
From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Wednesday, June 13, 2018 1:54 PM
To: Darlene Christensen
Cc: County Ordinances
Subject: Hernando20180613_Ordinance2018_12_Ack.pdf
Attachments: Hernando20180613_Ordinance2018_12_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 13, 2018

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

Attention: Darlene Christensen

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. 2018-12, which was filed in this office on June 13, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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ORDINANCE NO.: 2018- 12

AN ORDINANCE AMENDING THE HERNANDO COUNTY COMPREHENSIVE PLAN BY AMENDING SECTION E RELATING TO THE FUTURE LAND USE MAP; AMENDING SECTION D RELATING TO THE MAPPING CRITERIA AND LAND USES ALLOWED; APPROVING AND ADOPTING CPAM1702; 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, 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 on March 6, 2018, approved transmitting a proposed amendment to the County's adopted Comprehensive Plan (CPAM1702); and,

WHEREAS, the County transmitted CPAM1702 which was assigned Hernando County 18-1ESR by the State Land Planning Agency; and,

WHEREAS, the comments from the State Land Planning Agency and the Review Agencies regarding Hernando County 18-1ESR (CPAM1702) were received by the County on or before April 19, 2018; and,

WHEREAS, the BOCC conducted a second public hearing on June 12, 2018, in connection with final adoption of the CPAM1702 (Hernando County 18-1ESR), and approved an amendment to the County's adopted Comprehensive Plan, amending the Future Land Use Map of Section E attached as **Exhibit "A"** hereto and made a part hereof, and also approved amending Section D of the County's adopted Comprehensive Plan relating to the Future Land Use Mapping Criteria and Land Uses Allowed attached as **Exhibit "B"** hereto and made a part hereof; and,

WHEREAS, the BOCC finds and determines that CPAM1702 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,

WHEREAS, the adopted amendment for CPAM1702 (Hernando County 18-1ESR) will be transmitted to State Land Planning Agency and Review Agencies.

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

3
4 **SECTION I. Recitals.** The recitals set forth above are true and correct and
5 incorporated herein by this reference; and
6

7 **SECTION II. Adopting CPAM1702 (Hernando County 18-1ESR).** CPAM1702
8 (Hernando County 18-1ESR), attached as **Exhibit "A"** and **Exhibit "B"**, hereto and incorporated
9 herein by this reference, is hereby approved and adopted and the Hernando County Comprehensive
10 Plan is amended accordingly, subject to the Effective Date provision (Section X) below.
11

12 **SECTION III. Execution.** The Chairman of the Hernando County Board of County
13 Commissioners is hereby authorized to execute this ordinance, and all related documents.
14

15 **SECTION IV. Transmittal to State Land Planning Agency and Review Agencies.**
16 County staff shall transmit an executed copy of this ordinance to the State Land Planning Agency
17 and Review Agencies within ten (10) working days of adoption hereof pursuant to § 163.3184,
18 Florida Statutes.
19

20 **SECTION V. Publication.** This ordinance shall be published as required by law.
21

22 **SECTION VI. Applicability.** This Ordinance shall be applicable throughout the
23 unincorporated area of Hernando County.
24

25 **SECTION VII. Severability.** It is declared to be the intent of the Board of County
26 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
27 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
28 the validity of the remaining portions of this ordinance.
29

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

36 **SECTION IX. Filing with the Department of State.** The clerk shall be and is hereby
37 directed forthwith to send a certified copy of this ordinance or electronically transmit the ordinance
38 by email to the Bureau of Administrative Code, Department of State, R.A. Gray Bldg., Room 101,
39 500 S. Bronough Street, Tallahassee, FL 32399-0250.
40

41 **SECTION X. Effective Date.** This Ordinance shall take effect upon filing with the
42 Florida Secretary of State; however, the adopted amendment (CPAM1702) shall take effect, and
43 be considered an amendment to the Hernando County Comprehensive Plan, if the amendment is
44 not timely challenged, 31 days after the State Land Planning Agency notifies the local government
45 that the plan amendment package is complete or as otherwise provided in § 163.3184, Fla. Stat.
46 If timely challenged, this amendment shall become effective on the date the State Land Planning

1 Agency or the Administration Commission enters a final order determining this adopted
2 amendment to be in compliance. No development orders, development permits, or land uses
3 dependent on this Amendment may be issued or commence before it has become effective. If a
4 final order of noncompliance is issued by the Administrative Commission, this amendment may
5 nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of
6 which resolution shall be sent to the state land planning agency.
7

8 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
9 **HERNANDO COUNTY** in Regular Session this 12th day of JUNE, 2018.

10
11 **BOARD OF COUNTY COMMISSIONERS**
12 **HERNANDO COUNTY, FLORIDA**

13
14 By: Donald C. Barbee, Jr.
15 Attest: Donald C. Barbee, Jr. By: Steve Champion
16 **DONALD C. BARBEE, JR., CLERK** **STEVE CHAMPION, CHAIRMAN**
17

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21 (SEAL)



22
23 **Approved as to Form and**
24 **Legal Sufficiency**

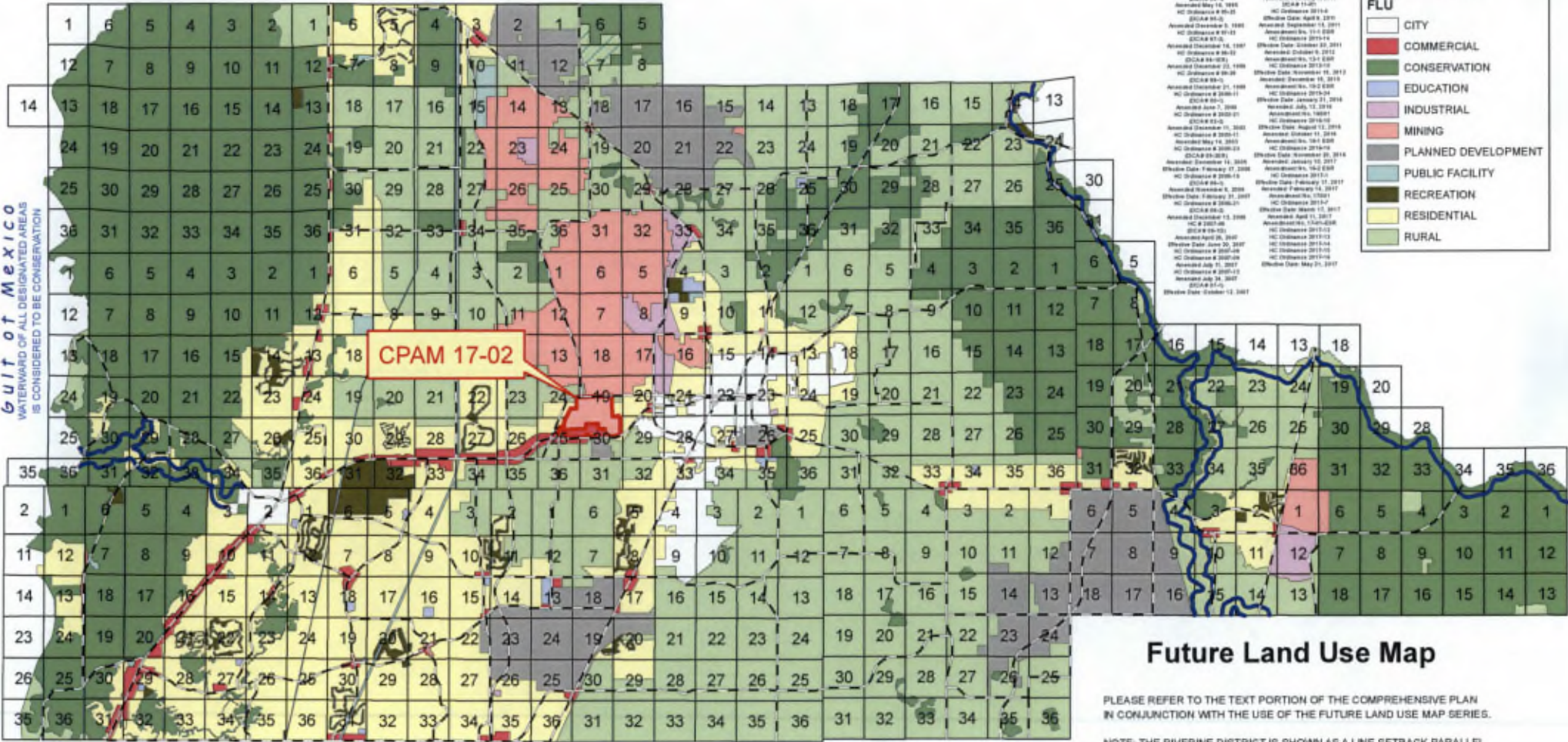
25
26 By: Shirley L. Davis
27 **Assistant County Attorney**

EXHIBIT A

CPAM1702

Hernando County Comprehensive Plan Map

Proposed CPAM 17-02
Version Date: January 17, 2018



Future Land Use Map

PLEASE REFER TO THE TEXT PORTION OF THE COMPREHENSIVE PLAN IN CONJUNCTION WITH THE USE OF THE FUTURE LAND USE MAP SERIES.

NOTE: THE RIVERINE DISTRICT IS SHOWN AS A LINE SETBACK PARALLEL TO THE WEEKI WACHEE, MUD AND WITHLACOOCHEE RIVERS.



Source: S:\Share\Planning\NewFLU\CPAM1702_8x11_Proposed.pdf
Project: S:\Share\Planning\Zoning\ErikL_Workspace_S\CPAM Project\CPAM1702_8x11_Proposed.mxd
Date of mapping: 01/17/2018

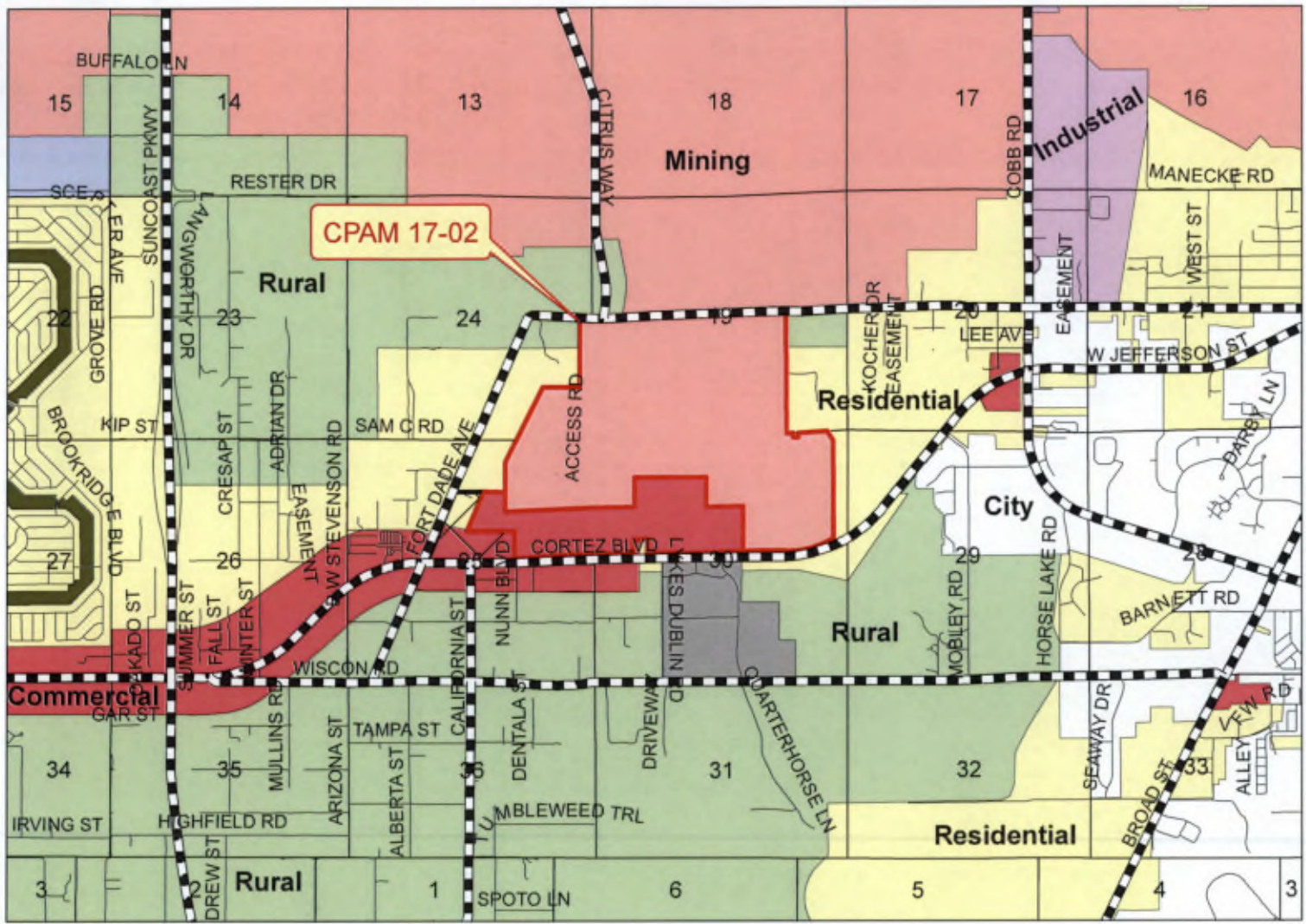


Future Land Use	Effective Date
FLU Road	December 11, 2007
FLU Riverine District	December 11, 2007
Regional Commercial	February 28, 2008
Rural Cluster Overlay	February 28, 2008
City	August 14, 2009
Commercial	August 14, 2009
Conservation	August 14, 2009
Education	August 14, 2009
Industrial	August 14, 2009
Mining	August 14, 2009
Planned Development	August 14, 2009
Public Facility	August 14, 2009
Recreation	August 14, 2009
Residential	August 14, 2009
Rural	August 14, 2009



Hernando County Comprehensive Plan Map

Proposed CPAM 17-02
Version Date: January 17, 2018



Legend

- FLU Road
- FLU Riverine District
- Rural Cluster Overlay
- Regional Commercial

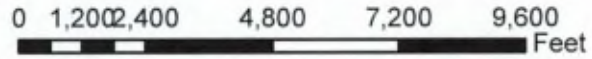
Future Land Use

FLU

- CITY
- COMMERCIAL
- CONSERVATION
- EDUCATION
- INDUSTRIAL
- MINING
- PLANNED DEVELOPMENT
- PUBLIC FACILITY
- RECREATION
- RESIDENTIAL
- RURAL

Future Land Use Map

PLEASE REFER TO THE TEXT PORTION OF THE COMPREHENSIVE PLAN IN CONJUNCTION WITH THE USE OF THE FUTURE LAND USE MAP SERIES. NOTE: THE RIVERINE DISTRICT IS SHOWN AS A LINE SETBACK PARALLEL TO THE WEEKI WACHEE, MUD AND WITHLACOOCHEE RIVERS.



Source: S:\Share\Planning\NewFLU\CPAM1702b_Detail_8x11.pdf
Project: S:\Share\Planning\Zoning\ErikL_Workspace_S\CPAM Project\CPAM1702b_8x11_Detail.mxd
Date of mapping: 01/17/2018



EXHIBIT B

CPAM1702

MAPPING CRITERIA TO BE CONSIDERED AS PART OF THE COMPREHENSIVE PLAN AMENDMENT FOR CPAM1702 (CEMEX):

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

MINING

- CPAM-17-02 shall meet the following stricter standards:

- Criteria 1: Blasting techniques shall incorporate the best available techniques and methods to minimize adverse impacts to natural and manmade features. The blasting techniques shall be designed and implemented to minimize impacts to adjoining land uses.
- Criteria 2: A "Good Neighbor Policy" is required prior to rezoning the property for mining to address any potential damage that may occur as a result of mining activities.
- Criteria 3: The applicant will provide right-of-way to the County in a manner required by the County Engineer for a California Street to Citrus Way future transportation corridor in accordance with the Functionally Classified Roadways Map for Hernando County and the MPO Long Range Transportation Map.
- Criteria 4: When mining ceases on the property, the applicant shall provide for the portion of the identified future transportation corridor from Fort Dade Avenue to SR 50 along the eastern portion of the property as part of the mining reclamation requirements in a manner required by the County Engineer.
- Criteria 5: There shall be a minimum 200-foot setback and buffer from the mining property line in mining areas adjacent to the historic cemetery in the northwest corner of the parcel.
- Criteria 6: There shall be a minimum 400-foot setback and buffer from the property line to the nearest mining area adjacent to the SR 50 right-of-way. The existing treed area along SR 50 within this setback shall be preserved as an undisturbed visual buffer.
- Criteria 7: Protection of the Fort Dade Tree Canopy. The following steps will be taken to protect the Fort Dade tree canopy:
- a. A minimum 200-foot setback and buffer shall be provided along Fort Dade Avenue between the tree canopy and mining activities;

b. An enclosed overhead conveyor to move materials from the Bronson Mine Expansion to the existing facilities shall be required.

c. The enclosed overhead conveyor shall be constructed to a height and location that will minimize or prevent damage to the tree canopy;

Criteria 8: To compensate for the loss of viable wildlife habitat, Cemex shall be required to mitigate through the provision of a conservation easement over other property that provides a viable wildlife habitat adjacent to the Florida Ecological Greenways Network. The type and amount of habitat necessary to mitigate impacts shall be identified by the comprehensive wildlife survey. The final mitigation location and acreage shall be determined prior to rezoning the property for mining.

Criteria 9: The mining reclamation plan shall be designed in a manner that allows for the long-term end use and redevelopment of the property as a viable mixed-use community.