

ORDINANCE NO.: 2006-18

1
2
3 **AN ORDINANCE AMENDING SECTION A OF THE HERNANDO COUNTY**
4 **COMPREHENSIVE PLAN RELATING TO THE FUTURE LAND USE**
5 **ELEMENT BY ADDING OBJECTIVE 1.01V AND THE POLICIES**
6 **THEREUNDER, AMENDING SECTION D RELATING TO THE FUTURE**
7 **LAND USE MAP MAPPING CRITERIA & LAND USES ALLOWED,**
8 **AMENDING SECTION E RELATING TO THE SPECIAL FEATURES**
9 **MAPS; ADOPTING CPAM-06-03; ADOPTING CPAM-06-04; PROVIDING**
10 **FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

11
12 **WHEREAS**, in 1985, the Florida Legislature adopted the Local Government Comprehensive
13 Planning and Land Development Regulation Act as set forth in §§ 163.3161 through 163.3215
14 Florida Statutes (the "Act"); and,

15
16 **WHEREAS**, on June 7, 1989, the Board of County Commissioners adopted Ordinance 89-9
17 which adopted the Hernando County Comprehensive Plan, as such Plan or portions thereof have
18 been subsequently amended ("Comprehensive Plan"); and,

19
20 **WHEREAS**, the Hernando County Board of County Commissioners ("BOCC"), following
21 public hearing, approved amending Section A of the County's adopted Comprehensive Plan relating
22 to the Future Land Use Element by adding Objective 1.01V and the Policies thereunder (attached
23 as **Exhibit A** hereto and made a part hereof) and hereinafter referred to as CPAM-06-03; and,

24
25 **WHEREAS**, the BOCC, following public hearing, approved amending Section D of the
26 County's adopted Comprehensive Plan relating to Future Land Use Map Mapping Criteria & Land
27 Uses Allowed and approved amending Section E relating to the Special Features Maps (attached as
28 **Exhibits B & C** hereto and made a part hereof) and hereinafter referred to as CPAM-06-04; and,

29
30 **WHEREAS**, the County subsequently transmitted CPAM-06-03 and CPAM-06-04 to the
31 Florida Department of Community Affairs ("DCA") for review pursuant to the Act, and were
32 assigned, respectively, DCA No.06-1; and,

33
34 **WHEREAS**, the DCA reviewed CPAM-06-03 and CPAM-06-04 and, thereafter, issued its
35 Objections, Recommendations and Comments (ORC) Report concerning same; and,

36
37 **WHEREAS**, CPAM-06-03 and CPAM-06-04 are now ready for final adoption by the
38 BOCC; and,

39
40 **WHEREAS**, the BOCC conducted a second public hearing on November 8, 2006 in
41 connection with final adoption of the CPAM-06-03 and CPAM-06-04 as amendments to the
42 County's adopted Comprehensive Plan.

43
44 **NOW THEREFORE:**
45

FILED
NOV 16 10 51 AM '06
CLERK OF THE COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

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

3
4 **SECTION 1. Adopting CPAM-06-03 and CPAM-06-04 (DCA No. 06-01).** The BOCC
5 hereby approves and adopts CPAM-06-03 and CPAM-06-04 (DCA No. 06-01) pursuant to Exhibits
6 A, B and C attached hereto and made a part hereto.

7
8 **SECTION 2. Execution.** The Chairperson of the Hernando County Board of County
9 Commissioners is hereby authorized to execute this ordinance.

10
11 **SECTION 3. Transmittal to Florida Department of Community Affairs.** County staff
12 shall transmit an executed copy of this ordinance to the Florida Department of Community Affairs
13 within ten (10) working days of adoption hereof.

14
15 **SECTION 4. Severability.** It is declared to be the intent of the Board of County
16 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
17 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
18 validity of the remaining portions of this ordinance.

19
20 **SECTION 5. Effective date.** This Ordinance shall take effect upon filing with the Florida
21 Secretary of State; however, the adopted amendments CPAM-06-03 and CPAM-06-04 shall take
22 effect, and be considered amendments to the Hernando County Comprehensive Plan, upon DCA
23 issuing a final order finding same to be in compliance pursuant to § 163.3189(2), Florida Statutes.

24
25 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO**
26 **COUNTY** in Regular Session this 8th day of November, 2006.

27
28 **BOARD OF COUNTY COMMISSIONERS**
29 **HERNANDO COUNTY, FLORIDA**



Attest: Janice E. Wimer, Deputy Clerk
33 **NICOLAI**

By: Diane B. Rowden
34 **DIANE B. ROWDEN**
35 **CHAIRMAN**

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

39
40 By: Geoffrey T. Kirk 11/8/06
41 **Geoffrey T. Kirk**
42 **Assistant County Attorney**

Ordinance No. 2006-18

Exhibit A

STANDARDS FOR INCREASED DENSITY THROUGH CLUSTERING IN THE RURAL LAND USE CATEGORY

OBJECTIVE 1.01V: ESTABLISH STANDARDS FOR CLUSTERED DEVELOPMENT OF PROPERTY AT A MAXIMUM DENSITY OF 0.425 DWELLING UNITS PER ACRE WHERE SUCH PROJECTS MEET IDENTIFIED PUBLIC INTEREST CRITERIA.

POLICY 1.01V(1): Parcels of property or assemblages of parcels to be considered must be a total 150 acres or greater, located within the Rural Land Use Category, with proposed residential units clustered on 50% or less of the assembled property and the remaining property placed in permanent conservation/preservation. Parcels in the Coastal High Hazard Zone are not eligible for consideration for a Rural Cluster Overlay District designation. Property may be assembled through different FLUM amendments, so long as the parcels are assembled within 18 months of each other, and the total assemblage meets the requirements of Policy 1.01V(3).

POLICY 1.01V(2): Properties to be considered for increased density shall be required to seek a "Rural Cluster Overlay District" designation via amendment to the Future Land Use Map.

When a determination has been made on how a specific parcel meets the the criteria contained in this Objective 1.01V, that information will be placed in Section D: Future Land Use Map Mapping Criteria & Land Uses Allowed and will be referenced by the Comprehensive Plan Amendment (CPAM) number assigned to the case. Additional criteria may be added to further define approved conditions. This information will be used in the determination of a zoning approval on the parcel.

POLICY 1.01V(3): Proposed projects should include design information on the aesthetic nature of the clustered development including types of structures to be developed, including building sizing, elevations and site placement, landscaping, traffic patterns, and pedestrian mobility. Development plans should depict how such features are incorporated. Open space uses may include preservation, conservation, maintaining existing agricultural land uses, passive recreation such as trails, and related accessory uses, and shall be depicted on any proposed site plans. Projects should provide access and connectivity to the associated open space areas on the site where such areas are designated for passive recreation by residents.

Any path or trail features to be developed within the project shall be maintained by the homeowners association. Proposed sites that contain historical or archeological resources should provide documentation and include plans for the protection and conservation of such resources within their development plans.

POLICY 1.01V(4): Properties under consideration for the Rural Cluster Overlay

District designation shall have or create access to a paved, county-maintained roadway. All roads within the clustered portions of the project shall be paved.

POLICY 1.01V(5): Qualification for Consideration of a Rural Cluster Overlay District designation at 0.425 dwelling units per acre. Applicant parcels must meet the following criteria:

- (a) A portion of the property to remain in open space creates a connection between public lands or between public lands and lands that have been identified for acquisition by the State or the Hernando County Environmentally Sensitive Lands Committee. At least part of this connection must be in a natural forested ecosystem;
- (b) The site design for the property utilizes open space to preserve rural vistas. Specific measures for preservation of rural vistas on the site, through such means as buffering, development siting or other means, should be included on any proposed development plans;
- (c) The site design for the property utilizes open space to preserve natural forested ecosystems, habitat of listed species or other areas of environmental sensitivity;
- (d) At least 50% of the parcel or assembled parcels of land must be left in public open space protected by a conservation easement created and recorded pursuant to the terms of s. 704.06, Florida Statutes;

POLICY 1.01V(6): By 2010, the County shall identify other areas and lands that may be appropriate for rural clustered development, based upon environmental sensitivity, wildlife protection, designated greenway plans, rural vistas and other issues of public interest. A resulting policy cluster shall contain appropriate criteria to accomplish such objective. The additional proposals may contain a range of allowable increased densities, but shall not exceed 0.425 dwelling units per acre. Until the additional policy cluster is adopted, any requests for rural clustering under this objective must meet the criteria established under Policy 1.01V(5).

Ordinance No. 2006-18

Exhibit B

PROPOSED ADDITION TO SECTION D – FUTURE LAND USE MAPPING CRITERIA AND LAND USES ALLOWED
RURAL CLUSTER OVERLAY
184 STARDUST

RURAL CLUSTER OVERLAY

- MAPPING CRITERIA – THIS DESIGNATION IS APPLIED AS AN OVERLAY WITHIN THE RURAL LAND USE AREAS OF THE COUNTY AND PROVIDES FOR INCREASED DEVELOPMENT DENSITY FOR SITES THAT MEET SELECTED CRITERIA. DENSITY CREDIT IS BASED ON A SLIDING SCALE THAT INCLUDES, BUT IS NOT LIMITED TO, SUCH FACTORS AS DEVELOPMENT CLUSTERING, OPEN SPACE PRESERVATION, HABITAT PROTECTION, GREENWAYS CONNECTIVITY, ETC. THE OVERLAY DESIGNATION AFFORDS GREATER OPPORTUNITY FOR OPEN SPACE PROVISION ON DEVELOPING LANDS WITHIN THE RURAL AREAS OF THE COUNTY.

- PURPOSE – TO PROVIDE FOR INCREASED HABITAT AND OPEN SPACE PRESERVATION ON RURAL DESIGNATED PROPERTIES THROUGH INCREASED DENSITY CLUSTERING ON THE REMAINING DEVELOPABLE PORTIONS OF THE SITE.

- LAND USES ALLOWED –

184 STARDUST (CPAM-06-04) - THIS OVERLAY PROVIDES FOR THE DEVELOPMENT OF UP TO 0.425 DWELLING UNITS PER ACRE CLUSTERED ON A MAXIMUM OF 92 ACRES OF A 184 ACRE SITE, AND INCLUDES THE FOLLOWING CRITERIA:
 - A MINIMUM OF 50% OF THE NATURALLY FORESTED NORTHERN 80-ACRE PARCEL WILL BE MAINTAINED IN PERMANENT PRESERVATION/CONSERVATION AND BE CONFIGURED TO PROVIDE A CONTIGUOUS WILDLIFE CORRIDOR BETWEEN THE EXISTING CONSERVATION LANDS TO THE WEST, NORTH, AND EAST; A PORTION OF THE RESIDENTIAL LOTS ADJACENT TO THE PRESERVATION TRACT ON THE PARCEL OR ADJACENT TO OTHER PUBLICALLY HELD LANDS MAY BE INCLUDED IN THE 50% CALCULATION, PROVIDED THAT A CONSERVATION EASEMENT IS ESTABLISHED ON THE PORTION OF THE LOT TO BE PRESERVED. ANY LANDS PRESERVED ON INDIVIDUAL RESIDENTIAL LOTS WILL NOT COUNT TOWARD THE MINIMUM 50% PRESERVATION AREA REQUIREMENT FOR THE OVERLAY PARCEL.

 - TWO ACCESS POINTS WILL BE PROVIDED TO SERVE THE PARCEL;

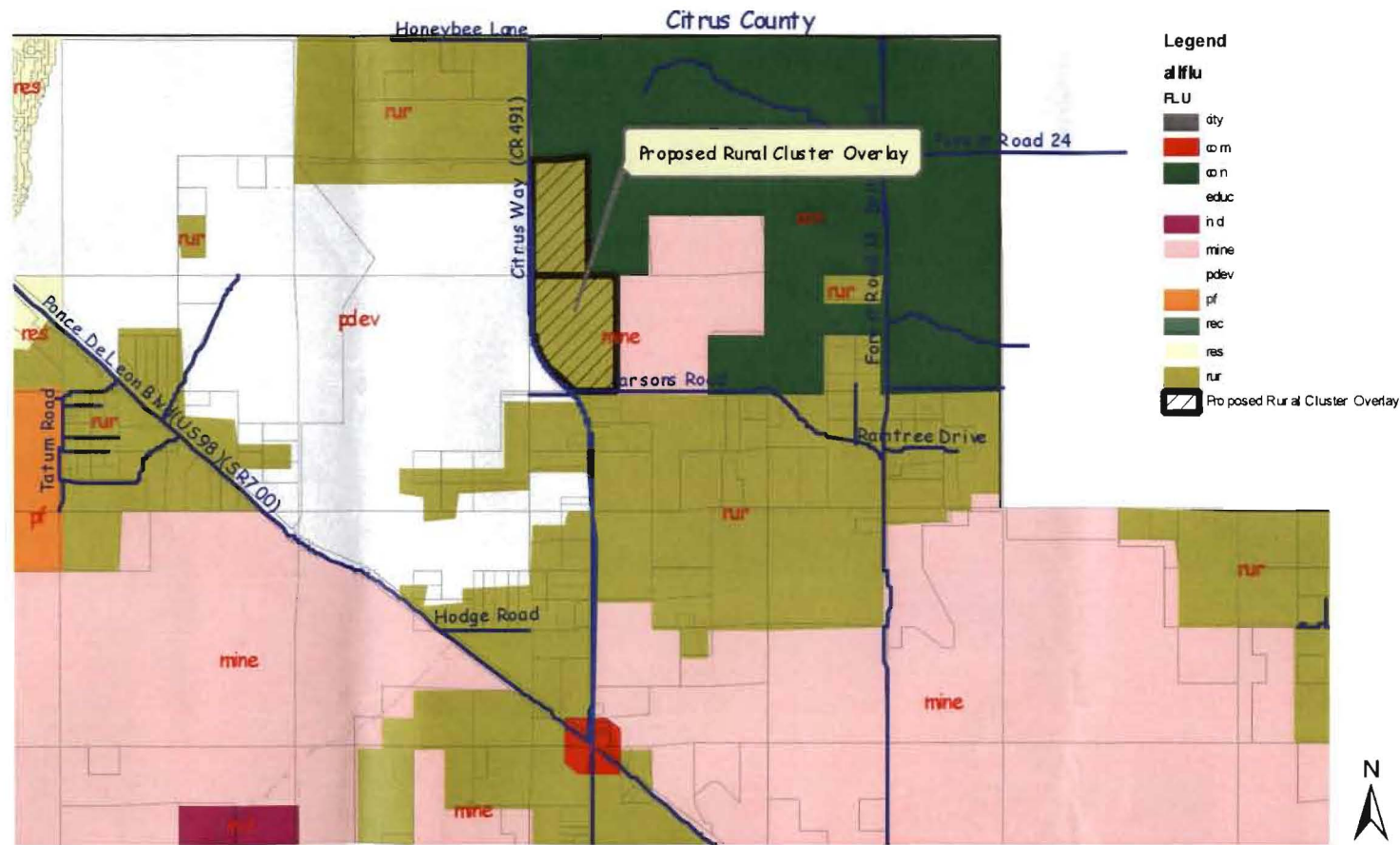
 - THERE SHALL BE A “RURAL VISTA” CORRIDOR ALONG CR 491 AND PARSONS ROAD THAT IS LOCATED WITHIN THE 50 % PRESERVATION AREA REQUIREMENT FOR THE OVERLAY PARCEL.

Ordinance No. 2006-18

Exhibit C



PROPOSED FUTURE LAND USE MAP AMENDMENT CPAM 06-04



- Legend**
- FLU**
- city
 - com
 - edu
 - ind
 - mine
 - pdev
 - rec
 - res
 - rur
 - Proposed Rural Cluster Overlay



Hernando County Geographic Information System (GIS)
Standard Legal Description

"The information in this database is represented herein as digital or hard copy, stored or compiled, and is provided for general information purposes. It is not intended to be used as a substitute for professional advice. Citrus County does not assume any liability for errors, omissions, delays or loss of any kind based upon use of or reliance upon the information herein for any purpose whatsoever."