

ORDINANCE NO.: 2013- 2

AN ORDINANCE AMENDING THE HERNANDO COUNTY COMPREHENSIVE PLAN BY APPROVING AND ADOPTING CPAM-12-02; PROVIDING FOR AMENDMENTS TO COMPREHENSIVE PLAN SECTION A, INCLUDING AMENDMENTS TO POLICIES IN THE FUTURE LAND USE ELEMENT (CHAPTER 1), POTABLE WATER ELEMENT (CHAPTER 8), CONSERVATION ELEMENT (CHAPTER 10), INTERGOVERNMENTAL COORDINATION ELEMENT (CHAPTER 12) AND CAPITAL IMPROVEMENTS ELEMENT (CHAPTER 13); PROVIDING FOR AMENDMENTS TO COMPREHENSIVE PLAN SECTION D, RELATING TO THE FUTURE LAND USE MAP - MAPPING CRITERIA & LAND USES ALLOWED; PROVIDING FOR TRANSMITTAL TO THE STATE REVIEW AGENCIES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE AND PROVIDING FOR AN EFFECTIVE DATE.

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
2013 JAN 14 PM 1:23  
FILED

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 public hearing on October 9, 2012, approved amending Comprehensive Plan Sections A and D, including amending policies in the Future Land Use, Potable Water, Conservation, Intergovernmental Coordination, and Capital Improvements elements of the County's adopted Comprehensive Plan together with amendments to the Future Land Use Map Mapping Criteria, (a complete copy of the amendment is attached as Exhibit "A" hereto and made a part hereof) and referred to as CPAM-12-02; and,

WHEREAS, the County subsequently transmitted CPAM-12-02 to the State Land Planning Agency for review pursuant to the Act, and was assigned Hernando County 12-2ESR; and,

WHEREAS, the State Land Planning Agency and the Review Agencies reviewed CPAM-12-02 and, thereafter, comments concerning same were submitted to the County; and,

WHEREAS, the BOCC finds and determines that CPAM 12-02 is internally consistent with other Elements and Policies of the Hernando County Comprehensive Plan, and is now ready for final adoption by the BOCC; and,

1           **WHEREAS**, the BOCC conducted a second public hearing on January 8, 2013 in  
2 connection with final adoption of the CPAM-12-02 as an amendment to the County's adopted  
3 Comprehensive Plan.

4  
5           **WHEREAS**, CPAM-12-02 will be transmitted to State Land Planning Agency and  
6 Review Agencies.

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8           **NOW THEREFORE:**

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

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14           **SECTION I. Recitals.** The recitals set forth above are true and correct and  
15 incorporated herein by this reference; and

16           **SECTION II. Adopting CPAM-12-02 (Hernando County 12-2ESR).** CPAM-12-02  
17 (Hernando County 12-1ESR), attached as **Exhibit "A"** hereto and incorporated herein by this  
18 reference, is hereby approved and adopted and the Hernando County Comprehensive Plan is  
19 amended accordingly, subject to the Effective Date provision (Section X) below.

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21           **SECTION III. Execution.** The Chairman of the Hernando County Board of County  
22 Commissioners is hereby authorized to execute this Ordinance, and all related documents.

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24           **SECTION IV. Transmittal to State Land Planning Agency and Review Agencies.**  
25 County staff shall transmit an executed copy of this Ordinance to the State Land Planning  
26 Agency and Review Agencies within ten (10) days of adoption hereof pursuant to § 163.3184,  
27 Fla. Stat.

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29           **SECTION V. Publication.** This Ordinance shall be published as required by law.

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31           **SECTION VI. Applicability.** This Ordinance shall be applicable throughout the  
32 unincorporated area of Hernando County.

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34           **SECTION VII. Severability.** It is declared to be the intent of the Board of County  
35 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
36 Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
37 the validity of the remaining portions of this Ordinance.

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39           **SECTION VIII. Conflicting Provisions.** Special acts of the Florida Legislature  
40 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,  
41 County resolutions, or parts thereof, in conflict with this Ordinance are hereby superseded by this

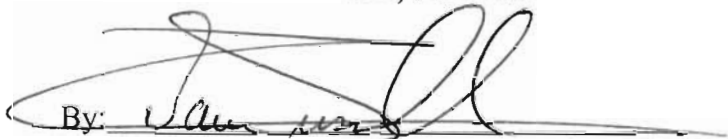
1 Ordinance to the extent of such conflict except for ordinances concerning either adoption or  
2 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

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4 **SECTION IX. Filing with the Department of State.** The clerk shall be and is hereby  
5 directed forthwith to send a certified copy of this Ordinance to the Bureau of Administrative  
6 Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street, Tallahassee, FL  
7 32399-0250.

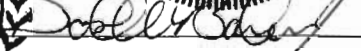
8  
9 **SECTION X. Effective date.** This Ordinance shall take effect upon filing with the  
10 Florida Secretary of State; however, the adopted amendment (CPAM-12-02) shall take effect, and  
11 be considered an amendment to the Hernando County Comprehensive Plan, if the amendment is  
12 not timely challenged, 31 days after the State Land Planning Agency notifies the local government  
13 that the plan amendment package is complete or as otherwise provided in § 163.3184, Fla. Stat. If  
14 timely challenged, this amendment shall become effective on the date the State Land Planning  
15 Agency or the Administration Commission enters a final order determining this adopted  
16 amendment to be in compliance. No development orders, development permits, or land uses  
17 dependent on this Amendment may be issued or commence before it has become effective. If a  
18 final order of noncompliance is issued by the Administrative Commission, this amendment may  
19 nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of  
20 which resolution shall be sent to the state land planning agency.

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22 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
23 **HERNANDO COUNTY,** Regular Session this 8th day of January, 2013.

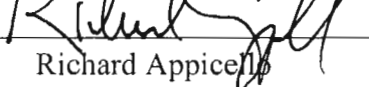
24  
25 **BOARD OF COUNTY COMMISSIONERS**  
26 **HERNANDO COUNTY, FLORIDA**

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29 By:   
30 **DAVID D. RUSSELL**  
31 **CHAIRMAN**



32  
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34 Attest:   
35 **DONALD C. BARBEE, JR.**  
36 **CLERK**

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

40 By:   
Richard Appicello  
Assistant County Attorney

**EXHIBIT A**

**CPAM-12-02**

## FUTURE LAND USE ELEMENT

### QUARRY PRESERVE PLANNED DEVELOPMENT DISTRICT

**OBJECTIVE 1.07G:** ESTABLISH PLANNED DEVELOPMENT DISTRICT (PDD) CATEGORY ON THE FUTURE LAND USE MAP (FLUM), WHICH PROVIDES FOR A TRANSITION IN LAND USE FROM MINING TO A SUSTAINABLE MIXED USE COMMUNITY. THE INTENT OF THIS PDD IS TO DEVELOP A NEW TOWN, AS DEFINED IN RULE 9J-5.003, F.A.C. AS MAY BE AMENDED OR RENUMBERED FROM TIME TO TIME, WHICH INCLUDES CHARACTERISTICS OF SUSTAINABILITY AND SMART GROWTH AS CONTAINED IN THE ASSOCIATED POLICY CLUSTER.

**POLICY 1.07G(48): Mining Operation.** All mining operations within the Quarry Preserve PDD shall cease to operate no later than the end of ~~2018~~ 2022 in accordance with the terms of the approved Master Mining Plan (MAMPA) and Mining Operation Plan (MOPA).

## POTABLE WATER ELEMENT

### WATER SUPPLY PLANNING

**OBJECTIVE 4.11G** THE COUNTY SHALL PLAN FOR BUILDING THE CONSTRUCTION OF NEW WATER SUPPLY FACILITIES OVER AT LEAST A TEN YEAR PLANNING PERIOD AS NECESSARY REQUIRED TO SERVE EXISTING AND NEW DEVELOPMENT.

**POLICY 4.11G(1):** The County shall utilize the following work plan program in meeting this objective:

- a) The Hernando County Utilities Department or other appropriate agency shall prepare, and update as necessary, water supply plans to project and meet the needs of existing and new development within the urban growth areas designated by the Residential, Commercial, Industrial, and Planned Development District categories on the Future Land Use Map.

- b) The Water Resources Assessment Project (WRAP) model or other professionally accepted methodology will be regularly ~~calibrated~~ updated and utilized to evaluate the impacts of development and provide guidance for development of water supply facilities.
- c) The Capital Improvements Element and Capital Improvements Plan ~~as will be~~ updated annually and will be utilized to plan and program water supply facility projects and expenditures utilizing a minimum five year planning period.
- d) Water supply planning will be consistent ~~consider and coordinate~~ with the Southwest Florida Water Management District's adopted ~~water management plan, or regional water supply plan, should a regional water supply plan be adopted~~ for that portion of the district which includes Hernando County.
- e) The demands of natural systems will be considered.
- f) Water supply planning conducted by the County will ~~utilize~~ include a public participation process.

**POLICY 4.11G(2)** Water supply plans developed and updated hereunder, along with the adopted Capital Improvement Plan, shall be utilized to guide the location and timing of land development requiring potable water service.

<b>WATER SUPPLY WORK PLAN</b>
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**OBJECTIVE 4.11H**

**PREPARE AND IMPLEMENT A WATER SUPPLY WORK PLAN.**

**POLICY 4.11H(1):** Implement a Water Supply Work Plan for at least a 10-year planning period addressing water supply facilities necessary to serve existing and future development. The Work Plan will be updated within 18 months following an update to the Southwest Florida Water Management District (SWFWMD) Regional Water Supply Plan.

**POLICY 4.11H(2):** Annually assess the performance and effectiveness of the 10-Year Water Supply Work Plan and update the status of

project development and potential funding sources, consistent with the SWFWMD Regional Water Supply Plan and the policies of this Comprehensive Plan in order to maximize the use of existing facilities and provide for future needs.

**POLICY 4.11H(3):** Utilize the Water Supply Work Plan to identify and plan for water supply sources and facilities required to serve existing and new development.

**POLICY 4.11H(4):** Hernando County hereby adopts by reference the Water Supply Work Plan, dated December, 2012, for a planning period of not less than 10 years. The County shall review and update the Work Plan at least every five years and be consistent with the time frame outlined in Policy 4.11H(1).

**POLICY 4.11H(5):** The Water Supply Work Plan shall be used to prioritize and coordinate the expansion and upgrade of facilities used to withdraw, transmit, treat, store, and distribute potable water to meet future needs.

#### **POTABLE WATER CONSERVATION**

**OBJECTIVE 4.15A:** **A PROGRAM TO CONSERVE POTABLE WATER SUPPLIES SHALL BE ~~PREPARED IN CONJUNCTION~~ COORDINATED WITH SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, ADDRESSING BOTH DEMAND REDUCTION AND SUPPLY ENHANCEMENT METHODS.**

**POLICY 4.15A(1):** ~~An~~ Evaluation study studies shall be prepared, in conjunction with Southwest Florida Water Management District, of user patterns and supply system conditions to identify areas where water conservation methods could have a positive effect on potable water supply.

**POLICY 4.15A(2):** Water conservation methods ~~to be evaluated for use in a program~~ shall include but not be limited to regulatory, fiscal, operational, and educational ~~options~~ programs.

**POLICY 4.15A(3):** ~~Options~~ Programs shall be evaluated based on a) potential for water savings; b) program costs, including impacts on revenues; c) environmental impacts; d) customer impacts; e) social acceptability; f) technical feasibility; and g) political practicability.

- POLICY 4.15A(4):** Review existing ordinances, codes, and inspection procedures for adherence to applicable water conservation standards, including those contained in the Florida Statutes.
- POLICY 4.15A(5):** Reduce the need for landscape irrigation systems by increasing the use of xeriscape methods which incorporate the use of natural plant material and drought tolerant plants.
- POLICY 4.15A(6):** Discourage the use of publicly supplied potable water for irrigation.
- POLICY 4.15A(7):** Establish disincentive programs for the over consumption of publicly supplied potable water.
- POLICY 4.15A(8):** Where available, reuse water and other non-potable sources of water shall be utilized for irrigation, and potable water shall not be utilized for irrigation. This reuse water shall replace potable water in irrigation use to the extent permitted by available volumes of reuse water, and in accordance with County wastewater facilities planning.
- POLICY 4.15A(9):** Prioritize the distribution of limited supplies of reuse water based upon consumption patterns and availability.
- POLICY 4.15A(10):** Reduce per capita water usage from the current 167 gallons per capita per day to 150 gallons per capita per day by the year 2019 as indicated in the Water Supply Work Plan. The strategies to achieve this reduction will be implemented through water conservation measures and reuse of treated wastewater.

**REUSE**

**OBJECTIVE 4.15B: PREPARE AND IMPLEMENT A PROGRAM TO PROVIDE FOR REUSE WATER TO REPLACE POTABLE WATER FOR IRRIGATION PURPOSES.**

- POLICY 4.15B(1):** Implement a strategy to encourage replacement of potable water use with reclaimed water for irrigation purposes of at least 4.3 MGD by the year 2019.
- POLICY 4.15B(2):** Expand the existing reclaimed water system distribution network to serve additional large consumers to reduce potable water usage for irrigation.



**POLICY 4.15B(3):** The County will support SWFWMD's water reuse projects and the implementation of new regulations and programs designed to increase the volume of reclaimed water used.

## **CONSERVATION ELEMENT**

### **WATER SUPPLY PLANNING**

**OBJECTIVE 6.03D:** **TO MEET THE WATER NEEDS OF EXISTING AND NEW DEVELOPMENT, AGRICULTURE, INDUSTRY, AND NATURAL SYSTEMS.**

**POLICY 6.03D(1):** The County will coordinate with state and regional agencies to plan for the supply of water to new and existing development, agriculture, industry, and natural systems.

**POLICY 6.03D(2):** The County ~~has considered~~ will be consistent with the Southwest Florida Water Management District's (SWFWMD) ~~District Water Management~~ Regional Water Supply Plan, and ~~has participated~~ participate with SWFWMD in Water Resource Assessment Projects (WRAPs) for Hernando County. ~~With these~~ WRAPs will be used to assess the County's ~~County has assessed~~ current and projected water needs and sources. Based on these WRAPs and the land uses indicated on the Future Land Use Map, the County is planning for building needed facilities ten and more years in the future. Facilities needed within five years will be included ~~in the~~ annually updated in the Capital Improvements Plan. The work plan for building potable and reuse water supply facilities (contained in the Potable Water Element) will provide ongoing planning to meet local government responsibilities for providing water supply facilities to serve new and existing development. The County will utilize the planned location and timing of water supply facilities to manage or influence the timing and location of development.

## **INTERGOVERNMENTAL COORDINATION ELEMENT**

### **COORDINATION WITH THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ACTIVITIES**

**OBJECTIVE 8.01F:** **HERNANDO COUNTY SHALL MAINTAIN FORMAL COORDINATION MECHANISMS WITH SWFWMD.**

**POLICY 8.01F(1):** Coordinate with SWFWMD in the preparation of studies involving Hernando County. These may include localized drainage problems, groundwater protection, and water conservation.

**POLICY 8.01F(2):** Coordinate with SWFWMD on ~~the development of~~ acquisition projects including lands adjacent to the Weeki Wachee and Withlacoochee Rivers.

**POLICY 8.01F(3):** Coordinate the development of water supply plans with SWFWMD's District Water Management Plan and, ~~if applicable,~~ Regional Water Supply Plan. ~~(No Regional Water Supply Plan has been adopted for the portion of the District which includes Hernando County as of March 2005.)~~

### **CAPITAL IMPROVEMENTS ELEMENT**

#### **DEVELOPMENT OF 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS**

**OBJECTIVE 9.01A:** **CAPITAL IMPROVEMENTS WILL BE PROVIDED TO CORRECT EXISTING DEFICIENCIES, TO ACCOMMODATE ANTICIPATED FUTURE GROWTH, AND TO REPLACE WORN-OUT OR OBSOLETE FACILITIES, AS INDICATED IN THE 5-YEAR SCHEDULE OF IMPROVEMENTS OF THIS ELEMENT. THOSE IMPROVEMENTS IDENTIFIED AS DEFICIENCIES WILL BE FINANCED OUT OF THE APPROPRIATE FUND, NOT TO INCLUDE IMPACT FEES.**

**POLICY 9.01A(9):** Hernando County hereby adopts by reference the Hernando County School Board Five Year Work Program for FY ~~2010-2011 to FY 2014-2015~~ 2011-2012-2013 to FY 2016-2017, which was adopted on ~~October 19, 2010~~ September 18, 2012. Hernando County will adopt by reference each subsequently adopted work program by the Hernando County School Board into the Capital Improvements Element. NOTE: Any project listed as unfunded in the Five Year Work Program will not be considered for determining whether the adopted level of service is met in the five years of the work program.

**SECTION D:**  
**FUTURE LAND USE MAP MAPPING CRITERIA & LAND USES**  
**ALLOWED**

**RURAL**

- Mapping Criteria. This classification includes portions of the County generally in the following circumstances:
  1. Areas outside the anticipated residential growth patterns without urban service facilities.
  2. Areas in some level of agricultural use with large tracts of land that are rural in nature, but expected to exhibit development pressures of a rural nature during the planning period.
  3. Properties with physical limitations (flood plains, sinkholes, etc.) and properties transitional to major conservation areas in the Coastal Zone.
  4. Areas that exhibit a development pattern that is rural residential in nature and include limited agricultural activities.
  
- Purpose. The continuation of agricultural pursuits and the retention of the rural nature of a significant portion of the County and to limit residential density outside of recognized growth or public infrastructure corridors.
  
- Land Uses Allowed. Agriculture, agricultural commercial, recreation, and residential ~~development uses~~ with densities no greater than of 1 unit per 10 acres in largely rural areas, except in existing areas where the predominant development pattern is rural residential with lots no less than 1 acre in size and designated pre-existing rural communities. Land uses which can be located in this classification with performance standards being met include neighborhood commercial, schools, minor public facilities and residential uses as established in the Residential Land Use Category where it lies within 1,320 feet of a residential classification.

Additional Clarification

1. This designation recognizes the need for the coexistence of agricultural activities with ~~emerging low density rural and low density residential uses in specific areas of the County.~~
  
2. An appropriate buffers shall be established transition shall be maintained between high intensity rural/agricultural uses and low density rural residential areas to protect the use and enjoyment of land by each separate user and maintain appropriate development patterns.

## COMMERCIAL

- Mapping Criteria. ~~The mapped portions of this~~ This classification consists of major existing mapped commercial corridors along U.S. 19 and S.R. 50; and designated commercial nodes (existing and projected) at intersections of arterial and/or collector roads. Commercial areas which are not mapped but are driven by policies and performance standards allowed under this designation include are neighborhood commercial, commercial approved as part of or proximate to major mixed-use developments, commercial designated by planned development districts, specialty commercial, the infill development of existing commercial areas, and commercial areas extending from designated commercial nodes with functioning frontage roads, and pre-existing commercially developed and designated areas. Frontage roads and cross-access between commercial uses shall be required where needed in accordance with the provisions of this Plan and adopted land development regulations.
- Purpose. To provide locations for the provision of commercial products and services along major roads in residential growth corridors.
- Land Use Allowed. Commercial activity with a maximum Floor Area Ratio of .35 for office professional and a Floor Area Ratio of .3 for retail. Other land uses such as recreation, offices, minor public facilities and minor institutional are allowed. Residential units may be allowed (See Policy 1.01L(1).)



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

January 14, 2013

Honorable Don Barbee, Jr.  
Clerk of the Circuit Court  
Hernando County  
Room 131, 20 North Main Street  
Brooksville, Florida 34601-2800

Attention: Ms. Ashley Hofecker, Deputy Clerk

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 10, 2013 and certified copies of Hernando County Ordinance Nos. 2013-1 through 2013-3, which were filed in this office on January 14, 2013.

As requested, the date stamped originals are being return for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/elr

Enclosure