

Ashley Hofecker

From: County Ordinances <CountyOrdinances@dos.myflorida.com>
Sent: Thursday, November 14, 2013 1:38 PM
To: Ashley Hofecker
Cc: County Ordinances
Subject: RE: Hernando County Ordinances
Attachments: Hernando 2013-33 - Ack.pdf

From: Ashley Hofecker [<mailto:ahofecker@co.hernando.fl.us>]
Sent: Thursday, November 14, 2013 11:37 AM
To: County Ordinances
Subject: Hernando County Ordinances

Sender Full Name:	Ashley Hofecker
Sender Phone number:	352-754-4716
County Name:	Hernando
Ordinance Number:	2013-33

Ashley Hofecker

Deputy Clerk
Hernando County Clerk of Circuit Court
20 N. Main Street, Room 131
Brooksville, FL 34601
(352) 754-4716
ahofecker@hernandocounty.us
www.hernandoclerk.com

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 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 electronic copy of Hernando County Ordinance No. 2013-33, which was filed in this office on November 14, 2013.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

Enclosure

ORDINANCE NO.: 2013-33

AN ORDINANCE AMENDING THE HERNANDO COUNTY COMPREHENSIVE PLAN BY APPROVING AND ADOPTING CPAM-13-02; PROVIDING FOR AMENDMENTS TO COMPREHENSIVE PLAN SECTION A, INCLUDING AMENDMENTS TO POLICIES IN THE FUTURE LAND USE ELEMENT (CHAPTER 1), HOUSING ELEMENT (CHAPTER 4), COASTAL MANAGEMENT ELEMENT (CHAPTER 9), AND CAPITAL IMPROVEMENTS ELEMENT (CHAPTER 13); 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.

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, in 2011, the Florida Legislature adopted the Community Planning Act as set forth in §§ 163.3161 through 163.3215 Florida Statutes (the “Act”); and,

WHEREAS, on November 13, 2012, the Board of County Commissioners completed an evaluation and appraisal of the Hernando County Comprehensive Plan and submitted a notification letter to the State Land Planning Agency as required by §163.3191, Florida Statutes; and,

WHEREAS, the Hernando County Board of County Commissioners (“BOCC”), following public hearing on July 9, 2013, approved amending Comprehensive Plan Section A, including amending policies in the Future Land Use, Housing, Coastal Management and Capital Improvements Elements of the County’s adopted Comprehensive Plan (a complete copy of the amendment is attached as Exhibit “A” hereto and made a part hereof) and referred to as CPAM-13-02; and,

WHEREAS, the County subsequently transmitted CPAM-13-02 to the State Land Planning Agency and the Review Agencies for review pursuant to the Act, and was assigned Hernando County 13-3ER; and,

WHEREAS, the State Land Planning Agency and the Review Agencies reviewed CPAM-13-02 and, thereafter, the State Land Planning Agency issued a letter dated August 30, 2013 serving as Objections, Recommendations and Comments (ORC) report required by §163.3184 concerning CPAM 13-02 were submitted to the County; and,

WHEREAS, the BOCC finds and determines that CPAM 13-02 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 November 12, 2013 in
2 connection with final adoption of the CPAM-13-02 as an amendment to the County’s adopted
3 Comprehensive Plan.

4
5 **WHEREAS**, CPAM-13-02 will be transmitted to State Land Planning Agency and Review
6 Agencies.

7
8 **NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY**
9 **COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**

10
11 **SECTION I. Recitals.** The recitals set forth above are true and correct and incorporated
12 herein by this reference; and

13 **SECTION II. Adopting CPAM-13-02 (Hernando County 13-3ER).** CPAM-13-02
14 (Hernando County 13-3ER), attached as **Exhibit “A”** hereto and incorporated herein by this
15 reference, is hereby approved and adopted and the Hernando County Comprehensive Plan is
16 amended accordingly, subject to the Effective Date provision (Section X) below.

17
18 **SECTION III. Execution.** The Chairman of the Hernando County Board of County
19 Commissioners is hereby authorized to execute this Ordinance, and all related documents pursuant
20 to the Act.

21
22 **SECTION IV. Transmittal to State Land Planning Agency and Review Agencies.**
23 County staff shall transmit an executed copy of this Ordinance to the State Land Planning Agency
24 and Review Agencies within ten (10) days of adoption hereof pursuant to §163.3184, Fla. Stat.

25
26 **SECTION V. Publication.** This Ordinance shall be published as required by law.

27
28 **SECTION VI. Applicability.** This Ordinance shall be applicable throughout the
29 unincorporated area of Hernando County.

30
31 **SECTION VII. Severability.** It is declared to be the intent of the Board of County
32 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
33 Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
34 the validity of the remaining portions of this Ordinance.

35
36 **SECTION VIII. Conflicting Provisions.** Special acts of the Florida Legislature applicable
37 only to unincorporated areas of Hernando County, Hernando County ordinances, County resolutions,
38 or parts thereof, in conflict with this Ordinance are hereby superseded by this Ordinance to the extent
39 of such conflict except for ordinances concerning either adoption or amendment of the
40 Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

41
42 **SECTION IX. Filing with the Department of State.** The clerk shall be and is hereby
43 directed forthwith to send a certified copy of this Ordinance to the Bureau of Administrative Code,

1 Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street, Tallahassee, FL 32399-
2 0250.

3
4 **SECTION X. Effective date.** This Ordinance shall take effect upon filing with the Florida
5 Secretary of State; however, the adopted amendment (CPAM-13-02) shall take effect, and be
6 considered an amendment to the Hernando County Comprehensive Plan, if the amendment is not
7 timely challenged, pursuant to the State Land Planning Agency's published Notice of Intent or as
8 otherwise provided in §163.3184, Fla. Stat. If timely challenged, this amendment shall become
9 effective on the date the State Land Planning Agency or the Administration Commission enters a
10 final order determining this adopted amendment to be in compliance. No development orders,
11 development permits, or land uses dependent on this Amendment may be issued or commence before
12 it has become effective. If a final order of noncompliance is issued by the Administrative
13 Commission, this amendment may nevertheless be made effective by adoption of a resolution
14 affirming its effective status, a copy of which resolution shall be sent to the State Land Planning
15 Agency.

16
17 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 12th **DAY OF**
18 November, 2013

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

22
23
24 Attest: Sherry L. Crum, Deputy By: [Signature]
25 for DONALD C. BARBEE, JR. DAVID D. RUSSELL, JR.
26 CLERK CHAIRMAN



27
28
29
30
31
32 **Approved as to Form and**
33 **Legal Sufficiency**

34
35
36 By: [Signature]
37 Shaun N. Amarnani
38 Assistant County Attorney

EXHIBIT A

CPAM1302 HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS

GOALS, OBJECTIVES, AND POLICY CHANGES

NOTE: additions/deletions = language proposed for addition/deletion to existing provisions.

FUTURE LAND USE ELEMENT

SPECIALTY COMMERCIAL

OBJECTIVE 1.01N: ESTABLISH APPROPRIATE ZONING CATEGORIES AND LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR THE LOCATION OF SPECIALTY COMMERCIAL USES WHICH DO NOT NORMALLY FUNCTION WITHIN COMMERCIAL NODES.

POLICY 1.01N(3): Marine Commercial districts can be established to accommodate water dependent uses and to encourage the preservation of recreational and commercial working waterfronts. They must meet the following criteria:

- a. Be located proximate to existing waterways, including the Gulf of Mexico, Weeki Wachee River, and Withlacoochee River;
- b. Be providing some water dependent service or product;
- c. Provide for the minimization of adverse impacts on the waterways they are proximate to.

AIRPORT PLANNED DEVELOPMENT DISTRICT

OBJECTIVE 1.07C: MAXIMIZE THE USE OF THE HERNANDO COUNTY AIRPORT AND SURROUNDING LANDS BY PROVIDING FOR AVIATION, AVIATION RELATED ACTIVITIES, INDUSTRIAL USES, AND OTHER LAND USES NOT INCOMPATIBLE WITH THE AIRPORT.

POLICY 1.07C(7): The County shall identify runway "approach surfaces" at the end of each runway which shall be protected from encroachment from residential development and other non-compatible land uses. Criteria and standards outlined in Goal 2.08 of the Transportation Element of this Plan shall be used to achieve compatibility of lands in and near the Airport PDD.

GOAL 1.11

~~**HERNANDO COUNTY SHALL GROW AND DEVELOP SO AS TO BE FISCALLY SUSTAINABLE IN BOTH THE SHORT TERM OF THE FIVE-YEAR CAPITAL IMPROVEMENTS PLAN AND LONGER TERM OF THE TWENTY-YEAR PLANNING HORIZON:**~~

ANALYZING FISCAL IMPACTS

~~**OBJECTIVE 1.11A: TO EVALUATE THE SHORT AND LONG TERM FISCAL IMPACTS OF LAND USE DECISIONS AND CHANGES IN PLANNING STRATEGY WHICH AFFECT LAND USE, DEVELOPMENT INTENSITY, INFRASTRUCTURE, AND/OR INVOLVE INVESTMENT OF PUBLIC FUNDS OR OTHER PUBLIC RESOURCES:**~~

~~**POLICY 1.11A(1):** The short and long term fiscal impacts on public infrastructure, county revenues, and costs of providing county services shall be analyzed using suitable available techniques and the fiscal impacts considered when the County considers making land use decisions and/or changes in planning strategies which affect land uses, development intensity, infrastructure, levels of service, and/or investments of public funds or other public resources:~~

~~**POLICY 1.11A(2):** Where land use decisions or changes in planning strategy affect more than one jurisdiction of local government or; affect infrastructure responsibilities of more than one government entity, the impacts on all directly affected governments and entities shall be analyzed and considered.~~

~~**POLICY 1.11A(3):** Fiscal impacts analysis conducted in accordance with this section shall not be regarded as the sole determinant of outcome when making land use and planning strategy decisions, but shall be utilized as a tool for producing information to be considered along with other important considerations directed by the collective elements of this plan. It is recognized that some land uses and planning strategies~~

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1 which are important components of the community (such as
2 less-costly housing, mobile homes, or public transit) may not
3 produce favorable fiscal impacts, yet be deemed necessary for
4 the community based on other considerations.
5

6 ~~POLICY 1.11A(4):~~ The County shall explore available options and methods for
7 analyzing fiscal impacts, and shall utilize one or more
8 methodologies for evaluating the fiscal impacts and
9 considerations of land use distribution, development intensity,
10 capital improvement programming, and/or planning strategy
11 to demonstrate the plan is financially feasible.
12

13 ~~POLICY 1.11A(5):~~ Changes in planning strategy which shall undergo fiscal
14 analysis include: text changes to policies in the
15 comprehensive plan which could result in increased
16 development intensity, especially when significantly above or
17 below the levels utilized in infrastructure planning for potable
18 water, sanitary sewer, transportation, and other public
19 facilities.
20

21 ~~POLICY 1.11A(6):~~ The overall objectives of fiscal impact analysis is improved
22 decision making. The specific objectives shall be as follows:
23

24 a. ~~improve land use decision-making;~~

25 b. ~~improve budgetary planning;~~

26 c. ~~linkage between land use decision-making and
27 budgetary planning;~~

28 d. ~~evaluation of location sensitive impacts on
29 infrastructure and costs to provide services;~~

30 e. ~~examine capital and operating costs;~~

31 f. ~~analyze LOS and infrastructure backlogs;~~

32 g. ~~analyze both short and long term impacts;~~

33 h. ~~provide an information tool to aid in attaining fiscally
34 sustainable short and long term growth;~~
35
36
37
38
39
40
41
42

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1 i. ~~track the inventory of land available for various land~~
2 ~~uses; and;~~

3
4 j. ~~analyze development alternatives.~~

5
6 **HOUSING ELEMENT**

7
8 **ADEQUATE AND AFFORDABLE HOUSING**

9
10 **OBJECTIVE 3.01A: THE COUNTY SHALL ENCOURAGE THE**
11 **PROVISION OF ADEQUATE AND AFFORDABLE**
12 **HOUSING OPPORTUNITIES TO ACCOMMODATE**
13 **THE EXPECTED POPULATION.**

14
15 **POLICY 3.01A(5):** The County shall consider the use of incentives, such as
16 density bonuses or transfers, provisions for accessory units,
17 mixed use development opportunities, performance standards,
18 and policies for alternative fee payments or the reduction or
19 waiver of fees to encourage the provision of affordable
20 housing and affordable workforce housing.

21
22 **GOAL 3.04**

23
24 **TO PROVIDE ADEQUATE AND APPROPRIATE SITES FOR FUTURE HOUSING**
25 **INCLUDING AFFORDABLE WORKFORCE HOUSING, HOUSING FOR LOW-**
26 **INCOME, VERY LOW INCOME AND MODERATE-INCOME FAMILIES,**
27 **MOBILE HOMES, AND GROUP HOME FACILITIES AND FOSTER CARE**
28 **FACILITIES, WITH SUPPORTING INFRASTRUCTURE AND PUBLIC**
29 **FACILITIES.**

30
31 **COASTAL MANAGEMENT ELEMENT**

32
33 **COASTAL TRANSPORTATION NETWORK**

34
35
36 **OBJECTIVE 5.03A: PROVIDE AN ADEQUATE TRANSPORTATION**
37 **NETWORK IN THE COASTAL ZONE TO MEET**
38 **COUNTY-WIDE LEVELS-OF-SERVICE STANDARDS**
39 **AND HURRICANE EVACUATION LEVELS-OF-**
40 **SERVICE.**

1 **POLICY 5.03A(2):** ~~Develop the capability to evacuate all residents before roads~~
2 ~~become impassable and within eight (8) hours or less~~ The
3 following hurricane evacuation clearance time levels of
4 service (LOS) are hereby adopted:

5
6 a. 12 hours for evacuation to shelter for a category 5
7 storm; and,

8
9 b. 16 hours for out-of-county evacuation for a category 5
10 storm.

11
12 Proposed development within the Coastal Zone shall meet and
13 maintain the adopted Level of Service and shall be supported
14 by adequate and relevant data and analysis demonstrating that
15 the adopted hurricane evacuation Level of Service for the
16 Category 5 storm is maintained. Level of Service evaluation
17 for development proposals and for Comprehensive Plan
18 Amendments seeking to increase residential densities within
19 the Coastal Zone shall include data and analysis of the impacts
20 of the proposed development or amendment on the Category 5
21 hurricane evacuation clearance time Levels of Service.

22
23 **POLICY 5.03A(5):** ~~Evaluate the adequacy of hurricane evacuation capacity before~~
24 ~~allowing new development~~ If review of data and analysis for
25 proposed new developments or Comprehensive Plan
26 Amendments indicates that the hurricane evacuation clearance
27 time Levels of Service will not be achieved, then mitigation
28 may be approved to the extent that it will maintain the adopted
29 Levels of Service. Appropriate mitigation includes, but is not
30 limited to, payment of money, contribution of land,
31 construction of hurricane shelters and transportation facilities,
32 and operational agreements or conditions requiring early
33 evacuation. The data and analysis demonstrating adequate
34 mitigation shall include identification of the type of
35 improvement, the cost of the improvement and the timing of
36 the improvement. A binding agreement between the County
37 and the applicant or developer identifying the mitigation plan
38 in terms of type of project(s), cost of project(s), and timing of
39 project(s) shall be required. Mitigation measures in the
40 agreement that would require publicly funded capital
41 improvements to construct facilities shall be incorporated into
42 the County’s Five-Year Capital Improvements Plan.

NOTE: additions/deletions = language proposed for addition/deletion to existing provisions.

1 Mitigation measures requiring privately funded capital
2 improvements may be included in the Capital Improvements
3 Plan, but need not be publicly funded.
4

5 **POLICY 5.03A(6):** The County shall continue to identify and implement ways to
6 reduce and/or mitigate estimated evacuation clearance times.
7

8 **CAPITAL IMPROVEMENTS ELEMENT**
9

10 **OBJECTIVE 9.01A:** **CAPITAL IMPROVEMENTS WILL BE PROVIDED TO**
11 **CORRECT EXISTING DEFICIENCIES, TO**
12 **ACCOMMODATE ANTICIPATED FUTURE GROWTH,**
13 **AND TO REPLACE WORN-OUT OR OBSOLETE**
14 **FACILITIES, AS INDICATED IN THE 5-YEAR**
15 **SCHEDULE OF IMPROVEMENTS OF THIS**
16 **ELEMENT. THOSE IMPROVEMENTS IDENTIFIED**
17 **AS DEFICIENCIES WILL BE FINANCED OUT OF**
18 **THE APPROPRIATE FUND, NOT TO INCLUDE**
19 **IMPACT FEES.**
20

21 **POLICY 9.01A(8):** The level of service standards will be used to determine
22 whether sufficient school capacity exists to accommodate
23 future development projects, and evaluate the sufficiency of
24 the Five-Year Schedule of Capital Improvements. The Five-
25 Year Schedule of Capital Improvements shall be reviewed;
26 and updated, and adopted annually by ordinance thus
27 ensuring those projects necessary to address existing
28 deficiencies, and to meet future needs based upon the adopted
29 level of service standards are adequately planned. The annual
30 update to the Five-Year Schedule of Capital Improvements
31 shall identify whether projects are either funded or unfunded,
32 shall give a level of priority for funding, and shall ensure the
33 capital improvements program continues to be financially
34 feasible and the that level of service standards will continue
35 to be achieved and maintained.