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**From:** Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>  
**Sent:** Wednesday, September 25, 2019 4:31 PM  
**To:** Ordinances  
**Cc:** County Ordinances  
**Subject:** [EXT.] - Hernando20190925\_Ordinance2019\_2\_Ack.pdf  
**Attachments:** Hernando20190925\_Ordinance2019\_2\_Ack.pdf



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

September 25, 2019

Honorable Doug Chorvat, Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 362  
Brooksville, Florida 34601

Attention: Darlene Christensen

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2019-2, which was filed in this office on September 25, 2019.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE NO. 2019 - 2

1  
2  
3 AN ORDINANCE AMENDING CHAPTER 26 (SUBDIVISION REGULATIONS)  
4 OF THE HERNANDO COUNTY CODE OF ORDINANCES; AMENDING  
5 ARTICLE II, PROCEDURES FOR COUNTY REVIEW AND APPROVAL;  
6 AMENDING ARTICLE III, DESIGN STANDARDS; PROVIDING FOR  
7 APPLICABILITY; AMENDING CHAPTER 23 (PLANNING) OF THE  
8 HERNANDO COUNTY CODE OF ORDINANCES; AMENDING ARTICLE VIII,  
9 ADEQUATE PUBLIC FACILITIES, SECTION 23.265 FACILITY/SERVICE  
10 DEMAND CALCULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING  
11 FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE  
12 DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE  
13 AND PROVIDING FOR AN EFFECTIVE DATE.

14  
15 WHEREAS, the Board of County Commissioners (County) has adopted the Hernando County  
16 Comprehensive Plan within which are included goals, objectives, and strategies related to the  
17 process for review and approval of certain development applications; and

18  
19 WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals,  
20 objectives, and strategies through the adoption of consistent land development regulations; and

21  
22 WHEREAS, the County desires to update and modernize its land subdivision regulations, and to  
23 provide for additional criteria and standards for County review and approval; and

24  
25 WHEREAS, this proposed substantive amendment to the Hernando County Code of Ordinances  
26 (Chapter 26, Subdivision Regulations), has received public hearings before the Planning and  
27 Zoning Commission, Local Planning Agency, and the Board of County Commissioners as  
28 required by state and local law; and

29  
30 WHEREAS, the Board of County Commissioners, for itself and acting as the Local Planning  
31 Agency, finds and determines that the proposed amendment is consistent with the goals,  
32 objectives, and strategies of the Comprehensive Plan.

33  
34 NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY  
35 COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

36  
37 SECTION I. Hernando County Code of Ordinances, Chapter 26 (Subdivision Regulations),  
38 Article II (Procedures for County Review and Approval), Section 26.21 (Procedures for  
39 conditional approval of a conditional plat) is hereby amended to provide for revisions as more  
40 precisely delineated with strike-through and underlined text below:

41  
42 Sec. 26-21. - Procedure for review and conditional approval of a conditional plat.

- 43 (a) The developer shall cause to be prepared a conditional plat properly ~~certified signed and~~  
44 sealed by a registered professional engineer (engineer of record) licensed in the State of  
45 Florida. The conditional plat shall include all information required by the county,  
46 including, but not limited to, the following:

- 1           (1) *Preliminary layout.* The ~~project~~ project-engineer of record shall prepare a complete layout  
2 of the streets and lot configurations including all parcels of land which the  
3 developer reasonably expects to include in the project. The layout shall be drawn to  
4 a scale on drawings no larger than 24" x 36" with one copy drawn to scale on 11" x  
5 17". The layout shall include the following minimum information:
- 6           a. Description, typical detail or generalized location of all proposed eEasements  
7 and drainage rights-of-way, including location, type and width.
- 8           b. North arrow and scale.
- 9           c. Location of proposed facilities and improvements.
- 10          d. Site data including number of lots by land use type or category, lot sizes, and  
11 density for residential lots.
- 12          e. The layout shall include all adjacent parcels and the surrounding  
13 transportation grid.
- 14          f. The amount of open space, including the number of parks, whether active or  
15 passive, and size of proposed park areas. Final types of amenities to be  
16 determined with construction plan submittal/approval.
- 17          (2) Narrative description of preliminary protective covenants and association  
18 documents.
- 19          (3) Preliminary engineering analysis. The ~~project~~ project-engineer of record shall provide a  
20 preliminary engineering analysis of the lands to be developed. The analysis shall  
21 include, at a minimum, the soil conditions, drainage design assumptions and a  
22 preliminary stormwater analysis, the location of all floodplains, the location of  
23 significant vegetative communities including wetlands, a preliminary wildlife  
24 analysis that identifies the potential for listed species on the property, pavement  
25 design considerations, potable water and sewage disposal determinations, and fire  
26 protection.
- 27          (4) List of all planned improvements and facilities indicating those that will remain  
28 private and those facilities/improvements that will be dedicated to the county.
- 29          ~~(5) Statement of developer's intent with respect to construction of improvements prior~~  
30 ~~to recording of subdivision plat or bonding improvements.~~
- 31          (56) Proposed development schedule. If the development is of such size that the  
32 developer desires to develop in units or phases, the plan shall indicate the proposed  
33 sequence of development.
- 34          (67) Adequate access and transportation analysis. The ~~project~~ project-engineer of record shall  
35 submit an analysis of the existing and proposed transportation network indicating  
36 the collector street system which will adequately service the pedestrian and  
37 vehicular traffic generated by the proposed development. The analysis shall be  
38 prepared in accordance with the county's adopted ~~facilities~~ facility design guidelines  
39 or as required by the county engineer. The analysis shall also include the need for  
40 cross connections between the proposed site and adjacent parcels as a means of  
41 providing for adequate traffic circulation. The planning and zoning commission will

- 1 consider the analysis and, with recommendations from the planning department and  
2 county engineer, stipulate any specific transportation improvements which the  
3 developer must accomplish as a condition of his application.
- 4 (78) Development of regional impact statement if required by the provisions set forth in  
5 chapter 380, Florida Statutes.
- 6 (89) Water supply and sewage disposal plans. The developer or ~~project engineer~~ of  
7 record shall provide the planned methods of water supply and sewage disposal in  
8 accordance with all required codes and regulations. In the event the proposed  
9 subdivision will connect to county water and/or sewer facilities, the engineer of  
10 record shall prepare a capacity analysis in accordance with County standards and  
11 requirements to ensure that the distribution and collection network can  
12 accommodate the additional projected flows.
- 13 (940) Adequate public facility analysis. The ~~project engineer~~ of record shall provide an  
14 adequate public facilities analysis in accordance with the requirements of the county  
15 comprehensive plan and associated adequate public facility requirements of this  
16 Code.
- 17 (b) Copies of the conditional plat shall be submitted to ~~the county based upon a schedule~~  
18 ~~established by~~ the development department. The county will review all data submitted for  
19 conformity with the county subdivision regulations, the county's adopted facility design  
20 guidelines and the county land use regulations and will solicit the review of other  
21 appropriate agencies. Upon determination that the conditional plat is in conformance with  
22 all required rules and regulations ~~All~~ all pertinent review comments and requirements ~~for~~  
23 ~~approval~~ will be provided to the planning and zoning commission in conjunction with the  
24 application review for approval.
- 25 (c) The planning and zoning commission shall consider the data compiled by the county and  
26 the conditional plat of the developer and, with due deliberation, either confer conditional  
27 approval on the plat with any provisions it deems necessary or deny approval citing the  
28 reasons therefor. If approval is denied, the developer may make those corrections required  
29 and the project may be reconsidered at a subsequent planning and zoning commission  
30 meeting, provided all corrections are satisfactorily completed and submitted to the county  
31 at least four (4) weeks prior to the meeting at which reconsideration is requested. Should  
32 the planning and zoning commission impose any conditions which the developer feels  
33 cause an undue hardship or deny approval for reasons which the developer feels are unjust,  
34 the developer may request a review of the conditional plat by the board of county  
35 commissioners for final disposition of the conditional plat. Upon final approval of the  
36 conditional plat, the developer shall have two (2) years to be granted construction plan  
37 approval. In no case shall the conditional plat be valid for more than five (5) years from the  
38 original date of approval.
- 39 (d) Upon receipt of conditional plat approval, the developer shall have the ~~project engineer~~  
40 engineer of record prepare construction plans and specifications for all improvements  
41 indicated on the approved list of planned improvements. Copies of the plans and  
42 specifications shall be submitted to the county, properly sealed by a registered professional  
43 engineer. The county shall submit the plans to the affected county departments to review  
44 the plans and specifications for compliance with this article and other federal, state or

1 county requirements. Upon determination that the construction plans are in conformance  
2 with all required rules and regulations and the county staff shall present approve the plans  
3 for approval to the board of county commissioners at a regularly scheduled board meeting.  
4 If the plans and specifications are approved ~~by the board of county commissioners~~, the  
5 county shall so indicate by letter to the developer or ~~project~~ engineer of record detailing  
6 any performance conditions which the ~~board~~ County finds to be in the best interest of the  
7 county. Upon receipt of this conditional approval of construction plans, the ~~project~~  
8 engineer of record shall make those corrections and/or revisions which are required and  
9 shall prepare and submit a final set of construction plans and specifications to the county  
10 for final approval and use in construction inspections. Upon final approval of the  
11 construction plans and transmittal of the official notification letter of such approval, the  
12 developer shall have one year to begin construction according to the approved plans.  
13 During the one-year time period, the developer shall:

- 14 (1) Begin the construction of improvements to be accomplished within a maximum  
15 period of eighteen (18) months of the official notification letter; or
- 16 (2) ~~Enter in a security agreement with~~ Provide performance security to the county at an  
17 amount equal to 100 percent of the cost of construction of all required  
18 improvements as estimated by the engineer of record and approved by the county,  
19 whereby all improvements are satisfactorily secured such that in the event the  
20 developer, for any reason, does not complete the required improvements within  
21 eighteen-month time limit, the county shall have access to adequate funds to have  
22 the construction of such improvements accomplished. Such performance security  
23 shall be accepted by the board of county commissioners. Upon completion of all  
24 required improvements the board may release the performance security subject to  
25 the posting and acceptance by the board maintenance security for a period of 18-  
26 months in the amount of 20 percent of the cost to construct all required  
27 improvements as certified by the engineer of record and approved by the county.

28 If the developer has neither begun construction nor entered into an acceptable security agreement  
29 within one (1) year from the date of final approval of the construction plans, approved  
30 construction plans shall become void unless the developer submits a request for a timely  
31 extension of the construction plan approval. One (1) extension of the construction plan approval  
32 for construction to begin may be issued for a period not to exceed eighteen (18) months by the  
33 board of county commissioners provided the effect of new or current regulations is evaluated,  
34 and the applicant agrees to comply with any new requirements as a condition of the extension. In  
35 no event shall construction plans be extended after the five-year time frame has lapsed from the  
36 date of approval of the original conditional plat.

37 ~~(e) Upon receipt of specific approval from the board of county commissioners, the developer~~  
38 ~~may be permitted to satisfy the requirements of subsection (d) of this section within one (1)~~  
39 ~~year following the date of recordation per section 26-22 of this article of the subdivision~~  
40 ~~record plat.~~

41 **SECTION II.** Hernando County Code of Ordinances, Chapter 26 (Subdivision Regulations),  
42 Article III (Design Standards), is hereby amended to provide for revisions as more precisely  
43 delineated with strike-through and underlined text below:  
44

- 1 Sec. 26-42. - Streets.
- 2 (a) The arrangement, character, extent, width, grade and location of all streets shall conform to  
3 the ~~general county~~ County comprehensive plan and adopted County facility design  
4 guidelines; and shall be considered in their relation to existing and planned streets, to  
5 topographical conditions, to public convenience and safety, and in their appropriate relation  
6 to the proposed uses of the land to be served by such streets.
- 7 (b) Where such is not shown in the ~~general county~~ County comprehensive plan, the  
8 arrangement of streets in a subdivision shall either:
- 9 (1) Provide for the continuation or appropriate ~~projection~~ connection of existing  
10 principal streets in surrounding areas; or
- 11 (2) Conform to ~~a plan for the neighborhood approved or adopted by the planning and~~  
12 ~~zoning commission~~ to meet a particular situation where topographical or other  
13 conditions make continuance or ~~e~~ conformance connection to existing streets  
14 impracticable.
- 15 (c) Where a residential subdivision abuts or contains an existing or proposed arterial street, the  
16 ~~planning and zoning commission may require marginal access streets~~, subdivision shall  
17 provide for reverse frontage with ~~screen planting~~ screening contained in a nonaccess  
18 reservation along the rear property line, deep lots with a rear service alley or such other  
19 treatment in conformance with the adopted facility design guidelines as may be necessary  
20 for adequate protection of residential properties and to afford separation of through and  
21 local traffic.
- 22 (d) Where a subdivision borders on or contains a railroad right-of-way or limited access  
23 highway right-of-way, an appropriate buffer or parallel roadway ~~the planning and zoning~~  
24 ~~commission may require a street approximately parallel to and on each side of such right-~~  
25 ~~of-way, at a distance suitable for the appropriate use of the intervening land, as for park~~  
26 ~~purposes in residential districts, or for the appropriate use of the intervening land, as for~~  
27 ~~park purposes in residential districts, or for commercial or industrial purposes in~~  
28 ~~appropriate districts is required. Such distances shall also be determined with due regard~~  
29 ~~for the requirements of approach grades and future grade separations.~~
- 30 (e) Reserve strips controlling access to streets shall be prohibited ~~except where their control is~~  
31 ~~definitely placed in the county under conditions approved by the planning and zoning~~  
32 ~~commission.~~
- 33 (f) Street intersections with offsets of less than one hundred fifty (150) feet from centerline to  
34 centerline shall be avoided unless alternative designs are permitted by the County Engineer  
35 through the administrative design variance process.
- 36 (g) Streets shall be laid out ~~so as~~ to intersect as nearly as possible at right angles ~~and no street~~  
37 ~~shall intersect any other street at less than seventy (70) degrees and designed in accordance~~  
38 with the adopted facility design guidelines. All street intersections shall be designed as  
39 required by the adopted facility design guidelines.
- 40 (h) ~~Property lines at street intersections shall be rounded with a radius of twenty (20) feet, or of~~  
41 ~~a greater radius where the planning and zoning commission may deem it necessary. The~~

- 1 ~~planning and zoning commission may permit comparable cutoffs or chords in place of~~  
 2 ~~rounded corners.~~
- 3 (hi) Street right-of-way pavement widths and design speeds shall be as shown in the general  
 4 county plan and where not shown therein shall be no less than as follows: required by the  
 5 adopted facility design guidelines.

TYPE	DESCRIPTION	R/W	LANE WIDTH	DESIGN SPEED
Alley	One way traffic	30'	15'	20 mph
Frontage	Local Access	50'	12'	30 mph
Local	Open Drainage	60'	10'	30 mph
Local	Closed Drainage	50'	10'	30 mph
Collector/2 Ln	Open Drainage	80'	11'	40 mph
Collector/2 Ln	Closed Drainage	70'	11'	40 mph
Collector/4 Ln	Divided Open Drainage	140'	11'	50 mph
Collector/4 Ln	Divided Closed Drainage	100'	11'	50 mph
Arterial/2 Ln	Open Drainage	100'	12'	50 mph
Arterial/4 Ln	Open Drainage	200'	12'	60 mph
Arterial/4 Ln	Closed Drainage	150'	12'	60 mph

- 6 (ij) Half-streets shall be ~~prohibited, except where essential to the reasonable development of~~  
 7 ~~the subdivision in conformity with the other requirements of the regulations set out in this~~  
 8 ~~chapter, and where to planning and zoning commission finds it will be practicable to~~  
 9 ~~require the dedication of the other half when the adjoining property is subdivided avoided.~~  
 10 Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street  
 11 shall be platted within such tract.



1 (jk) Cul-de-sacs length shall not be longer than six hundred (600) feet unless ~~otherwise~~  
2 ~~approved by the planning and zoning commission and shall be provided at the closed end~~  
3 ~~with a turnaround having an outside roadway radius of at least forty (40) feet and a street~~  
4 ~~property line radius of at least sixty (60) feet alternative designs are allowed by the County~~  
5 ~~Engineer. The turnaround radius shall be in accordance with the adopted facility design~~  
6 ~~guidelines.~~

7 (kl) The required street improvements shall to be subject to a final inspection by the county,  
8 along with receipt of all required as-built drawings and certifications at the time of  
9 completion. Prior to conveying the required improvements for maintenance, the developer  
10 shall post maintenance security for an 18-month maintenance period in the amount of 20  
11 percent of the construction cost as certified by the engineer of record for the subdivision.  
12 The developer shall be responsible for maintaining the street improvements during the  
13 maintenance period and the streets shall be subject to inspections by the county prior to  
14 release of the maintenance security at which time the improvements will be conveyed to  
15 the county for maintenance. Street grades shall conform to "Green Book" standards on  
16 sight distance wherever feasible and shall not exceed the following, with due allowance for  
17 reasonable vertical curves:

18 (1) ~~Arterial streets shall not exceed a six (6) percent grade.~~

19 (2) ~~Collector streets shall not exceed an eight (8) percent grade.~~

20 (3) ~~Local streets shall not exceed a ten (10) percent grade.~~

21 (4) ~~Marginal access streets shall not exceed a ten (10) percent grade.~~

22 Sec. 26-44. - Alleys and frontage roads.

23 (a) Alleys may be provided if designed and constructed in accordance with the adopted facility  
24 design guidelines and approved by the County Engineer. ~~shall be provided in commercial~~  
25 and industrial districts, except that the planning and zoning commission may waive this  
26 requirement where other definite and assured provision is made for service access, such as  
27 off-street loading, unloading and parking consistent with and adequate for the uses  
28 proposed.

29 (b) ~~Alley intersections and sharp changes in alignment shall be avoided, but where necessary~~  
30 ~~corners shall be cut off significantly to permit safe vehicular movement~~ Frontage roads  
31 shall be provided in accordance with the requirements of the frontage road ordinance.  
32 Frontage roads shall be designed and constructed in accordance with the adopted facility  
33 design guidelines. Where the frontage roads are not dedicated to the County, a public  
34 access easement shall be recorded to ensure public use.

35 (c) ~~Deadend alleys shall be avoided where possible, but if unavoidable, they shall be provided~~  
36 ~~with adequate turnaround facilities at the deadend, as determined by the planning and~~  
37 ~~zoning commission.~~

38 (d) ~~Directional flow of traffic shall be determined by the county.~~

39 Sec. 26-49. - Private streets.

- 1 (a) Private streets servicing subdivisions shall be reviewed and approved by the County  
2 Engineer. ~~commission and county engineer prior to commencement of any excavation or~~  
3 ~~construction. Street construction data including grading and centerline gradients, widths,~~  
4 ~~proposed pavement base, and wearing surface specifications shall be submitted for~~  
5 ~~approval.~~
- 6 (b) ~~A plan for the continued maintenance of private streets shall be submitted for approval.~~  
7 ~~This plan shall detail the means by which monetary support for such maintenance will be~~  
8 ~~provided~~ Private streets shall be designed and constructed to the same standard as public  
9 streets.
- 10 (c) ~~Specifications for private streets shall comply with standards for standard subdivisions and~~  
11 ~~the "Green Book" although the commission may provide relief in the area of right of way~~  
12 ~~widths, if sufficient off street parking is provided, or other requirements if unusual~~  
13 ~~circumstances warrant such relief.~~
- 14 (cd) ~~The developer of such private streets shall provide a notarized affidavit to the county~~  
15 ~~engineer, together with any required test data that certifies that the streets have been~~ be  
16 inspected by the county, and the streets shall be constructed in accordance with the  
17 approved plans and specifications. Private streets shall meet the same security posting  
18 requirements and warranty periods as public streets.

19 Sec. 26-50. - Drainage Stormwater system.

- 20 (a) ~~The drainage stormwater system for the subdivision shall be designed in accordance with~~  
21 ~~sound engineering principles and procedures such that all saleable parcels included in the~~  
22 ~~subdivision record plat are positively drained~~ the requirements of the Southwest Florida  
23 water management district and the adopted facility design guidelines. ~~The drainage~~  
24 stormwater system shall be designed to accommodate drainage from adjacent lands which  
25 naturally drain to or through the lands being subdivided. The drainage-stormwater system  
26 shall be designed to not significantly affect the natural drainage onto adjacent lands unless  
27 appropriate agreements are obtained by the developer from the owner of such adjacent  
28 lands concurring in the proposed drainage design. Evidence of such concurrence shall  
29 include appropriate easement documents and be submitted to the county engineer along  
30 with the development plans and specifications.
- 31 (b) ~~Drainage facilities that are designed to handle flowing water (e.g., culverts, weirs, etc.)~~  
32 ~~shall be hydraulically designed to function when subjected to the maximum flow rate that~~  
33 ~~can be expected to occur no more often than once in ten (10) years.~~ The stormwater system  
34 shall meet the requirements of the adopted flood damage prevention and protection  
35 regulations.
- 36 (c) ~~Drainage facilities that are designed to handle water accumulations (e.g., retention ponds~~  
37 ~~with no overflow provisions) shall be designed in accordance with S.W.F.W.M.D. rules~~  
38 ~~and regulations. Necessary drainage~~ All required stormwater facilities including, but not  
39 limited to, culverts, rights-of-way swales, drainage retention areas, floodplain mitigation  
40 areas and easements shall be dedicated to an association or entity designed to provide for  
41 the long-term maintenance of such facilities, or the county where required, at no expense to  
42 the county, and at the option of the county. The dedication shall include stormwater  
43 management system shall include necessary adequate rights-of-way or easements to permit

1 proper maintenance operations. Areas required for maintenance shall be kept cleared of all  
2 trees and underbrush which would interfere with maintenance of the facility.

3 (d) In the event stormwater facilities are conveyed to the county the required stormwater  
4 improvements shall be subject to a final inspection by the county, along with receipt of all  
5 required as-built drawings and certifications at the time of completion. Prior to conveying  
6 the required improvements for maintenance, the developer shall post maintenance security  
7 for an 18-month maintenance period in the amount of 20 percent of the construction cost as  
8 certified by the engineer of record for the subdivision. The developer shall be responsible  
9 for maintaining the stormwater improvements during the maintenance period and the  
10 improvements shall be subject to inspections by the county prior to release of the  
11 maintenance security at which time the improvements will be conveyed to the county for  
12 maintenance.

13 Sec. 26-66. - Generally.

14 All subdivisions in the county, unless otherwise exempted by these regulations, shall incorporate  
15 all requirements of chapter 177, Florida Statutes, and shall include the additional standard  
16 improvements as provided in this article.

17 Sec. 26-67. - ~~Drainage facilities.~~ RESERVED

18 ~~Drainage facilities shall be as required to meet the design criteria of article III of this chapter.~~

19 Sec. 26-68. - ~~Street names~~ signs.

20 All street names shall be ~~confirmed~~ approved by the county ~~staff~~, and proper signage shall be  
21 provided and installed as required ~~in section 26-69~~ by the applicable design standards and  
22 regulations.

23 Sec. 26-69. - Traffic-control signs.

24 Traffic-control devices, including, but not limited to, signs, pavement markings and signals, shall  
25 be ~~acquired and installed by the developer prior to street usage by public traffic in accordance~~  
26 with the adopted facility design guidelines, FDOT green book, the Manual on Uniform Traffic  
27 Control Devices (MUTCD), and current state and federal regulations. The county shall review  
28 types and locations of such devices shown on plans in accordance with current county standards  
29 derived from state and federal standards.

30 Sec. 26-70. - Access.

31 All subdivisions shall provide adequate access to the development ~~as determined by the board of~~  
32 ~~county commissioners in accordance with the County comprehensive plan and the adopted~~  
33 facility design guidelines. For purposes of all new Class A subdivisions, the governing body may  
34 require for purposes of demonstrating "adequate access" that the proposed subdivision include,  
35 but not be limited to, off-site road improvements, intersection improvements, additional points of  
36 vehicular ingress and egress and/or connectivity to one (1) or more county maintained roads. A  
37 traffic study, where required, meeting the requirements of the adopted facility design guidelines  
38 and adequate public facilities ordinance shall be prepared by the developer for the purposes of  
39 determining the impact to the county roadway system and the need for off-site improvements.

1 Necessary off-site improvement shall be at the expense of the developer in accordance with the  
2 developments proportionate share impact to the facility needing improvement.

3 Sec. 26-71. - Water supply and distribution system.

4 A central water supply and distribution system shall be provided ~~when~~ as required by the  
5 appropriate federal, state or county regulations. When a central water distribution system is  
6 required, the system shall be designed in accordance with federal, state, district and county  
7 standards. ~~Where required in connection with any conditional or final plat, the~~ The public water  
8 systems shall be designed and constructed to provide fire flow and fire hydrants shall be placed  
9 in accordance with all applicable regulations and Hernando County Water and Sewer District  
10 (district) standards and county requirements.

11 Sec. 26-72. - Sewage collection ~~and treatment~~ system.

12 A central sewage collection and ~~treatment~~ transmission system shall be provided ~~if~~ as required  
13 by federal, state or county regulations. The sanitary sewer collection and transmission system  
14 shall be constructed in accordance with all applicable Hernando County Water and Sewer  
15 District (district) standards, county requirements, and state and federal standards.

16 Sec. 26-73. - Dedication of water and sanitary sewer systems.

17 (a) In those instances where a centralized water supply and distribution system and/or a central  
18 ~~sewage~~ sanitary sewer collection and ~~treatment~~ transmission system are required ~~to be~~  
19 ~~provided~~, such water and/or sanitary sewer collection and transmission facilities shall be  
20 dedicated to the district ~~if services are to be provided by the district so~~ where required so  
21 that the district will become the owner of such system, upon the request of the district for  
22 such The required facilities shall ~~to be conveyed to the district~~ it for maintenance, along  
23 with all required record drawings and certifications at the time of completion. Prior to  
24 conveying the required improvements for maintenance, the developer shall post  
25 maintenance security for an 18-month maintenance period in the amount of 20 percent of  
26 the construction cost as certified by the engineer of record for the subdivision. The required  
27 maintenance security shall constitute a warranty period for the required improvements.

28 ~~In those instances where a centralized water supply and distribution system and/or a central~~  
29 ~~sewage collection and treatment system are required to be provided, such water and/or~~  
30 ~~sewer facilities shall not be required to be dedicated to the district if services are to be~~  
31 ~~provided by private utility companies and the subdivision is located within their authorized~~  
32 ~~franchise area; however, such facilities shall be constructed to county construction~~  
33 ~~standards.~~

34 ~~The dedication of the water and/or sewer facilities shall be made either by the inclusion on the~~  
35 ~~face of the record plat or by the entry into a contract between the developer and the district~~  
36 ~~providing for the conveyance of the facilities or by a contract with the private utility~~  
37 ~~company providing the utility service.~~

38 ~~(b) The construction of any such water supply and distribution and/or central sewage collection~~  
39 ~~and treatment system shall meet or exceed any specifications or requirements established~~  
40 ~~by the county by resolution for the construction of any such systems.~~

41 Sec. 26-74. - ~~County and district~~ District acceptance.

- 1 (a) Upon completion of construction of the subdivision improvements required by this chapter  
2 and those shown on the approved construction plans, the ~~project-engineer of record~~ shall  
3 submit to the county a certification that all such work has been accomplished substantially  
4 in accordance with the approved plans and specifications. Accompanying the certification  
5 shall be ~~as-built plans-record drawings~~, test results as required by the county and district,  
6 and a letter of approval from the Florida Department of Environmental ~~Regulation~~  
7 Protection (DER FDEP) to place the sewage and/or water system into service. Upon receipt  
8 of this certification, the county will review the project, make the necessary site inspections,  
9 and if no unsatisfactory conditions are found, the improvements will be accepted for ~~the~~  
10 developer's maintenance period by the district, subject to the required maintenance security  
11 being posted. If the improvements have been performance bonded, this approval shall  
12 entitle the developer to a release of eighty (80) percent of the bonded amount and will  
13 begin the developer's maintenance period.  
14
- 15 ~~(b) The developer shall maintain all improvements within the project for a period of eighteen~~  
16 ~~(18) months from the date established by the county for the beginning of the maintenance~~  
17 ~~period. Water and sewer facilities shall have been in continuous operation during the~~  
18 ~~entirety of the eighteen (18) month maintenance period.~~
- 19 ~~(be)~~ During the developer's maintenance period, the developer will be required to provide any  
20 maintenance repairs required by the county to ensure the integrity of the improvements, as  
21 designed and constructed, are maintained. This includes, but is not limited to:
- 22 ~~(1) Repair and/or replacement of drainage systems, pavement, culverts, catch basins,~~  
23 ~~etc.~~
- 24 ~~(2) Control of erosion, replacement of sod, removal of soil washed into the street or~~  
25 ~~drainage system.~~
- 26 ~~(3) Maintenance and/or replacement of regulatory signs and markings.~~
- 27 ~~(4-1) Maintenance of domestic sewer lines, force mains, lift stations and wastewater~~  
28 ~~treatment plants if approved and maintenance of water plants domestic and~~  
29 ~~reclaimed water distribution systems.~~
- 30 ~~(5-2) The Developer will be required to reimburse the county or district for any and all~~  
31 ~~repairs it might make to the systems during the maintenance period. Example: an~~  
32 ~~emergency situation that cannot wait for the contractor to react or in cases where~~  
33 ~~the developer or developer's contractor is nonresponsive in a reasonable period of~~  
34 ~~time based upon the corrective action required.~~
- 35 ~~(cd)~~ The project will be inspected periodically during the developer's maintenance period to  
36 ensure the improvements are being functioning properly maintained and the county or  
37 district will notify the developer required to make necessary repairs as necessary.
- 38 ~~(de)~~ Approximately ninety (90) days prior to the expiration of the developer's 18-month  
39 warranty maintenance period, the developer shall request a final inspection of the ~~project~~  
40 water and sewer improvements. The ~~county or~~ district will advise the developer of the  
41 necessary corrections. Upon completion of the corrections, the county or district will  
42 inspect the project and advise-recommend the board ~~with respect to unusual~~ release the  
43 posted maintenance conditions therein security and end the warranty period.

1 ~~(f) The board, if satisfied that the maintenance of the improvements will not place an undue~~  
2 ~~burden on the county or district, will accept the improvements for maintenance by the~~  
3 ~~county or the district.~~

4 ~~(g) The developer shall provide proof that there are no delinquent taxes on lots under his~~  
5 ~~ownership within a subdivision when that subdivision is presented for acceptance for~~  
6 ~~maintenance by the county or the district. If there are delinquent taxes, it shall be~~  
7 ~~considered a violation of the provisions of this chapter and may result in forfeiture of the~~  
8 ~~security.~~

9 **SECTION II.** Hernando County Code of Ordinances, Chapter 23 (Planning), Article VIII  
10 (Adequate Public Facilities), Section 23.265 (Facility/Service Demand Calculations) is hereby  
11 amended to provide for revisions as more precisely delineated with strike-through and underlined  
12 text below:

13  
14 (6) *Transportation:*

15 a. *Level of Service (LOS) Standards.* The LOS requirement shall be as provided for  
16 in the county comprehensive plan.

17 b. *Traffic study requirements.*

18 1. *Purpose.* The purpose of the traffic study or assessment is to identify the  
19 potential impacts of new development on the county roadway network. Such  
20 a study or assessment shall provide information for making a concurrency  
21 determination on each impacted segment, or link, of the road network. The  
22 study or assessment shall identify traffic volumes on each impacted  
23 roadway, identify where the adopted level of service is exceeded, and  
24 recommend potential solutions or improvements. The study or assessment  
25 ~~will~~ may include ~~segment~~ and an intersection analysis where appropriate or  
26 otherwise required.

27 2. *Requirement.* A LOS analysis shall be prepared when required by the  
28 adopted traffic study methodology standards and adopted Facility Design  
29 Guidelines. Depending upon the type of study required, a preapplication  
30 meeting and approved methodology statement may be necessary.  
31 ~~LDTA. Land Development Traffic Assessment ("LDTA") shall refer to a~~  
32 ~~traffic study which has been prepared in accordance with the standards and~~  
33 ~~methodology set forth in "Hernando County Traffic Study Procedures," by~~  
34 ~~Tindale Oliver & Associates (January 2008), as may be updated from time~~  
35 ~~to time. The LDTA may be classified as "Minor" or "Major."~~

36 3. ~~*Trip assignment.* No traffic study will be required for developments~~  
37 ~~generating less than one hundred (100) average daily trips according to the~~  
38 ~~ITE Trip Generation Manual (most current edition). Trips will be assigned~~  
39 ~~by the county to determine if adequate capacity is available on the road~~  
40 ~~network in the impacted area. If the adopted level of service on the impacted~~  
41 ~~roadway is exceeded, the applicant, at its expense, will be required to submit~~  
42 ~~a Minor LDTA in accordance with the adopted study criteria.~~

43 4. ~~*Minor LDTA.* If the project is calculated to generate more than one hundred~~  
44 ~~(100), but less than one thousand (1,000) average daily trips according to the~~

1 ITE Trip Generation Manual (most current edition), a Minor LDTA shall be  
2 submitted by the applicant.

3 ~~5. Major LDTA. If the project is calculated to generate more one thousand~~  
4 ~~(1,000) average daily trips according to the ITE Trip Generation Manual~~  
5 ~~(most current edition) a Major LDTA shall be submitted by the applicant.~~

6 36. Comprehensive plan amendment. For applications that involve large scale  
7 plan amendments (i.e. ten (10) acres or more of land); ~~and for small scale~~  
8 ~~plan amendments that generate over one thousand (1,000) average daily trips~~  
9 ~~according to the ITE Trip Generation Manual (most current edition); a~~  
10 ~~comprehensive plan amendment traffic study meeting LDTA standards and~~  
11 ~~requirements shall be submitted may be required by the County in~~  
12 ~~conjunction with the application. Further, to the extent applicable, the study~~  
13 ~~will include the data and analysis required by Rule Chapter 9J-5, Florida~~  
14 ~~Administrative Code. Notwithstanding the foregoing, if the plan amendment~~  
15 ~~encompasses ten (10) acres or more of land but generates less than one~~  
16 ~~thousand (1,000) average daily trips, then the applicant may perform a five-~~  
17 ~~year concurrency analysis in lieu of the foregoing if approved in advance by~~  
18 ~~the county The study shall be based upon a traffic methodology statement~~  
19 ~~submitted for review and approved by the County.~~

20 ~~7. Development of regional impact.~~ For all applications which involve a  
21 development of regional impact (DRI), the applicant's traffic study shall  
22 include data and analysis relative to the application for development  
23 approval (for the DRI) prepared in accordance with the methodology  
24 prescribed by Rule 9J-2.045, Fla. Admin. Code, and section 380.06, Florida  
25 Statutes, as may be amended or renumbered from time to time. The  
26 requirements under this provision are in addition to any other traffic study or  
27 LDTA that may be required pursuant to this article.

28 48. Signed and sealed by professional engineer. All traffic studies and  
29 assessments required under this section shall be prepared, signed, and sealed  
30 by a professional engineer registered and practicing in the State of Florida or  
31 professional planner, qualified to perform traffic studies and assessments,  
32 and in accordance with professionally recognized methodology and  
33 practices.

34 59. Applicant's expense. If a LDTA, ~~a comprehensive plan amendment traffic~~  
35 ~~study and/or a development of regional impact~~ traffic study pursuant to this  
36 section is required, it shall be prepared and submitted by the applicant at the  
37 applicant's expense.

38  
39 **SECTION III. APPLICABILITY.** This Ordinance shall be applicable throughout the  
40 unincorporated area of Hernando County.

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

1 **SECTION V. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature  
2 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,  
3 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this  
4 ordinance to the extent of such conflict except for ordinances concerning either adoption or  
5 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.  
6

7 **SECTION VI. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is  
8 hereby directed forthwith to send a certified copy of this ordinance or electronically transmit the  
9 ordinance by email to the Bureau of Administrative Code, Department of State, R.A. Gray Bldg.,  
10 Room 101, 500 S. Bronough Street, Tallahassee, FL 32399-0250.  
11

12 **SECTION VII. INCLUSION IN CODE.** It is the intention of the Board of County  
13 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of  
14 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,  
15 Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-  
16 lettered to accomplish such intention, and the word "ordinance" may be changed to "section,  
17 "article," or other appropriate designation. Whereas Clauses, and Sections II through Section VII  
18 need not be codified.  
19

20 **SECTION VIII. EFFECTIVE DATE.** This ordinance shall take effect immediately upon  
21 filing with the Department of State.  
22

23 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 24<sup>th</sup> **DAY OF**  
24 September, 2019.  
25

26 BOARD OF COUNTY COMMISSIONERS  
27 HERNANDO COUNTY, FLORIDA  
28

29  
30  
31 Attest: Dolene M. Christenson, DC.  
32 for DOUGLAS A. CHORVAT, JR.  
33 CLERK OF CIRCUIT COURT AND  
34 COMPTROLLER  
35

30  
31 By: [Signature]  
32 JEFF HOLCOMB  
33 CHAIRMAN  
34

36 (SEAL)  
37

38 **Approved as to Form and**  
39 **Legal Sufficiency**  
40

41 By: [Signature]  
42 Joseph X. DiNovo, Assistant County Attorney

