

ORDINANCE NO.: 2008-04

AN ORDINANCE AMENDING CHAPTER 26 OF THE HERNANDO COUNTY CODE OF ORDINANCES REGARDING SUBDIVISIONS; AMENDING CODE SECTION 26-51 CONCERNING HOMEOWNER'S ASSOCIATIONS; ADDING CODE SECTION 26-75 ENTITLED NEIGHBORHOOD PARKS; AMENDING APPENDIX A, ARTICLE VIII OF THE CODE REGARDING SITING NEIGHBORHOOD PARKS WITHIN CERTAIN SINGLE FAMILY PLANNED DEVELOPMENT PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Policy 7.03A(2) of the Comprehensive Plan requires that the Land Development Regulations be amended to require that residential developments provide private, on-site, user oriented neighborhood recreation facilities, and,

WHEREAS, the County desires to update and modernize its land development regulations provided for herein in order to implement this policy.

NOW THEREFORE:

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

SECTION I. AMENDING CHAPTER 26 (SUBDIVISION REGULATIONS), ARTICLE III (DESIGN STANDARDS), SEC. 26-51 (MANDATORY HOMEOWNERS' ASSOCIATION). Chapter 23 (Subdivision Regulations), Article III (Design Standards), Sec. 26-51 (Mandatory homeowner's association) is amended to read as follows, with underlined matter added and struck-through matter deleted:

Sec. 26-51. Mandatory homeowner's association.

A homeowners' association is required for all subdivisions which have deed restrictions and/or privately maintained improvements including, but not limited to: street lighting, private streets, common architectural features, parks, neighborhood parks and associated improvements, landscaping for common areas, and drainage features. Membership in the homeowner's association is mandatory for all lot owners within the subdivision. The governing body of the homeowners' association shall have the authority to levy appropriate fees. The homeowners' association for subdivisions with privately maintained improvements shall be adequately funded to provide for the continuing yearly maintenance of all improvements and shall be created with the legal authority to levy yearly assessments against all lot owners to fund the ongoing maintenance. For the purposes of this section, adequately funded shall mean an amount of money that is representative of the costs for work of that type based upon prevailing cost of services in Hernando County.

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
FILED

1 **SECTION III. AMENDING CHAPTER 26 (SUBDIVISION REGULATIONS), ARTICLE IV**
2 **(IMPROVEMENTS REQUIRED) BY ADDING SEC. 26-75 (NEIGHBORHOOD PARKS).** Chapter 26
3 (Subdivision Regulations), Article IV (Improvements Required) is amended to read as follows,
4 with underlined matter added and struck-through matter deleted:
5

6 **Sec. 26-75 (Neighborhood parks).**
7

8 (a) The developer of a subdivision that includes more than fifty (50) dwelling units shall
9 provide and maintain a neighborhood park system for use by the residents of the subdivision in
10 accordance with the requirements of this section. The provision of neighborhood parks in
11 accordance with the requirements of this section may count towards the minimum open space
12 requirements, where applicable.
13

14 (b) The amount of land provided and maintained as a neighborhood park or parks shall
15 be 1 acre for the first fifty (50) dwelling units plus 1-100th of an acre for each dwelling unit over
16 fifty (50) up to 250 dwelling units, for a maximum of three (3) acres. Developments consisting of
17 251 dwelling units up to 500 dwelling units shall provide 1 acre of land per 100 dwelling units,
18 with a minimum of three (3) acres and a maximum of five (5) acres, or fraction thereof.
19 Developments consisting of 501 units or more shall provide a minimum of five (5) acres up to a
20 maximum of twenty (20) acres or fraction thereof, based upon a calculation of five (5) acres for
21 the first 500 dwelling units plus 1/125th of an acre for each dwelling unit over 500, up to the
22 twenty (20) acre maximum. The required neighborhood park system may consist of single or
23 multiple neighborhood park sites, but in no event shall the required site be less than one (1) acre
24 in size.
25

26 (c) The land provided and maintained for use as a neighborhood park or parks shall be
27 developable uplands exclusive of any drainage retention areas for the subdivision and wetland or
28 environmental areas which are not incorporated into the park design (boardwalks, nature trails,
29 educational and other passive purposes). Natural areas which are integrated into the park design
30 may be utilized. In addition, the property shall not be encumbered by any restrictions that
31 prevent its use as a neighborhood park site.
32

33 (d) The land provided for each neighborhood park shall be easily accessible to the
34 residents of the subdivision by auto, foot and bicycle. Where practical, all neighborhood parks
35 shall be centrally located within the subdivision. The neighborhood park shall not be separated
36 from the subdivision, or portion thereof being served, by a collector or arterial roadway.
37

38 (e) A neighborhood park could typically include both passive and active recreation areas,
39 and the design of the park and associated facilities should be suitable to serve the residents
40 expected to reside in the subdivision. Appropriate amenities include, but are not limited to,
41 benches, picnic tables, playgrounds, bicycle racks, basketball and tennis courts, jogging trails,
42 boardwalks, natural areas developed with passive amenities, open play areas and the like.
43

44 (f) The approximate location and acreage of the neighborhood park system shall be
45 identified within the project master plan. The final location of the park site(s), access and a list

1 of proposed facilities shall be provided for review and approval during the conditional plat
2 process. A neighborhood park(s) site plan, prepared by a registered landscape architect or
3 professional civil engineer, shall be submitted for review and approval in conjunction with the
4 final construction plans for the subdivision. Development of the neighborhood park system shall
5 occur prior to receiving 51% of the certificates of occupancy for the subdivision (based on
6 complete build-out).

7
8 (g) The developer of a subdivision that includes a neighborhood park or parks shall be
9 required to maintain the neighborhood park (s) at no expense to the County, or shall convey the
10 park site(s) to a mandatory homeowner's association, community development district or other
11 legal entity established for maintenance.

12
13 (h) A neighborhood park under this section is intended to serve only the residents of the
14 proposed development (in contrast to community or district parks). Accordingly, the provision
15 of a neighborhood park hereunder does not qualify for parks impact fee credits pursuant to
16 chapter 23, article III, division 4 of this code, absent a development agreement, development
17 order to the contrary or otherwise providing for community or district facilities.

18
19 (i) This section shall not apply to a development that has provided for a neighborhood,
20 community or district park as part of an approved development of regional impact development
21 order, similar development agreement or order, or a development which has received master plan
22 approval prior to the effective date of this ordinance. Developments located within the I-75/SR
23 50 Planned Development District shall comply with the terms of the I-75/SR 50 PDD Area Plan.
24

25 **SECTION III. AMENDING APPENDIX A (ZONING), ARTICLE VIII (PLANNED-DEVELOPMENT**
26 **PROJECT), SECTION 1 (PLANNED DEVELOPMENT PROJECTS), ADDING SUBSECTION N**
27 **(NEIGHBORHOOD PARKS).** Appendix A (Zoning), Article VIII (Planned-Development Projects),
28 Section 1 (Planned development projects) is amended to read as follows, with underlined matter
29 added and struck-through matter deleted:
30

31 P. *Neighborhood parks.* Single Family Planned Development Projects of more than fifty
32 (50) dwelling units shall meet the requirements for the provision of neighborhood parks.
33 The provision of neighborhood parks for use by the residents of the subdivision in
34 accordance with the requirements for neighborhood parks shall count towards the
35 minimum open space requirements of this subsection.
36

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

42 **SECTION V. INCLUSION IN THE CODE.** It is the intention of the Board of County
43 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of
44 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
45 Florida. To this end, any section or subsection of this Ordinance may be renumbered or

1 relettered to accomplish such intention, and the word "ordinance" may be changed to "section,
2 "article," or other appropriate designation.

3
4 **SECTION VI. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with
5 the Department of State.

6
7 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
8 **HERNANDO COUNTY** in Regular Session this 13 day of February, 2008.

9
10 **BOARD OF COUNTY COMMISSIONERS**
11 **HERNANDO COUNTY, FLORIDA**

12
13
14 Attest: Karen Nicolai
15 Karen Nicolai, Clerk

16
17
18 By: Christopher A. Kingsley
19 Christopher A. Kingsley, Chairman



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

25
26 By: Geoffrey T. Kirk 2/4/08
27 Geoffrey T. Kirk
28 Assistant County Attorney
29