

Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Tuesday, July 19, 2016 4:05 PM
To: Marguerite Linke
Cc: County Ordinances
Attachments: Hernando20160719_Ordinance2016_11_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 19, 2016

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

Attention: Marguerite Linke, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2016-11, which was filed in this office on July 19, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2016 - | |

AN ORDINANCE AMENDING CHAPTER 26 (SUBDIVISION REGULATIONS), ARTICLE III (DESIGN STANDARDS), OF THE HERNANDO COUNTY CODE OF ORDINANCES BY PROVIDING FOR SECTION 26.52 (SIDEWALKS); AMENDING APPENDIX A (ZONING), ARTICLE III (SPECIFIC REGULATIONS), SECTION 3 (SPECIFIC USE REGULATIONS) OF THE HERNANDO COUNTY CODE OF ORDINANCES BY PROVIDING FOR SUBSECTION P (SIDEWALKS); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the County desires to update and modernize its land development and subdivision regulations to provide standards for sidewalks; and

WHEREAS, this proposed substantive amendment to the Hernando County Code of Ordinances has received public hearings before the Planning and Zoning Commission, Local Planning Agency, and the Board of County Commissioners as required by state and local law; and

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

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

SECTION I. Hernando County Code of Ordinances, Chapter 26 (Subdivision Regulations), Article III (Design Standards), is amended to add Section 26.52 (Sidewalks) as more precisely delineated with underlined text below:

Sec. 26-52.-Sidewalks

- (a) Sidewalks shall be constructed on all internal, and adjoining, streets in conjunction with all new subdivisions.
- (b) Sidewalks shall be constructed in conjunction with the installation of all required subdivision improvements along common areas and adjoining streets. Sidewalks shall be

1 constructed as a condition of site development for the length of the site frontage along all
2 streets for individual lots within the subdivision.

- 3 (c) All sidewalks shall be designed and constructed in accordance with the requirements of
4 the Florida Accessibility Code and Hernando County Facilities Design Guidelines.

5
6 **SECTION II.** Hernando County Code of Ordinances, Appendix A (Zoning), Article III
7 (Specific Regulations) Section 3 (Specific Use Regulations), is amended to add Subsection P
8 (Sidewalks) as more precisely delineated with underlined text below:

9
10 *P. Sidewalks.*

- 11 (1) Sidewalks shall be constructed for the length of the site frontage along all adjoining
12 roadways in conjunction with all new construction under the following conditions:

13 (a) The site is located along a county designated arterial or collector street;

14 (b) The site is adjacent to properties with existing sidewalks; or

15 (c) The site is within 2 miles of a public school.

- 16 (2) All sidewalks shall be designed and constructed in accordance with the requirements of
17 the Florida Accessibility Code and Hernando County Facilities Design Guidelines.

- 18 (3) The county engineer may permit the waiver of sidewalk construction where one or more
19 of the following conditions exist:

20 (a) The existing street or right-of-way is unimproved.

21 (b) The sidewalk cannot be constructed due to existing natural, environmental,
22 topographic or hazardous conditions.

23 (c) The property is located in an area where sidewalks do not exist, new sidewalks
24 are not projected nor planned for, and no abutting or connecting sidewalks exist.

25 (d) The county engineer may require a contribution to the county sidewalk
26 improvement fund as a condition of granting the waiver.

27
28 **SECTION III. APPLICABILITY.** This Ordinance shall be applicable throughout the
29 unincorporated area of Hernando County.

30
31 **SECTION IV. SEVERABILITY.** It is declared to be the intent of the Board of County
32 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
33 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
34 the validity of the remaining portions of this ordinance.

35
36 **SECTION V. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature
37 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,
38 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this
39 ordinance to the extent of such conflict except for ordinances concerning either adoption or
40 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

41
42 **SECTION VI. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is
43 hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative
44 Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street, Tallahassee, FL
45 32399-0250.

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

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

DULY PASSED AND ADOPTED IN REGULAR SESSION THIS 12th DAY OF July, 2016.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest:

Marguerite L. Barbee Jr. Deputy Clerk By: *James E. Adkins*
MARGUERITE L. BARBEE JR., CLERK JAMES E. ADKINS, CHAIRMAN

(SEAL)

SEAL

Approved as to Form and
Legal Sufficiency

By: *Ch. [Signature]*