

ORDINANCE NO.: 2025-__

AN ORDINANCE RELATING TO THE ADMINISTRATIVE APPROVAL OF PLATS AND REPLATS; PROVIDING FOR THE INCORPORATION OF RECITALS AS FINDINGS OF FACT; AMENDING LIST OF DEFINED TERMS; AMENDING PROCEDURES GOVERNING PETITIONS FOR RELIEF FROM HARDSHIPS; AUTHORIZING ADMINISTRATIVE OFFICIAL TO APPROVE PLATS AND REPLATS ADMINISTRATIVELY; PROVIDING FOR THE ADMINISTRATIVE APPROVAL OF CONDITIONAL PLAT SUBMITTALS; PROVIDING FOR THE ADMINISTRATIVE APPROVAL OF PLAT AND REPLAT SUBMITTALS; AMENDING BONDING REQUIREMENT FOR PLATS AND REPLATS; AMENDING DESIGN STANDARDS FOR BLOCKS; AMENDING DESIGN STANDARDS FOR PUBLIC SITES AND OPEN SPACES; REPEALING HERNANDO COUNTY CODE § 26-94; PROVIDING FOR CERTIFICATION OF ADMINISTRATIVE APPROVAL; AMENDING VARIANCE PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, local land development regulations require evaluation and revision to address public health, safety and welfare issues that may occur during the implementation of land development regulations; and,

1 WHEREAS, Chapter 177 of Florida Statutes governs Land Boundaries, including Platting
2 and Replatting, to regulate and control the platting of lands; and,

3 WHEREAS, Fla. Stat. § 177.071, as amended, requires that plats and replats be
4 administratively approved by a designated authority of the local government, and no further action
5 or approval by the governing body is required if the plat or replat complies with the statutory
6 requirements; and,

7 WHEREAS, the amended statute requires that each local government designate, by
8 ordinance or resolution, an administrative authority and official responsible for reviewing,
9 processing, and administratively approving plats and replats; and,

10 WHEREAS, Hernando County desires to amend certain provisions of the Land Development
11 Code, enacted pursuant to Part II of Chapter 163, Florida Statutes, to provide for administrative
12 approval of plats and replats and certain procedural requirements pursuant to Fla. Stat. § 177.091;
13 and,

14 WHEREAS, Hernando County desires to designate an administrative authority to oversee
15 the platting and replatting process and provide plat and replat approval and denial responsibility, as
16 required by Fla. Stat. § 177.071; and,

17 WHEREAS, pursuant to Fla. Stat. § 125.66(3)(a), a business impact estimate is not hereby
18 required; and,

1 WHEREAS, the Board of County Commissioners finds and determines that the amendment
2 to the Hernando County Land Development Code set forth herein is in the best interest of the County
3 and in furtherance of the health, safety, and welfare of the public;

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

6 **Section 1. Incorporation of Recitals as Findings of Fact.** The foregoing recitals are true
7 and correct and the Board of County Commissioners hereby incorporates them into this Ordinance
8 as its factual findings as if they were fully set forth herein.

9 **Section 2. Amending List of Defined Terms.** Hernando County Code § 26-2, Definitions,
10 is hereby amended to read as follows:

11 **Sec. 26-2. Definitions.**

12 As used in this chapter:

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

19 *Administrative authority* shall have the same meaning as provided for in Fla. Stat.
20 § 177.071, as it may be amended from time to time.

1 Administrative official shall have the same meaning as provided for in Hernando
2 County Code, Appendix A, Article V, § 1, as it may be amended from time to time.

3 *Alleys* are minor ways which are used primarily for vehicular service access to the
4 back side of properties otherwise abutting on a street.

5 *Arterial streets and highways* primarily facilitate the through movement, i.e.
6 mobility, of vehicular traffic. Access management techniques are commonly
7 instituted on them to preserve the facilities' capacity. Land access is a secondary
8 priority to the movement of traffic.

9 *Bond* means a surety bond or such other collateral security as may be mutually
10 agreed upon from time to time between the board of county commissioners and a
11 developer.

12 *Building setback line* is a line within a lot or other parcel of land so designated on the
13 plat of the proposed subdivision, between which and the adjacent boundary of the
14 street upon which the lot abuts the erection of an enclosed structure or portion
15 thereof is prohibited.

16 *Collector streets* function primarily to carry traffic from local streets to arterials. The
17 operating speeds are generally lower than that of arterials and provide a greater
18 degree of land access.

19 *Cul-de-sac* shall mean a minor street with one ingress and egress and with a turning
20 area at the closed end.

1 *Easement* is a legally defined right of passage or use across a specified property. An
2 easement may allow for access, placement of utilities, drainage, other purposes or
3 any combination of these uses.

4 *Frontage roads* are minor streets which run concurrent with arterial streets and
5 highways and which provide access to abutting properties and protection from
6 through traffic. A frontage road may be developed along the property frontage or to
7 the rear of the property (reverse frontage road).

8 *Comprehensive plan* shall mean a comprehensive plan prepared or adopted by
9 Hernando County pursuant to chapter 163, Florida Statutes, or any amendment to
10 parts thereof, which indicates the general locations recommended for various
11 functional classes of public works, places, uses, structures, streets and facilities for
12 the purpose of the general development of the county, and includes any unit or part
13 of such plans separately adopted and any amendment to such plans or parts thereof.

14 *Local streets* are those which are used primarily for access to the abutting properties.

15 *Parent tract* is a lot, tract or parcel of record legally existing and developable as of
16 June 13, 1991.

17 ~~*Planning and zoning commission, planning commission or commission shall mean*~~
18 ~~*the county planning and zoning commission, unless designated specifically otherwise*~~
19 ~~*by a prefix or title.*~~

1 *Street* means a way for vehicular traffic, whether designated as a public street,
2 highway, thoroughfare, road, parkway, throughway, avenue, boulevard, lane, place,
3 right-of-way or however designated.

4 *Subdivider* or *owner* includes the plural as well as the singular, and may mean either
5 a natural person, firm, association, partnership, private corporation, public or
6 quasipublic corporation or any combination of any of them.

7 *Subdivision* means the division of a lot, tract or parcel of land into two (2) or more
8 contiguous lots or parcels for transfer, sale or development. Each lot created shall
9 have access on a street, tract or easement appropriate to the class of subdivision. The
10 following shall not be considered subdivisions within the meaning of this chapter if
11 no new streets are created: divisions of property by testamentary or intestate
12 provisions; divisions of property by court order, including, but not limited to,
13 judgments of foreclosure; and consolidation of existing lots by deed or other
14 recorded instrument. The term includes resubdivision and, when appropriate to the
15 context, shall relate to the process of subdividing or to the land subdivided. The
16 subdivision of land is permitted in any zoning district in accordance with provisions
17 and regulations of such zoning district.

Section 3. Amending Procedures Governing Petitions for Relief from Hardships.

Subsections (f) and (g) of Hernando County Code § 26-3, “Applicability; Exceptions,” are amended to read as follows:¹

* * *

(f) 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~~ Administrative Official 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 from which provisions of this chapter the developer wishes to be excepted ~~from~~.

The ~~governing body~~ Administrative Official, upon review of the petition, may administratively approve the subdivision provided the ~~governing body~~

¹NOTE TO CODIFIERS: All other provisions of Hernando County Code § 26-3 remain unchanged.

1 Administrative Official has determined that the ordinance has placed an undue
2 hardship upon the developer and:

3 (1) All lots proposed to be created under the ~~board of county~~
4 ~~commissioner's~~ Administrative Official's approval meet the minimum lot size of the
5 zoning district in which the subdivision is to be located and conforms with the
6 policies of the comprehensive plan.

7 (2) All lots have a minimum of a fifteen-foot access/utility easement to
8 provide access to the parcel.

9 (3) Each deed of conveyance entered into and executed shall contain a
10 legend setting forth in bold type a reference to the subdivision regulations and a
11 statement that “subject land is contained within a subdivision which has not been
12 formally platted and said county has absolutely no obligation to maintain or improve
13 roads and thoroughfares within the subdivision.”

14 (g) Petition for relief from family hardship. A petition for relief from family
15 hardship may be filed by any person who feels the provisions of this chapter, if
16 complied with, would place upon them an undue burden on their ability to transfer
17 land to family members. The petition shall include all data and other information
18 required by the ~~board of county commissioners~~ Administrative Official. The petition
19 must include ~~including at least the following:~~ (1) A a map on which is indicated an
20 accurate representation of the proposed subdivision. The map shall clearly indicate

1 the access to be provided and any improvements to be provided in the project. The
2 petition will include the prospective recipient of each tract and his/her relationship
3 to the grantor.

4 The ~~governing body~~ Administrative Official, upon review of the petition, may
5 administratively approve the subdivision provided the ~~governing body~~
6 Administrative Official has determined that the ordinance has placed an undue
7 hardship upon the family and:

8 (1) All lots proposed to be created under the ~~board of county~~
9 ~~commissioner's~~ Administrative Official's approval meet the minimum lot size of the
10 zoning district in which the subdivision is to be located and conforms with the
11 policies of the comprehensive plan.

12 (2) All lots have a minimum of a fifteen-foot access/utility easement to
13 provide access to the parcel.

14 (3) Each deed of conveyance entered into and executed shall contain a
15 legend setting forth in bold type a reference to the subdivision regulations and a
16 statement that "subject land is contained within a subdivision which has not been
17 formally platted and said county has absolutely no obligation to maintain or improve
18 roads and thoroughfares within the subdivision."

19 (4) All lots must be transferred to an immediate family member and must
20 provide for a reverter clause in the deed returning the land to the grantor if the

1 transferred parcel does not remain in the ownership of a family member for a
2 minimum of two (2) years from the date of transfer.

3 **Section 4. Authorizing Administrative Official to Approve Plats and Replats**
4 **Administratively.** A new Hernando County Code § 26-20, to be entitled “Designation of
5 Administrative Authority to Approve Plat and Replat Submittals,” is hereby created to read as
6 follows:

7 **Sec. 26-20. Designation of Administrative Authority to Approve Plat and**
8 **Replat Submittals.**

9 (a) Pursuant to Fla. Stat. § 177.071, the Board of County Commissioners hereby
10 designates the Hernando County Planning Department as the administrative authority
11 for receiving, reviewing, and processing plat and replat submittals. The Board of
12 County Commissioners further designates the Administrative Official as the officer
13 who is authorized to approve, approve with conditions, or deny plat and replat
14 submittals in accordance with Fla. Stat. § 177.071 and based on compliance with the
15 requirements of Fla. Stat. § 177.091. The Administrative Official is authorized to
16 delegate his or her plat application processing, review, and approval/denial duties to
17 appropriate County staff, consistent with the provisions of Fla. Stat. § 177.071.

18 (b) Except as provided for in Hernando County Code § 26-114 *supra*, a party
19 aggrieved may seek judicial review of an administrative decision made pursuant to
20 this Chapter by the Administrative Official by filing suit in circuit court for

declaratory or injunctive relief, within thirty (30) days of the date of the Administrative Official's decision, on the grounds that the action taken is arbitrary, capricious, confiscatory, or violative of constitutional guarantees.

Section 5. Providing for the Administrative Approval of Conditional Plat Submittals.

Hernando County Code § 26-21, "Procedure for Review and Approval of a Conditional Plat," is amended to read as Follows:

Sec. 26-21. Procedure for Review and Approval of a Conditional Plat.

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

(1) Preliminary layout. The engineer of record shall prepare a complete layout of the streets and lot configurations including all parcels of land which the developer reasonably expects to include in the project. The layout shall be drawn to a scale on drawings no larger than 24" x 36" with one copy drawn to scale on 11" x 17". The layout shall include the following minimum information:

- a. Description, typical detail or generalized location of all proposed easements, including type and width.
- b. North arrow and scale.
- c. Location of proposed facilities and improvements.

1 d. Site data including number of lots by land use type or
2 category, lot sizes, and density for residential lots.

3 e. The layout shall include all adjacent parcels and the
4 surrounding transportation grid.

5 f. The amount of open space, including the number of parks,
6 whether active or passive, and size of proposed park areas. Final types of amenities
7 to be determined with construction plan submittal/approval.

8 (2) Narrative description of preliminary protective covenants and
9 association documents.

10 (3) Preliminary engineering analysis. The engineer of record shall provide
11 a preliminary engineering analysis of the lands to be developed. The analysis shall
12 include, at a minimum, the soil conditions, drainage design assumptions and a
13 preliminary stormwater analysis, the location of all floodplains, the location of
14 significant vegetative communities including wetlands, a preliminary wildlife
15 analysis that identifies the potential for listed species on the property, pavement
16 design considerations, potable water and sewage disposal determinations, and fire
17 protection.

18 (4) List of all planned improvements and facilities indicating those that
19 will remain private and those facilities/improvements that will be dedicated to the
20 county.

1 (5) Proposed development schedule. If the development is of such size
2 that the developer desires to develop in units or phases, the plan shall indicate the
3 proposed sequence of development.

4 (6) Adequate access and transportation analysis. The engineer of record
5 shall submit an analysis of the existing and proposed transportation network
6 indicating the collector street system which will adequately service the pedestrian
7 and vehicular traffic generated by the proposed development. The analysis shall be
8 prepared in accordance with the county's adopted facility design guidelines or as
9 required by the county engineer. The analysis shall also include the need for cross
10 connections between the proposed site and adjacent parcels as a means of providing
11 for adequate traffic circulation. The ~~planning and zoning commission~~ Administrative
12 Official will consider the analysis and, with recommendations from the planning
13 department and county engineer, stipulate any specific transportation improvements
14 which the developer must accomplish as a condition of his application.

15 (7) Development of regional impact statement if required by the
16 provisions set forth in F.S. ch. 380.

17 (8) Water supply and sewage disposal plans. The developer or engineer
18 of record shall provide the planned methods of water supply and sewage disposal in
19 accordance with all required codes and regulations. In the event the proposed
20 subdivision will connect to county water and/or sewer facilities, the engineer of

1 record shall prepare a capacity analysis in accordance with county standards and
2 requirements to ensure that the distribution and collection network can accommodate
3 the additional projected flows.

4 (9) Adequate public facility analysis. The engineer of record shall provide
5 an adequate public facilities analysis in accordance with the requirements of the
6 county comprehensive plan and associated adequate public facility requirements of
7 this Code.

8 (b) Copies of the conditional plat shall be submitted to else the development
9 department. The county will review all data submitted for conformity with the county
10 subdivision regulations, the county's adopted facility design guidelines and the
11 county land use regulations and will solicit the review of other appropriate agencies.
12 Upon determination that the conditional plat is in conformance with all required rules
13 and regulations all pertinent review comments and requirements will be provided to
14 the ~~planning and zoning commission~~ Administrative Official in conjunction with the
15 application review for approval.

16 (c) The ~~planning and zoning commission~~ Administrative Official shall consider
17 the data compiled by the county and the conditional plat of the developer and, with
18 due deliberation, either confer conditional approval on the plat with any provisions
19 ~~it~~ he or she deems necessary or deny approval citing the reasons therefor. If approval
20 is denied, the developer may make those corrections required and the project may be

1 reconsidered ~~at a subsequent planning and zoning commission meeting~~ by the
2 Administrative Official, provided all corrections are satisfactorily completed and
3 submitted to the county ~~at least~~ within four (4) weeks ~~prior to the meeting at which~~
4 ~~reconsideration is requested~~ of the Administrative Official's original determination.

5 Should the ~~planning and zoning commission~~ Administrative Official impose any
6 conditions which the developer feels cause an undue hardship or deny approval for
7 reasons which the developer feels are unjust, the developer may request a review of
8 the conditional plat by the board of county commissioners for final disposition of the
9 conditional plat. Upon final approval of the conditional plat, the developer shall have
10 two (2) years to be granted construction plan approval. In no case shall the
11 conditional plat be valid for more than five (5) years from the original date of
12 approval.

13 (d) Upon receipt of conditional plat approval, the developer shall have the
14 engineer of record prepare construction plans and specifications for all improvements
15 indicated on the approved list of planned improvements. Copies of the plans and
16 specifications shall be submitted to the county, properly sealed by a registered
17 professional engineer. The county shall submit the plans to the affected county
18 departments to review the plans and specifications for compliance with this article
19 and other federal, state or county requirements. Upon determination that the
20 construction plans are in conformance with all required rules and regulations and the

1 county staff shall approve the plans. If the plans and specifications are approved, the
2 county shall so indicate by letter to the developer or engineer of record detailing any
3 performance conditions which the county finds to be in the best interest of the
4 county. Upon receipt of this conditional approval of construction plans, the engineer
5 of record shall make those corrections and/or revisions which are required and shall
6 prepare and submit a final set of construction plans and specifications to the county
7 for final approval and use in construction inspections. Upon final approval of the
8 construction plans and transmittal of the official notification letter of such approval,
9 the developer shall have one (1) year to begin construction according to the approved
10 plans. During the one-year time period, the developer shall:

11 (1) Begin the construction of improvements to be accomplished within
12 a maximum period of eighteen (18) months of the official notification letter; or

13 (2) Provide performance security to the county at an amount equal to one
14 hundred (100) percent of the cost of construction of all required improvements as
15 estimated by the engineer of record and approved by the county, whereby all
16 improvements are satisfactorily secured such that in the event the developer, for any
17 reason, does not complete the required improvements within eighteen (18) month
18 time limit, the county shall have access to adequate funds to have the construction
19 of such improvements accomplished. Such performance security shall be accepted
20 by the board of county commissioners. Upon completion of all required

1 improvements the board may release the performance security subject to the posting
2 and acceptance by the board maintenance security for a period of eighteen (18)
3 months in the amount of twenty (20) percent of the cost to construct all required
4 improvements as certified by the engineer of record and approved by the county.

5 If the developer has neither begun construction nor entered into an acceptable
6 security agreement within one (1) year from the date of final approval of the
7 construction plans, approved construction plans shall become void unless the
8 developer submits a request for a timely extension of the construction plan approval.
9 One (1) extension of the construction plan approval for construction to begin may
10 be issued for a period not to exceed eighteen (18) months by the board of county
11 commissioners provided the effect of new or current regulations is evaluated, and the
12 applicant agrees to comply with any new requirements as a condition of the
13 extension. In no event shall construction plans be extended after the five (5) year
14 time frame has lapsed from the date of approval of the original conditional plat.

15 **Section 6. Providing for the Administrative Approval of Plat and Replat Submittals.**

16 Hernando County Code § 26-22, “Procedures for Approval of Subdivision Record Plat,” is hereby
17 renamed “Procedures for the Administrative Approval of Subdivision Record Plats and Replats,”
18 and is amended to read as follows:

19 **Sec. 26-22. Procedures for the Administrative Approval of Subdivision Record**
20 **Plats and Replats.**

1 (a) Upon satisfaction of the requirements of the preceding sections of this article,
2 the developer shall submit the subdivision record plat or replat to the ~~board of county~~
3 ~~commissioners~~ Administrative Official for final administrative review. A letter shall
4 accompany the plat indicating the approval of the local postmaster for the street
5 names used. The plat shall meet all requirements of Florida Statutes, chapter 177, the
6 county land use regulations set out in appendix A of this volume, and this chapter,
7 except as otherwise specifically approved. In addition, the plat shall meet the
8 following criteria:

9 (1) The subdivision plat offered for recording shall meet all requirements
10 of Florida Statutes, chapter 177.091 as to material, process, legibility and
11 permanency of the record plat. The record plat shall be on sheets twenty-four inches
12 by thirty-six inches (24" × 36").

13 (2) Each sheet shall have a marginal line completely around the drawing
14 such that a three-inch binding margin remains on the left and a one-inch margin
15 remains on the other three (3) sides.

16 (3) All tracts and drainage retention areas to be designated on the plat are
17 to be designated by a tract letter identifier (A,B,C,etc.)

18 (4) All easements shown on the plat are to be clearly identified as to
19 location and purpose.

1 (5) If jurisdictional lines are required on the plat, they are to be clearly
2 identified as to controlling agency and their purpose, use and limitations.

3 (6) Adjacent unplatted lands to the plat are to be identified as such.
4 Platted lands must have ghosted in all adjacent lots, blocks and streets with the
5 proper name of the subdivision and the plat book and page numbers as recorded in
6 the public records clearly provided.

7 (b) When submitting the original subdivision record plat or replat to the ~~board~~
8 ~~of county commissioners~~ Administrative Official, the developer shall also submit in
9 separate documents, to be provided with the record plat, the following:

10 (1) A table listing the square footage of all lots, parcels or tracts;

11 (2) A document indicating the length of each street centerline and the
12 total length of all street centerlines contained within the project.

13 (c) Within 7 business days after receipt of a plat or replat submittal, the
14 administrative authority shall provide written notice to the applicant acknowledging
15 receipt of the plat or replat submittal and identifying any missing documents or
16 information necessary to process the plat or replat submittal for compliance with Fla.
17 Stat. § 177.091. The written notice must also provide information regarding the plat
18 or replat approval process, including requirements regarding the completeness of the
19 process and applicable timeframes for reviewing, approving, and otherwise
20 processing the plat or replat submittal.

1 (d) The Administrative Official shall determine whether the proposed plat or
2 replat complies with the requirements and standards of Fla. Stat. § 177.091. Unless
3 the applicant requests an extension of time, the Administrative Official shall approve,
4 approve with conditions, or deny the plat or replat submittal within the timeframe
5 identified in the written notice provided to the applicant under subsection (c) *supra*.
6 The Administrative Official shall administratively approve a proposed plat or replat
7 submitted under Fla. Stat § 177.071, with no further action required by the Board of
8 County Commissioners, if the proposed plat or replat complies with the requirements
9 of Fla. Stat. § 177.091. If the Administrative Official does not approve the proposed
10 plat or replat, it must notify the applicant in writing of his or her reasons for
11 declining to approve the submittal. The written notice must identify all areas of
12 noncompliance and include specific citations to each requirement the plat or replat
13 submittal fails to meet. The Administrative Official, or any other official, employee,
14 agent, or designee of the Board of County Commissioners, may not request or
15 require the applicant to file a written request for an extension of time.

16 (e) Before a plat or replat is offered for recording, it must be
17 administratively approved by the Administrative Official as required by this section,
18 and evidence of such approval must be placed on the face of the plat or replat. If not
19 approved, the Administrative Official must return the proposed plat or replat to the

1 professional surveyor and mapper or the legal entity that submitted the proposed plat
2 or replat for administrative approval.

3 (f) Subsequent to receipt of approval of the ~~board of county commissioners~~
4 Administrative Official, the developer shall submit to the clerk of the circuit court
5 for recording purposes the following:

6 (1) The original final plat meeting the requirements of chapter 177,
7 Florida Statutes, and copies of the final plat of a number and quality as required by
8 the county clerk.

9 (2) A document signed by the tax collector's office indicating that there
10 are no current or delinquent taxes due on the property to be platted at the time and
11 date the plat is submitted to the clerk of circuit court recording division for recording
12 of the plat.

13 (g) The Administrative Official's administrative approval of a proposed plat or
14 replat shall constitute Hernando County's acceptance of any and all dedications
15 made to Hernando County on said plat or replat.

16 **Section 7. Amending Bonding Requirement for Plats and Replats.** Hernando County
17 Code § 26-41, "Generally," is hereby amended to read as follows:

18 Sec. 26-41. Generally.

19 (a) The state requires developers to utilize the services of engineers registered
20 in accordance with chapter 471, Florida Statutes, in the design of improvements to

lands subdivided. The board of county commissioners hereby affirms this requirement and advises all developers of land within the county that all improvements herein required or otherwise promised by the developer shall be designed by qualified, registered professional engineers. The plans and specifications for all improvements shall be submitted to the county engineer for review and approval prior to starting construction or prior to recordation of the subdivision record plat [or replat](#) if the improvements are to be bonded.

(b) The plans and specifications shall completely define the scope of all work to be accomplished in the construction of improvements and shall provide for a standard of quality which equals or exceeds the minimum requirements cited in the "Hernando County Facility Design Guidelines," as issued by the county engineering department and approved by the board of county commissioners, the "Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways State of Florida (a.k.a. The Green Book)" and the "Hernando County Utilities Water and Wastewater Construction Specifications Manual."

Section 8. Amending Design Standards for Blocks. Hernando County Code § 26-46,

“Blocks,” is hereby amended to read as follows:

Sec. 26-46. Blocks.

(a) The lengths, widths and shapes of blocks shall be determined with due regard to:

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

(2) Zoning requirements as to lot sizes and dimensions.

(3) Needs for convenient access, circulation, control and safety of street traffic.

(4) Limitations and opportunities of topography.

(b) Block lengths shall not exceed one thousand three hundred twenty (1,320) feet or be less than three hundred thirty (330) feet unless specifically approved by the ~~planning and zoning commission~~ Administrative Official.

(c) Pedestrian crosswalks, designed to Florida Department of Transportation (F.D.O.T.) standards, shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(d) Street rights-of-way shall be provided to all undeveloped areas surrounding the subdivision at points not to exceed one thousand three hundred twenty (1,320) feet or such as the ~~planning and zoning commission~~ Administrative Official may direct. Such rights-of-way may be left unimproved if desired by the subdivider and approved by the ~~planning and zoning commission~~ Administrative Official.

Section 9. Amending Design Standards for Public Sites and Open Spaces. Hernando County Code § 26-48, “Public Sites and Open Spaces,” is hereby amended to read as follows:

1 **Sec. 26-48. Public Sites and Open Spaces.**

2 (a) Where a proposed park, playground, school or other public use shown in a
3 general county plan is located in whole or in part in a subdivision, the ~~planning and~~
4 ~~zoning commission~~ Administrative Official may require the dedication or reservation
5 of such area within the subdivision in those cases in which the ~~planning and zoning~~
6 ~~commission~~ Administrative Official deems such requirements to be reasonable.

7 (b) Where deemed essential by the ~~planning and zoning commission~~
8 Administrative Official, upon consideration of the particular type of development
9 proposed in the subdivision, and especially in large scale neighborhood unit
10 developments not anticipated in the general county plan, the ~~planning and zoning~~
11 ~~commission~~ Administrative Official may require the dedication or reservation of
12 such other areas or sites of a character, extent and location suitable to the needs
13 created by such development for schools, parks and other neighborhood purposes.

14 (c) When public sites and open spaces are to be dedicated to a homeowners'
15 association, that association must be created by incorporation prior to filing the final
16 plat for the subdivision.

17 **Section 10. Repeal of Hernando County Code § 26-94.** Hernando County Code § 26-94,
18 “Adoption Resolution,” is hereby repealed.

1 **Section 11. Providing for Certification of Administrative Approval.** A new Hernando
2 County Code § 26-94, to be entitled “Certification of Administrative Approval,” is hereby enacted
3 to read as follows:

4 **Sec. 26-94. Certification of Administrative Approval.**

5 Each plat or replat submitted to Hernando County for approval for record shall
6 contain a form of appropriate certificate to be executed by the Administrative
7 Official or the Administrative Official’s designee approving such plat for recording
8 and accepting the dedication of all streets and other places shown thereon, which
9 certificate shall be in substantially the following form:

10 CERTIFICATE OF ADMINISTRATIVE APPROVAL

11 I HEREBY CERTIFY that pursuant to Fla. Stat. § 177.071, I have
12 administratively approved the instant plat and have authorized it to be recorded in
13 the Official Records of Hernando County, Florida. Further, my administrative
14 approval of the instant plat constitutes Hernando County’s acceptance, on its own
15 behalf and on behalf of the public generally, the dedication of all streets, canals,
16 parks, and other public places shown on the instant plat, which acceptance shall be
17 binding on all persons hereafter.

18 By: _____ Date: _____
19 County Administrative Official
20

21 **Section 12. Amending Variance Procedures.** Hernando County Code Ch. 26, Art. VI,
22 consisting of §§ 26-111 through 26-114, “Variances,” is hereby amended to read as follows:

1 **Sec. 26-111. Hardship.**

2 Where the ~~planning and zoning commission~~ Administrative Official finds that
3 extraordinary hardship may result from strict compliance with the regulations set out
4 in this chapter, ~~it~~ the Administrative Official may vary the regulations so that
5 substantial justice may be done and the public interest secured; provided, that such
6 variation will not have the effect of nullifying the intent and purpose of the general
7 county plan or this chapter.

8 **Sec. 26-112. Planned Development Projects.**

9 A comprehensive residential, commercial, industrial or combined
10 development, including the large scale construction of residential, commercial and/or
11 industrial buildings, together with the necessary access roads, may be approved by
12 the ~~commission~~ Administrative Official although the design of the project does not
13 reflect standard subdivision design and arrangements; provided, that departure from
14 the minimum design standards of the subdivision regulations can be made without
15 destroying their intent and is in accordance with the regulations concerning planned
16 development projects.

17 **Sec. 26-113. Conditions.**

18 In granting variances and modifications, the ~~planning and zoning commission~~
19 Administrative Official may require such conditions as will, in ~~its~~ his or her

1 judgment, secure substantially the objective of the standards or requirements so
2 varied or modified.

3 **Sec. 26-114. Board of County Commissioners Review of Conditional Plat**
4 **Decisions and Conditions.**

5 The board of county commissioners may, upon appeal of the applicant or
6 upon their own volition, review, modify or append any conditional plat decision or
7 condition during rezoning review within sixty (60) days of the approval or denial by
8 the ~~planning and zoning commission~~ Administrative Official.

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

13 **Section 14. Inclusion in the Code.** It is the intention of the Board of County
14 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this
15 Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida.
16 To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such
17 intention, and that the word “ordinance” may be changed to “section,” “article,” or any other
18 appropriate designation.

19 **Section 15. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
20 conflict with the provisions of this ordinance are hereby repealed.

Section 16. Effective Date. This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
HERNANDO COUNTY in Regular Session this _____ day of _____ 20__.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: _____
DOUGLAS CHORVAT, JR.
Clerk and Comptroller

By: _____
BRIAN HAWKINS
Chairman

Approved for Form and Legal Sufficiency

Jon Jouben
County Attorney