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ORDINANCE NO.: 2007- 10

AN ORDINANCE AMENDING SECTION A (FUTURE LAND USE ELEMENT) OF THE HERNANDO COUNTY COMPREHENSIVE PLAN BY ADDING POLICIES 1.01B(16), 1.01B(17) & 1.01B(18) RELATING TO THE RURAL INFILL OVERLAY DESIGNATION; ADOPTING CPAM-07-04; PROVIDING FOR SEVERABILITY; 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 (the "Act"); and,

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

WHEREAS, the Hernando County Board of County Commissioners ("BOCC"), following a public hearing, approved amending Section A (Future Land Use Element) of the County's adopted Comprehensive Plan by adding Policies 1.01B(16), 1.01B(17) and 1.01B(18) relating to the Rural Infill Overlay Designation (a complete copy of the amendment is attached as **Exhibit "A"** hereto and made a part hereof) and referred to as CPAM-07-04; and,

WHEREAS, the County subsequently transmitted CPAM-07-04 to the Florida Department of Community Affairs ("DCA") for review pursuant to the Act, and was assigned DCA No.07-1; and,

WHEREAS, the DCA reviewed CPAM-07-04 and, thereafter, issued its Objections, Recommendations and Comments (ORC) Report concerning same; and,

WHEREAS, CPAM-07-04 is now ready for final adoption by the BOCC; and,

WHEREAS, the BOCC conducted a second public hearing on July 11, 2007 in connection with final adoption of the CPAM-07-04 as an amendment to the County's adopted Comprehensive Plan.

NOW THEREFORE:

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

SECTION 1. Adopting CPAM-07-04 (DCA No. 07-1). CPAM-07-04 (DCA No. 07-1), attached as **Exhibit "A"** hereto, is hereby approved and adopted and the Hernando County Comprehensive Plan is amended accordingly subject to Section 5 below.

FILED
2007 JUL 10 AM 10:07
CLERK OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

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

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

7
8 **SECTION 4. Severability.** It is declared to be the intent of the Board of County
9 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
10 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
11 validity of the remaining portions of this ordinance.

12
13 **SECTION 5. Effective date.** This Ordinance shall take effect upon filing with the Florida
14 Secretary of State; however, the adopted amendments CPAM-07-04 shall take effect, and be
15 considered amendments to the Hernando County Comprehensive Plan, upon DCA issuing a final
16 order finding same to be in compliance pursuant to § 163.3189(2), Florida Statutes.

17
18 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO**
19 **COUNTY** in Regular Session this 11th day of July, 2007.



Attest: *Karen Nicolai*
KAREN NICOLAI
CLERK

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

By: *Christopher Kingsley*
CHRISTOPHER KINGSLEY
VICE CHAIRMAN

30 **Approved as to Form and**
31 **Legal Sufficiency**

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33 By: *Geoffrey T. Kirk*
34 Geoffrey T. Kirk
35 Assistant County Attorney

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CPAM 07-04

EXHIBIT A

**FUTURE LAND USE ELEMENT
PROPOSED POLICIES 1.01B(16) to 1.01B(18)
CPAM 07-04
July 2, 2007**

The proposed policies to be included in this amendment (CPAM 07-04) are as follows:

Policy 1.01B(16): Future Land Use Map amendments to create a Rural Infill Overlay designation for residential development of parcels in the Rural Category may be approved provided the following criteria are met:

- A. The parcel requesting the increase in density may be a single parcel no greater than 40 acres in size and must have existed as of January 1, 1990.
- B. The parcel requesting the increase in density must be bordered on at least two sides by subdivisions containing lots one acre in size or less.
- C. Fifty percent of the lots described in B above, bordering the parcel must have been developed with residential structures.
- D. The density approved for the parcel requesting the increase in density may not exceed the density of the surrounding adjacent development.
- E. Adequate infrastructure must exist or be provided for the density being requested.
- F. The Development rules for development at the requested density must be met.
- G. An environmental assessment will be conducted to determine the suitability of the site for the proposed density and intensity of use.

POLICY 1.01B(17): Properties to be considered for increased density shall be required to seek a "Rural Infill Overlay District" designation via amendment to the Future Land Use Map and must file an application for a comprehensive plan amendment (CPAM) and address the standards contained in Policy 1.01B(16).

When a determination has been approved as part of a Rural Infill Overlay District through the approval of a comprehensive plan amendment, 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 1.01B(18): Properties under consideration for the Rural Infill 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 to County standards.