

From: [Bryant, Linda C.](#)
To: [Ordinances](#)
Cc: [County Ordinances](#)
Subject: [EXT.] -
Date: Thursday, May 13, 2021 8:34:55 AM
Attachments: [Hernando20210512_Ordinance2021_07_Ack.pdf](#)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 13, 2021

Honorable Doug Chorvat, Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 362
Brooksville, Florida 34601

Attention: Ms. Heidi Kurppe, Deputy Clerk

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2021-07, which was filed in this office on May 12, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO.: 2021-07

1
2
3 AN ORDINANCE AMENDING THE HERNANDO COUNTY
4 COMPREHENSIVE PLAN BY REMOVING STRATEGY 1.04D(3) FROM
5 THE FUTURE LAND USE ELEMENT; APPROVING AND ADOPTING
6 CPAM2101; PROVIDING FOR TRANSMITTAL TO THE STATE LAND
7 PLANNING AGENCY AND REVIEW AGENCIES; PROVIDING FOR
8 APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR
9 CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE
10 DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE
11 DATE.
12

13 WHEREAS, in 1985, the Florida Legislature adopted the Local Government
14 Comprehensive Planning and Land Development Regulation Act as set forth in §§ 163.3161
15 through 163.3215 Florida Statutes (the “Act”); and,
16

17 WHEREAS, on September 25, 2018, the Board of County Commissioners adopted the
18 2040 Hernando County Comprehensive Plan (Ordinance 2018-16) within which are included
19 goals, objectives, and strategies used to guide future growth; and,
20

21 WHEREAS, the Hernando County Board of County Commissioners (“BOCC”),
22 following public hearing on March 9, 2021 approved removing Strategy 1.04D(3) from the Future
23 Land Use Element of the County’s adopted Comprehensive Plan (a complete copy of the
24 amendment is attached as Exhibit “A” hereto and made a part hereof) and referred to as
25 CPAM2101; and,
26

27 WHEREAS, the County subsequently transmitted CPAM2101 to the State Land Planning
28 Agency for review pursuant to the Act, and was assigned Hernando County 21-02ESR; and,
29

30 WHEREAS, the State Land Planning Agency and the Review Agencies reviewed
31 CPAM2101 and, thereafter, comments concerning same were submitted to the County; and,
32

33 WHEREAS, the BOCC finds and determines that CPAM2101 is internally consistent with
34 other Elements and Strategies of the Hernando County Comprehensive Plan, and is now ready for
35 final adoption by the BOCC; and,
36

37 WHEREAS, the BOCC conducted a second public hearing on May 11, 2021, in
38 connection with final adoption of the CPAM2101 as an amendment to the County’s adopted
39 Comprehensive Plan.
40

41 WHEREAS, CPAM2101 will be transmitted to State Land Planning Agency and Review
42 Agencies.
43

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 incorporated
5 herein by this reference; and
6

7 **SECTION II. Adopting CPAM2101 (Hernando County 21-02ESR)** CPAM2101
8 (Hernando County 21-02ESR) attached as **Exhibit “A”** hereto and incorporated herein by this
9 reference, is hereby approved and adopted and the Hernando County Comprehensive Plan is
10 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) days of adoption hereof pursuant to § 163.3184, Fla. Stat.
18

19 **SECTION V. Publication.** This Ordinance shall be published as required by law.
20

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

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

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

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

40 **SECTION X. Effective date.** This Ordinance shall take effect upon filing with the Florida
41 Secretary of State; however, the adopted amendment (CPAM2101) shall take effect, and be
42 considered an amendment to the Hernando County Comprehensive Plan, if the amendment is not
43 timely challenged, 31 days after the State Land Planning Agency notifies the local government
44 that the plan amendment package is complete or as otherwise provided in § 163.3184, Fla. Stat. If
45 timely challenged, this amendment shall become effective on the date the State Land Planning
46 Agency or the Administration Commission enters a final order determining this adopted

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

6
7 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
8 **HERNANDO COUNTY** in Regular Session this 11th day of May 2021.

9
10 **BOARD OF COUNTY COMMISSIONERS**
11 **HERNANDO COUNTY, FLORIDA**

12
13
14
15
16 Attest: Heidi Kuppe, D.C.
17 for DOUGLAS A. CHORVAT, JR.
18 CLERK OF CIRCUIT COURT
19 AND COMPTROLLER

20
21
22
23
24 By: [Signature]
25 JOHN ALLOCCO
26 CHAIRMAN



24 **Approved as to Form and**
25 **Legal Sufficiency**

26
27 By: [Signature]
28 Assistant County Attorney

Exhibit A: CPAM2101 Revisions to the Future Land Use Element

The Countryside Community

Objective 1.04D: The purpose of the Countryside Community is to provide for specialized standards to be met for allowing increased density for new single family subdivisions within the Rural Future Land Use Category that will ensure the accommodation of agricultural and countryside uses, maintain rural views, and maintain the functional integrity of natural resources including wildlife habitat and groundwater recharge. The Countryside Community also provides flexibility and incentives for the incorporation of exceptional conservation amenities into proposed development. The Countryside Community is designated primarily to provide for consideration of larger development proposals on property that is primarily rural in character.

Strategy 1.04D(1): Countryside Communities may be developed on assemblages of property that total at least 40 acres within the Rural Future Land Use Category consisting of single family residential land uses with a maximum residential density of 0.5 dwelling units per gross acre (1 unit per 2.0 gross acres). Development must be approved by master plan through the Planned Development Project (PDP) process and shall be clustered on 50% or less of the property acreage.

Strategy 1.04D(2): Countryside Community features include the following:

- a. Layout that clusters the non-agricultural, non-recreational uses to the most advantageous areas that preserve lands in contiguous open space in natural areas, agricultural lands and rural scenic views;
- b. Agricultural pursuits (including community gardens), passive recreational areas, and open active recreational areas (field sports, trails, etc.) should be placed contiguous with natural open space and, as such, may be considered part of that open space if there are no buildings and the spirit of the development purpose (to preserve linked open space and rural views) is met;
- c. Open space shall consist of uplands and wetlands to a lesser extent;
- d. Low impact stormwater design shall be utilized to the maximum extent possible, taking into consideration the most advantageous configuration of open space and development areas. Stormwater handling areas may be included in contiguous open space as part of the allowable wetlands portion;
- e. Development amenities such as drainage, lighting, landscaping, building placement and street layout shall be designed to minimize fragmentation of open space to the lowest possible edge to area

- ratio, and, maximize internal neighborhood connectivity in the design;
- f. Existing or created access to a County-maintained roadway is required. Improvements may be required in conjunction with the development approval;
 - g. Pavement of all roads internal to the project within the developed portion is required;
 - h. Native forest cover in the open space shall not be cleared but the understory may be managed to accommodate land management needs;
 - i. An open space easement that runs with the land shall be recorded in perpetuity for the open space, including covenants appropriate to the sensitivity, character and function of the open space area.

~~**Strategy 1.04D(3):** The 184 Stardust project (CPAM 06-04) is an existing Countryside Community that allows development of up to 0.425 dwelling units per acre clustered on a maximum of 92.8 acres of a 185.6 acre site, and includes the following criteria:~~

- ~~a. 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 publicly 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;~~
- ~~b. two access points will be provided to serve the parcel;~~
- ~~c. 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.~~