

ORDINANCE NO.: 2004-25

AN ORDINANCE AMENDING CHAPTER 23, ARTICLE I, OF THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO COMPREHENSIVE PLANNING; PROVIDING FOR STAND ALONE STATUS OF HERNANDO COUNTY'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1985, the Florida Legislature adopted the Local Government Comprehensive Planning and Land Development Regulation Act as set forth in §§ 163.3161 through 163.3215 Florida Statutes (and which superseded and replaced §§ 163.160 through 163.250, Florida Statutes, relating to county and municipal planning); and,

WHEREAS, on June 7, 1989, the Board of County Commissioners adopted Ordinance 89-9 which adopted the Hernando County Comprehensive Plan ("Comprehensive Plan"); and ,

WHEREAS, the Comprehensive Plan collectively comprises the following elements without limitation: Future Land Use Element; Mining Element; Transportation Element; Housing Element; Sanitary Sewer Element; Solid Waste Element; Drainage & Natural Groundwater Aquifer Recharge Element; Potable Water Element; Coastal Management Element; Conservation Element; Recreation & Open Space Element; Intergovernmental Coordination Element; Capital Improvements Element; Economic Development Element; and the following additional sections: Capital Improvements Implementation; Procedures for Monitoring & Evaluation; Future Land Use Map Mapping Criteria & Land Uses Allowed; Special Features Maps of Hernando County, Florida, including a Future Land Use Map; and,

WHEREAS, the Comprehensive Plan was subsequently amended by the following Hernando County Ordinances, without limitation: 90-21, 91-32, 91-39, 92-9, 92-20, 93-25, 93-26, 94-6, 94-16, 95-7, 95-25, 97-20, 97-33, 98-32, 98-33, 99-29, 99-30, 2000-11, 2000-15, 2001-08, 2002-11, 2002-21, 2003-11, 2003-22, 2004-10; and,

WHEREAS, the County desires to update and modernize Chapter 23 (Planning), Article I (In General) of its Code of Ordinances in conformance with the foregoing recitals.

NOW THEREFORE:

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

1 **SECTION 1. Amending Chapter 23 (Planning), Article I (In General).** Chapter 23 (Planning),
2 Article I (In General) is amended to read as follows, with underlined matter added and struck-
3 through matter deleted:
4

5 **Sec. 23-1. Election to exercise certain statutory power Comprehensive Planning.**

6 The county hereby elects to exercise the powers conferred by Florida Statutes, sections ~~163.160~~
7 ~~through 163.315~~, relating to planning for future development, pursuant to section ~~163.165(3)~~, Florida
8 Statutes: Comprehensive Planning in and for Hernando County shall be pursuant to the Local
9 Government Comprehensive Planning and Land Development Regulation Act ("Act") as currently
10 set forth in §§ 163.3161 through 163.3215, Florida Statutes, as may be amended or renumbered from
11 time to time. All land development regulations and development orders promulgated or issued by
12 the County for unincorporated Hernando County shall be in conformance with the Act and consistent
13 with the County's adopted Comprehensive Plan and amendments thereto.
14

15 **Sec. 23-2. Reserved.**

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17 **Sec. 23-3. County comprehensive plan.**

18 (a) ~~Adopted by reference.~~ The Hernando County Comprehensive Plan, incorporated herein by
19 reference, shall be the comprehensive plan of Hernando County and shall supersede any and all
20 previous comprehensive plans applicable to the unincorporated area of Hernando County. Stand
21 alone status of Comprehensive Plan. The Hernando County Comprehensive Plan adopted on June
22 7, 1989, and all elements, sections, maps and parts thereof, as amended and hereinafter amended
23 ("Comprehensive Plan") shall have stand alone status and shall have such legal effect as provided
24 for in the Act.
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26 (b) ~~Inclusion of amendments.~~ The Hernando County Comprehensive Plan Amendment CPAM-04-
27 01 (DCA No. 04-1), attached as Appendix A, which consist of: A revised Future Land Use Element,
28 revised Transportation Element and addition of an Airport Master Plan to Section E: Special
29 Features Maps of Hernando County, Florida; all of which shall be included in the Comprehensive
30 Plan of Hernando County, Florida; and shall supersede any and all elements or portions of elements
31 as specified in the amendment. Applicability. The Comprehensive Plan shall govern the
32 promulgation of all land development regulations and the issuance of all development orders for
33 unincorporated Hernando County.
34

35 (c) Amendments to Comprehensive Plan. The Comprehensive Plan shall be amended by ordinance
36 in accordance with the Act. All amendments upon adoption and taking effect shall be deemed
37 cumulative (unless otherwise noted) and shall become part of the Comprehensive Plan. All later
38 adopted amendments shall control over and supersede all earlier adopted provisions of the
39 Comprehensive Plan in conflict therewith.
40

41 (Ord. No. 89-9, § 2, 6-7-89; Ord. No. 90-21, § 1, 11-14-90; Ord. No. 91-32, § 1, 10-23-91; Ord. No.
42 91-39, § 1, 12-18-91; Ord. No. 92-09, § 1, 7-8-92; Ord. No. 92-20, § 1, 12-15-92; Ord. No. 93-25,

1 § 1, 12-14-93; Ord. No. 93-26, § 1, 12-14-93; Ord. No. 94-06, § 1, 6-7-94; Ord. No. 94-16, § 1, 11-
2 15-94; Ord. No. 95-07, § 1, 5-16-95; Ord. No. 95-25, § 1, 12-5-95; Ord. No. 97-20, 9-9-97; Ord. No.
3 97-33, 12-16-97; Ord. No. 98-32, § 1, 12-22-98; Ord. No. 98-33, § 1, 12-22-98; Ord. No. 99-22, 12-
4 21-99; Ord. No. 99-30, 12-21-00; Ord. No. 2000-11, § 1, 6-7-00; Ord. No. 2000-15, 11-1-00; Ord.
5 No. 2001-08, § 1, 6-6-01; Ord. No. 2001-23, § 1, 12-18-01; Ord. No. 2002-11, § 1, 7-10-02; Ord.
6 No. 2002-21, § 1, 12-11-02; Ord. No. 2003-11, § 1, 5-14-03; Ord. No. 2003-22, § 1, 12-10-03; Ord.
7 No. 2004-10, § 1, 7-14-04).

8
9 **SECTION 2. Severability.** It is declared to be the intent of the Board of County Commissioners
10 that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any
11 reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the
12 remaining portions of this ordinance.

13
14 **SECTION 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners of
15 Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
16 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,
17 any section or subsection of this Ordinance may be renumbered or relettered to accomplish such
18 intention, and the word "ordinance" may be changed to "section," "article," or other appropriate
19 designation.

20
21 **SECTION 4. Effective date.** This ordinance shall take effect immediately upon receipt of official
22 acknowledgment from the office of the Secretary of State of Florida that this ordinance has been
23 filed with said office.

24
25 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO**
26 **COUNTY** in Regular Session this 14th day of December, 2004.

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

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31
32 Attest:

Jenine E. Mirner, Deputy
KAREN NICOLAI
CLERK

By:

Hannah M. Robinson
HANNAH M. ROBINSON
CHAIRPERSON

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36
37 **Approved as to Form and**
38 **Legal Sufficiency**

39
40 By:

Geoffrey T. Kirk
Geoffrey T. Kirk
Assistant County Attorney