

ORDINANCE 2001-03

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 26 SUBDIVISION REGULATIONS TO PROVIDE ADDITIONAL TERM DEFINITIONS; TO PROVIDE CHANGES IN APPROVAL CRITERIA FOR UNPLATTED SUBDIVISIONS; BY SPECIFYING THE REQUIRED NUMBER OF COPIES AND QUALITY OF PLATS; BY PROVIDING FOR MANDATORY HOMEOWNER'S ASSOCIATIONS IN CERTAIN SUBDIVISIONS; BY PROVIDING FOR ADDITIONAL SURVEYOR CERTIFICATION; BY REVISING THE CLERK'S CERTIFICATE LANGUAGE; PROVIDING FOR APPROPRIATE NUMBERING OF SECTIONS; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 26 SUBDIVISION REGULATIONS, SECTION 26-2 DEFINITIONS: IS HEREBY AMENDED TO INCLUDE:

Access and Utility Tract shall mean a tract of land a minimum of 60 (sixty) feet in width which is owned by all lot owners within the subdivision with each lot owner having an undivided interest in the access and utility tract. The purpose of the access and utility tract is to provide access to all lots within the subdivision and the access and utility tract shall carry an express easement which inures to the benefit of any public or private utility company.

SECTION 2. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 26 SUBDIVISION REGULATIONS, SECTION 26-3 IS HEREBY AMENDED TO READ:

Sec. 26-3. Applicability; exceptions.

- A. All developments which are being accomplished pursuant to a recorded plat which was entered into the records of the county prior to June 13, 1991 shall be accomplished in accordance with the provisions of this chapter if substantial construction has not yet been accomplished. "Substantial construction" shall be interpreted to mean the pavement base

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has been laid, compacted and finished or as otherwise defined by the board of county commissioners in response to a petition for relief from hardship.

- B. For the purpose of Class B, C & D subdivisions, lots existing as of June 13, 1991, having a minimum lot size of 4.75 acres, or greater shall be considered as 5 (five) acre lots for the purpose of this ordinance.
- C. 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. 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 50 (fifty) 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 $2 \frac{1}{2}$ (two & one half) 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:

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

1. Access to the subdivision shall be via a minimum 30' (thirty foot) County maintained and owned right-of-way.
2. Right-of-way permits shall be obtained prior to approval of the subdivision.
3. The minimum access within the subdivision shall be:
 - a. A 60' (sixty foot) access and utility tract with a cleared and maintained right of way width of 30' (thirty feet). When any portion of the access and utility tract will serve more than 10 (ten) lots in the development, it shall be improved with the following minimum standards: a compacted limerock travel surface, or other surface acceptable to the County Engineer, 18' (eighteen feet) in width, and 4" (four inches) thick. When 10 (ten) lots or fewer in the development will have access onto the access and utility tract, it shall be improved with the following minimum standards: a compacted limerock travel surface, or other surface acceptable to the County Engineer, 12' (twelve feet) in width, and 4" (four inch) thick.
 - b. The access and utility tract shall meet the following minimum standards: a 95' (ninety five foot) radius to provide a 20 (twenty) mph horizontal curve design speed, and vertical curves designed to meet a 30 (thirty) mph site distance.

They shall have intersection angles at no less than 70 (seventy) degrees.

- c. Culverts and bridges must meet the minimum standards in the Facility Design Guidelines and Southwest Florida Water Management District (SWFWMD) requirements.
4. Each lot must meet all applicable County development rules and be approved by the County. No building permit for any such lot created according to this exemption from the formalized subdivision platting process shall be granted unless lot approval has been granted by the County.
5. Each sales contract, option, deed or conveyance entered into and executed after adoption of these regulations shall contain a legend setting forth in bold type a statement that "subject land is contained within a subdivision which has not been formally platted and approved by the Board of County Commissioners of Hernando County and said County has absolutely no authority to maintain or improve streets, thoroughfares or easements within the subdivision."
6. The County's minimum design standards for drainage shall be met.
7. The developer must provide a letter from the franchised garbage hauler that the design of the subdivision is acceptable for individual garbage pickup by the hauler or a buffered dumpster site shall be provided within the subdivision by the developer.
8. The developer must provide a letter from the United States Post Office indicating that the design of the subdivision is acceptable for individual mail delivery and pickup by the Post Office Rural carrier or a neighborhood mail site shall be provided within the subdivision by the developer acceptable to the Post Office.

Class C. Class C subdivisions are small rural subdivisions which are exempt from the formalized platting procedures contained in this chapter. Class C subdivisions shall be approved for development by the County Staff. The following constitute class C subdivisions:

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

1. The minimum access to a Class C subdivision is via a 30' (thirty foot) County maintained and owned right-of-way.
2. Right-of-way permits from the County shall be obtained prior to approval of the subdivision.
3. The minimum access within the Class C subdivision shall be:
 - a. A 60' (sixty foot) access and utility tract with a cleared and maintained right of way width of 30' (thirty feet) improved to the following minimum standards: a compacted limerock travel surface, or other surface acceptable to the County Engineer, 12' (twelve feet) in width, and 4" (four inches) thick.
 - b. The access and utility tract shall meet the following minimum standards: a 95' (ninety five foot) radius to provide a 20 (twenty) mph horizontal curve design speed, and vertical curves designed to meet a 30 (thirty) mph site distance. They shall have intersection angles at no less than 70 (seventy) degrees.
 - c. Culverts and bridges must meet the minimum standards in the Facility Design Guidelines and Southwest Florida Water Management District (SWFWMD) requirements.

4. Each lot must meet all applicable County development rules and be approved by the County. No building permit for any such lot created according to this exemption from the formalized subdivision platting process shall be granted unless lot approval has been granted by the County.
5. Each sales contract, option, deed or conveyance entered into and executed after adoption of these regulations shall contain a legend setting forth in bold type a statement that "subject land is contained within a subdivision which has not been formally platted and approved by the Board of County Commissioners of Hernando County and said County has absolutely no authority to maintain or improve streets, thoroughfares or easements within the subdivision."
6. The County's minimum design standards for drainage shall be met.
7. The developer must provide a letter from the franchised garbage hauler that the design of the subdivision is acceptable for individual garbage pickup by the hauler or a buffered dumpster site shall be provided within the subdivision by the developer.
8. The developer must provide a letter from the United States Post Office indicating that the design of the subdivision is acceptable for individual mail delivery and pickup by the Post Office Rural carrier or a neighborhood mail site shall be provided within the subdivision by the developer acceptable to the Post Office.

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

1. Applicants must receive driveway location approval by the Department of Public works prior to approval of the subdivision.
2. a. Class D subdivisions created in a residential, agricultural-residential, or rural zoning districts shall meet one of the following:
 - i. Each lot must be created from a parent parcel and each lot must have frontage on an existing county maintained street or private street built and maintained to county standards.
 - ii. One lot created from the parent parcel must front on an existing county maintained street or private street built to county standards and the other lot created from the parent parcel must be provided access to the county maintained street or private street built and maintained to county standards by an access and utility easement created for the purpose of providing access to all lots within the subdivision and shall be an express easement which inures to the benefit of any public or private utility company allowing for the placement of utilities within the easement. The minimum easement width is fifteen feet. The access and utility easement created to comply with this section of the regulations shall be clear and passable by automobile traffic prior to the approval of the lot split.
- b. Lots created in the industrial or commercial districts shall meet the following:
 - i. Each lot must be created from a parent parcel with frontage on an existing county maintained street or private street built and maintained to County standards.

3. Each lot must meet all applicable County development rules and be approved by the County. No building permit for any such lot created according to this exemption from the formalized subdivision platting process shall be granted unless lot approval has been granted by the County.
4. Each sales contract, option or deed of conveyance entered into and executed after adoption of these regulations shall contain a legend setting forth in bold type a statement that "subject land is contained within a subdivision which has not been formally platted and approved by the Board of County Commissioners of Hernando County and said County has absolutely no authority to maintain easements within the subdivision."

E. Petition for relief from hardship. A petition for relief from hardship shall be made by any developer who feels the provisions of this chapter, if complied with, would place upon them an undue burden. The petition shall include all data and other information required by the Board of County Commissioners including at least the following:

1. A complete set of plans and specifications in accordance with which the construction has been or is being accomplished, if such exists, or a general written explanation of the construction effort with a complete description of all provisions the developer is making to assure construction quality.
2. A written proposal defining the developer's desired methods of completing the project. The proposal shall indicate specifically which provisions of this chapter the developer wishes to be excepted from.

The Governing Body, upon review of the petition, may approve the subdivision provided The Governing Body has determined that the ordinance has placed an undue hardship upon the Developer and:

1. All lots proposed to be created under the Board of County Commissioner's approval meet the minimum lot size of the zoning District in which the subdivision is to be located and conforms with the policies of the comprehensive plan.

2. All lots have a minimum of a fifteen foot access/utility easement to provide access to the parcel.
3. Each deed of conveyance entered into and executed shall contain a legend setting forth in bold type a reference to the subdivision regulations and a statement that "subject land is contained within a subdivision which has not been formally platted and said County has absolutely no obligation to maintain or improve roads and thoroughfares within the subdivision".

F. Petition for relief from family hardship. A petition for relief from family hardship may be filed by any person who feels the provisions of this chapter, if complied with, would place upon them an undue burden on their ability to transfer land to family members. The petition shall include all data and other information required by the Board of County Commissioners including at least the following:

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

The Governing Body, upon review of the petition, may approve the subdivision provided The Governing Body has determined that the ordinance has placed an undue hardship upon the family and:

1. All lots proposed to be created under the Board of County Commissioner's approval meet the minimum lot size of the zoning District in which the subdivision is to be located and conforms with the policies of the comprehensive plan.
2. All lots have a minimum of a fifteen foot access/utility easement to provide access to the parcel.
3. Each deed of conveyance entered into and executed shall contain a legend setting forth in bold type a reference to the subdivision regulations and a statement that "subject land is contained within a subdivision which has not been formally platted and said County has absolutely no obligation to maintain or improve roads and thoroughfares within the subdivision".

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

SECTION 3. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 26, ARTICLE II SUBDIVISION REGULATIONS, SECTION 26-22(c)(1) IS HEREBY AMENDED TO READ:

1. The original final plat meeting the requirements of Chapter 177 of the Florida statutes and copies of the final plat of a number and quality as required by the County Clerk.

SECTION 4. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 26, ARTICLE II SUBDIVISION REGULATIONS, SECTION 53 IS HEREBY AMENDED TO READ:

Mandatory Homeowner's Association

A homeowner's 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, 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 homeowner's association shall have the authority to levy appropriate fees. The homeowner's 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.

SECTION 5. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 26 SUBDIVISION REGULATIONS, ARTICLE V, SECTION 26-92 SURVEYOR'S CERTIFICATE IS HEREBY AMENDED TO READ:

Sec. 26-92. Surveyor's certificate.

Each plat must contain a certificate signed by a registered land surveyor that such plat was reviewed by such surveyor and is a correct representation of the land platted; that permanent reference monuments (p.r.m.'s) and permanent control points

(p.c.p.'s) have been placed thereon as required by law currently referred to in chapter 177, Florida Statutes, and with all of the plat requirements adopted by the Board of County Commissioners. Further, chapter 177 requires the Governing Body have the plat reviewed by a professional Surveyor and Mapper who is hired by the County to review the plat's conformance with chapter 177. The certificate of the registered land surveyor preparing said plat to be recorded in the Public Records of Hernando County shall be in substantially the following form:

SURVEYOR CERTIFICATE

I, _____, hereby certify that this plat has been prepared under my direction and supervision and that it is a correct representation of the lands platted; that this plat complies with all provisions of Chapter 177, Florida Statutes, and with all of the plat requirements adopted by the Board of County Commissioners, Hernando County, Florida.

Registered Land Surveyor

Florida Certificate Number

The certificate of the Professional Land Surveyor and Mapper hired by the County for review of the final plat shall be in substantially the following form:

**CERTIFICATE OF REVIEW BY
COUNTY EMPLOYED/CONTRACTED PROFESSIONAL SURVEYOR AND MAPPER**

I, _____, hereby certify that I have reviewed this plat for conformity as to Chapter 177, F.S. and that I am employed by, or under contract to, the appropriate local Governing Body and am acting hereto as an agent of the County. This limited certification as to facial conformity with the requirements of chapter 177 is not intended to be, and should not be construed as, a certification of the accuracy or quality of the surveying/mapping reflected on this plat.

Professional Surveyor and Mapper
Florida Registration Number _____

**SECTION 6. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 26
SUBDIVISION REGULATIONS, ARTICLE V, SECTION 26-95 CLERK'S
CERTIFICATE IS HEREBY AMENDED TO READ:**

Sec. 26-95. Clerk's certificate.

The clerk's certificate required by chapter 177, Florida Statutes, on each plat shall be in substantially the following form:

CLERK'S CERTIFICATE

I, _____, Clerk of the Circuit Court of Hernando County, Florida, hereby certify this plat was filed for record on the _____ day of _____, 20____, File No. _____, and recorded in Plat Book _____, Page _____.

Clerk of Circuit Court

SECTION 7. SEVERABILITY

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

SECTION 8. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

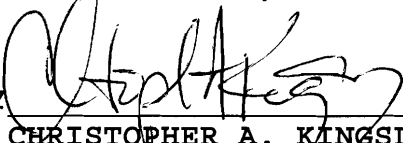
SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of the official acknowledgment from the Office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office. All applications for subdivisions submitted after the Ordinance becomes effective will be reviewed according to the provisions contained herein. Pending complete subdivision applications and those complete applications submitted before the

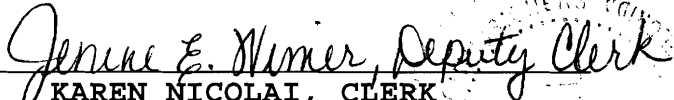
ordinance becomes effective will be reviewed according to the provisions existing as of the date of Adoption.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 14th DAY OF FEBRUARY, 2001.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY 
CHRISTOPHER A. KINGSLEY, CHAIRMAN

SEAL

ATTEST 
KAREN NICOLAI, CLERK

