. Applicability; exceptions.**

31
32 (a) All developments which are being accomplished pursuant to a recorded plat
33 which was entered into the records of the county prior to June 13, 1991 and not otherwise
34 extinguished by operation of law or abandoned, shall be accomplished in accordance with the
35 provisions of this chapter if substantial construction has not yet been accomplished. "Substantial
36 construction" shall be interpreted to mean the pavement base has been laid, compacted and
37 finished or as otherwise defined by the board of county commissioners in response to a petition
38 for relief from hardship.

39
40 (b) A plat recorded into the records of the county prior to the adoption date of this
41 revision shall be presumed "abandoned" if any one of the following events has occurred: (i) the
42 owner or owners of the land encompassed by the recorded plat voluntarily request that the county
43 property appraiser's office change the legal description from lots/blocks within a named
44 subdivision to metes and bounds or sectional breakdown for real property tax assessment
45 purposes; (ii) the land encompassed by the plat is subsequently transferred by deed or deeds

which reference a metes and bounds, sectional breakdown, or other legal description in said deed or deeds inconsistent with the recorded plat and such deed or deeds create root title which is thereafter continued for a consecutive period of not less than thirty (30) years; or (iii) substantial construction [as defined in subsection (a)] has not yet been accomplished and the land has been used in a manner inconsistent with the recorded plat and such inconsistent use has continued for a consecutive period of not less than thirty (30) years at any time following the date the plat was recorded. Persons owning property encompassed by any plat which has been found abandoned under this provision may apply for a new plat under the prevailing regulations contained in this chapter. Any person owning property aggrieved by a finding of abandonment under this section by the administrative official may appeal such decision to the board of county commissioners within the time allowed and as provided for in Appendix A, Article V of this code.

(b c) For the purpose of Class B, C and D subdivisions, lots existing as of June 13, 1991, having a minimum lot size of 4.75 acres, or greater shall be considered as five (5) acre lots for the purpose of this chapter.

(e d) It shall be unlawful for anyone who is the owner of any land to subdivide for the purpose of transferring or selling such land without seeking and receiving approval of the subdivision of the land by the county in conformance with these subdivision regulations. The owner of such land found in violation of these rules shall be subject to the penalties as provided for in this chapter. The county may, among other remedies, also seek an injunction against such transfers or sales and no permits for the construction of any building or other facility will be issued by the county to the owner of such lands.

(d e) The county recognizes the following subdivision classes:

Class A: Class A subdivisions are formal subdivisions which must meet the formalized platting procedures contained in this chapter. The following constitute Class A subdivisions:

- (1) A subdivision created with fifty (50) lots or more is a Class A subdivision and must follow the existing rules for a formalized, platted subdivision.
- (2) A subdivision which has improvements which are dedicated to the public is a Class A subdivision and must follow the existing rules for a formalized, platted subdivision.
- (3) A subdivision created with lots less than two and one-half (2 ½) acres in size, other than a simple lot split is a Class A subdivision and must follow the existing rules for a formalized, platted subdivision.

Class B: Class B subdivisions are rural subdivisions which are exempt from the formalized platting procedures contained in this chapter. These subdivisions shall be approved for development by the county staff. The following constitute Class B subdivisions:

1 A subdivision of a parcel into more than ten (10) lots but less than fifty (50) lots
2 in an agricultural, agricultural-residential, or residential zoning category with a
3 minimum lot size of two and one-half (2 ½) acres is a Class B subdivision. All of
4 the following criteria must be met for the staff to approve the subdivision:
5

- 6 (1) Access to the subdivision shall be via a minimum thirty-foot county-maintained
7 and -owned right-of-way.
8
- 9 (2) Right-of-way permits shall be obtained prior to approval of the subdivision.
10
- 11 (3) The minimum access within the subdivision shall be:
12
- 13 a. A sixty-foot access and utility tract with a cleared and maintained right-of-
14 way width of thirty (30) feet. When any portion of the access and utility
15 tract will serve more than ten (10) lots in the development, it shall be
16 improved with the following minimum standards: a compacted limerock
17 travel surface, or other surface acceptable to the county engineer, eighteen
18 (18) feet in width, and four (4) inches thick. When ten (10) lots or fewer in
19 the development will have access onto the access and utility tract, it shall
20 be improved with the following minimum standards: a compacted
21 limerock travel surface, or other surface acceptable to the county engineer,
22 twelve (12) feet in width, and four (4) inches thick.
23
- 24 b. The access and utility tract shall meet the following minimum standards: a
25 95-foot radius to provide a 20-mph horizontal curve design speed, and
26 vertical curves designed to meet a 30-mph site distance. They shall have
27 intersection angles at no less than seventy (70) degrees.
28
- 29 c. Culverts and bridges must meet the minimum standards in the Facility
30 Design Guidelines and Southwest Florida Water Management District
31 (SWFWMD) requirements.
32
- 33 (4) Each lot must meet all applicable county development rules and be approved by
34 the county. No building permit for any such lot created according to this
35 exemption from the formalized subdivision platting process shall be granted
36 unless lot approval has been granted by the county.
37
- 38 (5) Each sales contract, option, deed or conveyance entered into and executed after
39 adoption of these regulations shall contain a legend setting forth in bold type a
40 statement that "subject land is contained within a subdivision which has not been
41 formally platted and approved by the Board of County Commissioners of
42 Hernando County and said county has absolutely no authority to maintain or
43 improve streets, thoroughfares or easements within the subdivision."
44
- 45 (6) The county's minimum design standards for drainage shall be met.

- 1 (7) The developer must provide a letter from the franchised garbage hauler that the
2 design of the subdivision is acceptable for individual garbage pickup by the hauler
3 or a buffered dumpster site shall be provided within the subdivision by the
4 developer.
5
- 6 (8) The developer must provide a letter from the United States Post Office indicating
7 that the design of the subdivision is acceptable for individual mail delivery and
8 pickup by the Post Office rural carrier or a neighborhood mail site shall be
9 provided within the subdivision by the developer acceptable to the Post Office.
10

11 *Class C.* Class C subdivisions are small rural subdivisions which are exempt from the
12 formalized platting procedures contained in this chapter. Class C subdivisions shall be approved
13 for development by the county staff. The following constitute class C subdivisions:
14

15 A subdivision of a parcel into more than two (2) lots but no more than ten (10) lots in an
16 agricultural, agricultural-residential, or residential zoning category with a minimum lot
17 size of two and one-half (2 ½) acres is a Class C subdivision. The following criteria must
18 be met for the staff to approve the Class C subdivision:
19

- 20 (1) The minimum access to a Class C subdivision is via a thirty- foot county-
21 maintained and -owned right-of-way.
22
- 23 (2) Right-of-way permits from the county shall be obtained prior to approval of the
24 subdivision.
25
- 26 (3) The minimum access within the Class C subdivision shall be:
27
- 28 a. A sixty-foot access and utility tract with a cleared and maintained right-of-
29 way width of thirty (30) feet improved to the following minimum
30 standards: a compacted limerock travel surface, or other surface acceptable
31 to the county engineer, twelve (12) feet in width, and four (4) inches thick.
32
- 33 b. The access and utility tract shall meet the following minimum standards: a
34 95-foot radius to provide a 20-mph horizontal curve design speed, and
35 vertical curves designed to meet a 30-mph site distance. They shall have
36 intersection angles at no less than seventy (70) degrees.
37
- 38 c. Culverts and bridges must meet the minimum standards in the Facility
39 Design Guidelines and Southwest Florida Water Management District
40 (SWFWMD) requirements.
41
- 42 (4) Each lot must meet all applicable county development rules and be approved by
43 the county. No building permit for any such lot created according to this
44 exemption from the formalized subdivision platting process shall be granted
45 unless lot approval has been granted by the county.

- 1 (5) Each sales contract, option, deed or conveyance entered into and executed after
2 adoption of these regulations shall contain a legend setting forth in bold type a
3 statement that "subject land is contained within a subdivision which has not been
4 formally platted and approved by the Board of County Commissioners of
5 Hernando County and said county has absolutely no authority to maintain or
6 improve streets, thoroughfares or easements within the subdivision."
7
- 8 (6) The county's minimum design standards for drainage shall be met.
9
- 10 (7) The developer must provide a letter from the franchised garbage hauler that the
11 design of the subdivision is acceptable for individual garbage pickup by the hauler
12 or a buffered dumpster site shall be provided within the subdivision by the
13 developer.
14
- 15 (8) The developer must provide a letter from the United States Post Office indicating
16 that the design of the subdivision is acceptable for individual mail delivery and
17 pickup by the Post Office rural carrier or a neighborhood mail site shall be
18 provided within the subdivision by the developer acceptable to the Post Office.
19

20 *Class D.* Class D subdivisions are simple parcel splits which allow a parcel to be split
21 into two (2) lots. Class D subdivisions are exempt from the formalized platting procedures
22 contained in this chapter and shall be approved for development by the county staff if they meet
23 all of the following standards:
24

- 25 (1) Applicants must receive driveway location approval by the department of public
26 works prior to approval of the subdivision.
27
- 28 (2) a. Class D subdivisions created in a residential, agricultural-residential, or
29 rural zoning districts shall meet one of the following:
30
- 31 i. Each lot must be created from a parent parcel and each lot must
32 have frontage on an existing county maintained street or private
33 street built and maintained to county standards.
34
- 35 ii. One lot created from the parent parcel must front on an existing
36 county-maintained street or private street built to county standards
37 and the other lot created from the parent parcel must be provided
38 access to the county-maintained street or private street built and
39 maintained to county standards by an access and utility easement
40 created for the purpose of providing access to all lots within the
41 subdivision and shall be an express easement which inures to the
42 benefit of any public or private utility company allowing for the
43 placement of utilities within the easement. The minimum
44 easement width is fifteen (15) feet. The access and utility
45 easement created to comply with this section of the regulations

1 shall be clear and passable by automobile traffic prior to the
2 approval of the lot split.
3

4 b. Lots created in the industrial or commercial districts shall meet the
5 following:
6

7 i. Each lot must be created from a parent parcel with frontage on an
8 existing county maintained street or private street built and
9 maintained to county standards.
10

11 (3) Each lot must meet all applicable county development rules and be approved by
12 the county. No building permit for any such lot created according to this
13 exemption from the formalized subdivision platting process shall be granted
14 unless lot approval has been granted by the county.
15

16 (4) Each sales contract, option or deed of conveyance entered into and executed after
17 adoption of these regulations shall contain a legend setting forth in bold type a
18 statement that "subject land is contained within a subdivision which has not been
19 formally platted and approved by the Board of County Commissioners of
20 Hernando County and said county has absolutely no authority to maintain
21 easements within the subdivision."
22

23 (e f) Petition for relief from hardship. A petition for relief from hardship shall be made
24 by any developer who feels the provisions of this chapter, if complied with, would place upon
25 them an undue burden. The petition shall include all data and other information required by the
26 board of county commissioners including at least the following:
27

28 (1) A complete set of plans and specifications in accordance with which the
29 construction has been or is being accomplished, if such exists, or a general written
30 explanation of the construction effort with a complete description of all provisions
31 the developer is making to assure construction quality.
32

33 (2) A written proposal defining the developer's desired methods of completing the
34 project. The proposal shall indicate specifically which provisions of this chapter
35 the developer wishes to be excepted from.
36

37 The governing body, upon review of the petition, may approve the subdivision provided the
38 governing body has determined that the ordinance has placed an undue hardship upon the
39 developer and:
40

41 (1) All lots proposed to be created under the board of county commissioner's approval
42 meet the minimum lot size of the zoning district in which the subdivision is to be
43 located and conforms with the policies of the comprehensive plan.
44

1 (2) All lots have a minimum of a fifteen-foot access/utility easement to provide
2 access to the parcel.
3

4 (3) Each deed of conveyance entered into and executed shall contain a legend setting
5 forth in bold type a reference to the subdivision regulations and a statement that
6 "subject land is contained within a subdivision which has not been formally
7 platted and said county has absolutely no obligation to maintain or improve roads
8 and thoroughfares within the subdivision."
9

10 (f g) Petition for relief from family hardship. A petition for relief from family hardship
11 may be filed by any person who feels the provisions of this chapter, if complied with, would
12 place upon them an undue burden on their ability to transfer land to family members. The
13 petition shall include all data and other information required by the board of county
14 commissioners including at least the following:
15

16 (1) A map on which is indicated an accurate representation of the proposed
17 subdivision. The map shall clearly indicate the access to be provided and any
18 improvements to be provided in the project. The petition will include the
19 prospective recipient of each tract and his/her relationship to the grantor.
20

21 The governing body, upon review of the petition, may approve the subdivision provided the
22 governing body has determined that the ordinance has placed an undue hardship upon the family
23 and:
24

25 (1) All lots proposed to be created under the board of county commissioner's approval
26 meet the minimum lot size of the zoning district in which the subdivision is to be
27 located and conforms with the policies of the comprehensive plan.
28

29 (2) All lots have a minimum of a fifteen-foot access/utility easement to provide
30 access to the parcel.
31

32 (3) Each deed of conveyance entered into and executed shall contain a legend setting
33 forth in bold type a reference to the subdivision regulations and a statement that
34 "subject land is contained within a subdivision which has not been formally
35 platted and said county has absolutely no obligation to maintain or improve roads
36 and thoroughfares within the subdivision."
37

38 (4) All lots must be transferred to an immediate family member and must provide for
39 a reverter clause in the deed returning the land to the grantor if the transferred
40 parcel does not remain in the ownership of a family member for a minimum of
41 two (2) years from the date of transfer.
42

43 (Ord. No. 91-22, § 1, 6-13-91; Ord. No. 2001-03, § 2, 2-14-01; Ord. 2006- , 6-06-06)
44

1 **SECTION 2. Amending Chapter 26 (Subdivision Regulations), Article II (Procedures for**
2 **County Review and Approval); Section 26-21 (Procedure for conditional approval of a**
3 **conditional plat).** Chapter 26 (Subdivision Regulations), Article II (Procedures for County
4 Review and Approval), Section 26-21 (Procedure for conditional approval of a conditional plat)
5 is amended to read as follows, with underlined matter added and struck-through matter deleted:
6

7 **Sec. 26-21. Procedure for conditional approval of a conditional plat.**
8

9 (a) The developer shall cause to be prepared a conditional plat properly certified by a
10 registered professional engineer licensed in the State of Florida. The conditional plat shall
11 include all information required by the planning and zoning commission, including, but not
12 limited to, the following:
13

14 (1) Preliminary layout. The project engineer shall prepare a complete layout of the
15 streets and lot configurations including all parcels of land which the developer
16 reasonably expects to include in the project. The layout shall be made on a
17 topographic map drawn to a scale of one inch equals four hundred (or less) feet
18 (1" = 400'), with a contour interval of two (2) feet. The layout shall include at least
19 the following:
20

- 21 a. Easements and drainage rights-of-way.
- 22 b. North arrow and scale.
- 23 c. Location of proposed improvement facilities.
- 24 d. Site data including number of lots by category, typical residential lot sizes,
25 and minimum areas on special use lots. (Multifamily, commercial,
26 community facilities, etc.) The number and size of parks with total of park
27 area.
- 28 e. The layout shall indicate all adjacent parcels and the surrounding
29 transportation grid.
30
31

32 (2) Draft of protective covenants.
33
34

35 (3) Preliminary engineering report. The project engineer shall prepare and submit a
36 report indicating the results of his preliminary analysis of the lands to be
37 developed. Particular attention should be given to the soil conditions which will
38 influence drainage design assumptions, pavement design considerations, potable
39 water and sewage disposal method determinations.
40
41

42 (4) List of planned improvements.
43
44

- 1 (5) Statement of developer's intent with respect to construction of improvements prior
2 to recording of subdivision plat or bonding improvements.
3
- 4 (6) Proposed development schedule. If the development is of such size that the
5 developer desires to develop in units or phases, a map shall be submitted which
6 indicates the sequence of development.
7
- 8 (7) Adequate access analysis. The project engineer shall submit an analysis of the
9 existing and proposed vicinity transportation network indicating the collector
10 street system which will adequately service the pedestrian and vehicular traffic
11 generated by the proposed development. The planning and zoning commission
12 will consider the analysis and, with recommendations from the planning
13 department and county engineer, define any specific improvements which the
14 developer must accomplish as a condition of his application.
15
- 16 (8) Development of regional impact statement if required by the provisions set forth
17 in Florida Statutes, chapter 380.
18
- 19 (9) Water supply and sewage disposal plans. The developer or project engineer shall
20 obtain from the county health department a written opinion indicating that the
21 developer's planned methods of water supply and sewage disposal are satisfactory.
22

23 (b) Copies of the conditional plat shall be submitted to the county based upon a
24 scheduled established by the planning department and no less than thirty (30) days ~~at least thirty-~~
25 ~~seven (37) days~~ prior to the planning and zoning commission meeting at which the developer
26 wishes conditional approval to be granted. The county will review all data submitted for
27 conformity with the county subdivision regulations and the county land use regulations and will
28 solicit the review of other appropriate agencies. All comments and suggestions will be compiled
29 by the county and delivered to the members of the planning and zoning commission at least
30 seven (7) days prior to the commission meeting at which action is requested.
31

32 (c) The planning and zoning commission shall consider the data compiled by the
33 county and the conditional plat of the developer and, with due deliberation, either confer
34 conditional approval on the plat with any provisions it deems necessary or deny approval citing
35 the reasons therefor. If approval is denied, the developer may accomplish those corrections
36 required and the project may be reconsidered at a subsequent planning and zoning commission
37 meeting, provided all corrections are completed and submitted to the county at least two (2)
38 weeks prior to the meeting at which reconsideration is requested. Should the planning and
39 zoning commission impose any conditions which the developer feels cause an undue hardship or
40 deny approval for reasons which the developer feels are unjust, the developer may appeal to the
41 board of county commissioners for relief therefrom. Upon final approval of the conditional plat,
42 the developer shall have two (2) years to be granted construction plan approval or the conditional
43 plat shall become null and void. In no case shall the conditional plat be valid for more than five
44 (5) years from the original date of approval.
45

1 (d) Upon receipt of conditional approval, the developer shall have the project
2 engineer prepare construction plans and specifications for all improvements indicated on the
3 approved list of planned improvements. Copies of the plans and specifications shall be
4 submitted to the county, properly sealed by a professional engineer. The county shall submit the
5 plans to the development review committee to review the plans and specifications for compliance
6 with this article and other federal, state or county requirements, and county staff shall present the
7 plans for approval to the board of county commissioners at a regularly scheduled board meeting.
8 If the plans and specifications are approved by the board of county commissioners, the county
9 shall so indicate by letter to the developer or project engineer detailing any special considerations
10 which the board finds to be in the best interest of the county. Upon receipt of this conditional
11 approval of construction plans, the project engineer shall make those corrections and/or revisions
12 which are required, and shall prepare and submit a final set of construction plans and
13 specifications to the county for final approval and use in construction inspections. Upon final
14 approval of the construction plans and transmittal of the official notification letter of such
15 approval, the developer shall have one year to begin construction according to the approved
16 plans. During the one-year time period, the developer shall:

- 17
- 18 (1) Begin the construction of improvements to be accomplished within a maximum
19 period of eighteen (18) months of the official notification letter; or
 - 20
 - 21 (2) Enter in a security agreement with the county, whereby all improvements are
22 satisfactorily secured such that in the event the developer, for any reason, does not
23 complete the required improvements within eighteen-month time limit, the county
24 shall have access to adequate funds to have the construction of such
25 improvements accomplished.
 - 26

27 If the developer has neither begun construction nor entered into an acceptable security agreement
28 within one year from the date of final approval of the construction plans, approved construction
29 plans shall become void.

30

31 (e) Upon receipt of specific approval from the board of county commissioners, the
32 developer may be permitted to satisfy the requirements of paragraph (d) of this section within one
33 year following the date of recordation per section 26-22 of this article of the subdivision record
34 plat.

35

36 (Ord. No. 91-22, § 1, 6-13-91; Ord. 2006- , 6-06-06)

37

38 **SECTION 3. Severability.** It is declared to be the intent of the Board of County
39 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
40 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
41 the validity of the remaining portions of this ordinance.

42

43 **SECTION 4. Inclusion in the Code.** It is the intention of the Board of County Commissioners
44 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance
45 shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To

1 this end, any section or subsection of this Ordinance may be renumbered or relettered to
2 accomplish such intention, and the word "ordinance" may be changed to "section, "article," or
3 other appropriate designation.
4

5 **SECTION 5. Effective date.** This ordinance shall take effect immediately upon filing with the
6 Department of State.
7

8 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
9 **HERNANDO COUNTY** in Regular Session this 15th day of August, 2006.
10

11 **BOARD OF COUNTY COMMISSIONERS**
12 **HERNANDO COUNTY, FLORIDA**

13
14 Attest: Karen Nicolai
15 KAREN NICOLAI

16
17 By: Diane B. Rowden
18 DIANE B. ROWDEN
19 CHAIRPERSON
20



21
22
23 **Approved as to Form and**
24 **Legal Sufficiency**

25
26 By: [Signature] 8/4/06
27 Assistant County Attorney