

Heidi Kurppe

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Wednesday, June 23, 2021 11:48 AM
To: Ordinances
Cc: County Ordinances
Attachments: Hernando20210623_Ordinance2021_12_Ack.pdf



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 23, 2021

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

Attention: Ms. Heidi Kurppe, Deputy Clerk

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. 2021-12, which was filed in this office on June 23, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal Requests\2021-98 Sewerage Ordinance\Sewerage Ordinance Remove Board of Adjustment.wpd, April 26, 2021 (2:47pm) NOTE: additions/~~deletions~~ = language proposed for addition/deletion to existing Code provisions.

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ORDINANCE NO.: 2021- 12

AN ORDINANCE MODIFYING THE VARIANCE PROCEDURE RELATED TO REGULATIONS CONCERNING THE LOT SIZE REQUIRED FOR SEPTIC SYSTEMS IN THE HERNANDO COUNTY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 28, Article III, Division 3 of the Hernando County Code of Ordinances contains references to the Board of Adjustment and Appeals, which no longer exists; and

WHEREAS, Hernando County desires to amend Chapter 28, Article III, Division 3 of the Hernando County Code of Ordinances to remove such references.

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

Section 1. Modification of Chapter 28, Article III, Division 3 of the Hernando County Code of Ordinances. Chapter 28, Article III, Division 3 of the Hernando County Code of Ordinances is hereby amended as follows:

Sec. 28-96. - Short title.

This division shall be known and may be referred to as the “Sewerage and Water

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1 Ordinance of Hernando County, Florida.”

2 **Sec. 28-97. - Goals and benefits.**

3 This division is promulgated for the purpose of protecting the ground water supplies
4 from contamination by individual sewage disposal systems.

5 **Sec. 28-98. - Definitions.**

6 As used in this division, the following terms shall have the meanings indicated in this
7 section:

8 Acre: Forty-three thousand five hundred sixty (43,560) square feet.

9 County: The unincorporated area of the county.

10 Developer: Any person, persons, partnership, firm, corporation or cooperative
11 enterprise undertaking or participating in the development of land or the construction
12 of buildings on lots.

13 Development: The splitting or division of property into two (2) or more parcels.

14 Individual sewage disposal system: A system of piping, one or more tanks or
15 treatment devices and one or more subsurface absorption fields for handling, treating
16 and disposing of sewage wastes.

17 Lot: A tract or parcel of land under one (1) ownership duly recorded and having been

1 created by inclusion in a record plat or by execution of a deed, contract for sale or
2 other legal document.

3 Planned development project: A complex of structures and uses planned as an
4 integral unit of development rather than as a single principal structure or use on a
5 single lot.

6 **Sec. 28-99. - Restrictions as to number of systems per lot.**

7 (a) In residential developments where a central water supply system is utilized,
8 a maximum of one individual sewage disposal system per twenty-one
9 thousand five hundred (21,500) square foot lot is allowed.

10 (b) In residential developments where individual wells are utilized, a maximum
11 of one individual sewage disposal system per each one (1) acre lot is allowed.

12
13 (c) In planned development projects on a central water supply, the minimum lot
14 size requirements per individual sewage disposal may be modified provided
15 the overall density of the project does not exceed one (1) septic tank per
16 twenty-one thousand five hundred (21,500) square feet and is subject to
17 approval by the county planning and zoning commission.

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1 **Sec. 28-100. - Nonresidential developments.**

2 In any nonresidential development, current state regulations will be enforced.

3 **Sec. 28-101. - Site plan review; soil conditions, etc.**

4 (a) In a residential development utilizing individual disposal systems, the
5 developer will provide the county health department with a site plan
6 delineating detailed soil information. The county health department will
7 review the information and indicate septic tank suitability of the site. This
8 evaluation will indicate any lots which have a high probability of limitations
9 for septic tank use.

10 (b) Setbacks, soil conditions, water table elevations and other related
11 requirements generally applicable to the use of individual disposal systems
12 will be met.

13 **Sec. 28-102. - Variances—Generally.**

14 If a strict application of this division creates an undue hardship on any property owner
15 and the hardship was not as the result of the property owner's own making, the property
16 owner may apply to the ~~county board of adjustments and appeals~~ [Hernando County Board](#)
17 [of County Commissioners](#) for a hardship variance from the strict application of this division.

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1 **Sec. 28-103. - ~~Same~~ Variances—Appeal procedure.**

2 (a) An applicant appealing to the ~~county zoning board of adjustments and~~
3 ~~appeals~~ Hernando County Board of County Commissioners for a hardship
4 variance from the provisions of this division shall pay a filing fee ~~of twenty~~
5 ~~dollars (\$20.00)~~ based upon the adopted fee schedule and shall submit ~~six (6)~~
6 ~~copies of the application along with~~ any additional data and information with
7 the application required by the ~~board to~~ utilities director or the administrative
8 official. The application shall be processed in accordance with the
9 procedures of Article V, Section 3 of Appendix A of the Hernando County
10 Code of Ordinances.

11 ~~(b) The administrative official shall then refer one copy each of the application~~
12 ~~and any appropriate accompanying material to the board. The administrative~~
13 ~~official shall retain the original copy of the application along with~~
14 ~~accompanying material for the record.~~

15 ~~(c) Upon receipt of the appeal application, the board shall fix a reasonable time~~
16 ~~for the hearing of the application and give actual notice thereof to the parties~~
17 ~~in interest. Any party may appear in person or by agent or by attorney at the~~
18 ~~hearing.~~

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1 (+) (b) The ~~board~~ Hernando County Board of County Commissioners, after holding
2 a an advertised public hearing, shall approve, ~~disapprove~~ deny, or approve
3 subject to modifications or conditions, the application and accompanying
4 material, if any. If the ~~board~~ Hernando County Board of County
5 Commissioners approves the application, it may attach any necessary
6 conditions such as time limitations, requirements that one (1) or more things
7 be done before the request can be initiated, or conditions of a continuing
8 nature to ensure that there shall be no departures from the intent of this
9 division. If the application and accompanying material is approved, the ~~board~~
10 Hernando County Board of County Commissioners shall express its approval
11 and state the conditions of such approval, if any; or, if ~~disapproved~~ denied,
12 shall express its ~~disapproval~~ denial and its reasons therefor. If an application
13 is ~~disapproved~~ denied, reasons for such ~~disapproval~~ denial shall be stated in
14 writing on the records of the ~~board~~ Hernando County Board of County
15 Commissioners and a statement in writing of such grounds of ~~disapproval~~
16 denial shall be furnished to the applicant or his agent. If approved, subject to
17 modifications or conditions, the nature of the required modifications or
18 conditions, shall also be indicated in writing on the records of the ~~board~~

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1 Hernando County Board of County Commissioners and furnished to the
2 applicant or his agent.

3 **Sec. 28-104. - Applicability.**

4 All lots created and all distribution and collection systems constructed after ~~the~~
5 ~~effective date of Ordinance No. 80-3~~ March 25, 1980 shall comply with the requirements
6 contained in this division.

7 **Sec. 28-105. - Remedies and penalties.**

8 The administrative official shall issue a notice to all violators of this division and
9 shall order that such violations cease. If necessary, the ~~governing body~~ Hernando County
10 Board of County Commissioners or any appropriate official of the ~~governing body~~ Hernando
11 County Board of County Commissioners may institute appropriate action in court to
12 eliminate the existence of any violation of this division or initiate proceedings.

13 **Section 2. Severability.** It is declared to be the intent of the Board of County
14 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
15 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
16 validity of the remaining portions of this ordinance.

17 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners
18 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall

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1 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
2 sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that
3 the word "ordinance" may be changed to "section," "article," or any other appropriate designation.

4 **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
5 conflict with the provisions of this ordinance are hereby repealed.

6 **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of
7 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
8 been filed with said office.

9 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
10 **HERNANDO COUNTY** in Regular Session this 22nd day of June 2021.

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

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15
16 Attest: Heidi Krupke, Deputy Clerk
17 for DOUG CHORVAT, JR.
18 Clerk
19

20
21 By: [Signature]
22 JOHN ALLOCCO
23 Chairman

24 Approved for Legal Form and Sufficiency

25 [Signature]
26 Assistant County Attorney

