

ORDINANCE 85-13

AN ORDINANCE OF THE COUNTY OF HERNANDO, STATE OF FLORIDA, DESIGNATING THE HERNANDO COUNTY PLANNING AND ZONING COMMISSION AS THE LOCAL PLANNING AGENCY (LPA) PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT OF 1975, CHAPTERS 163.3161-163.3211, FLORIDA STATUTES, AS AMENDED; SETTING FORTH SAID AGENCY'S DUTIES AND RESPONSIBILITIES; ESTABLISHING SAID AGENCY'S ORGANIZATION, RULES, AND PROCEDURES; REQUIRING THAT ALL MEETINGS BE PUBLIC AND PROVIDING FOR THE KEEPING OF PUBLIC RECORDS; PROVIDING FOR FINANCIAL SUPPORT; ESTABLISHING PROCEDURES FOR PUBLIC PARTICIPATION; SETTING FORTH SAID AGENCY'S MEMBERSHIP AND RELATIONSHIP TO THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

SECRETARY OF STATE
JUN 20 4 36 PM '85

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WHEREAS, the Board of County Commissioners has this year hired staff and retained the services of a consultant to evaluate, appraise and update the Hernando County Comprehensive Plan which was adopted in 1980; and

WHEREAS, Section 163.3191 assigns responsibility for preparing the evaluation and assessment report to the Local Planning Agency; and

WHEREAS, Section 163.3174(2) requires that the ordinance or act establishing the Local Planning Agency shall set out the duties and responsibilities of the agency and its relationship to the Board of County Commissioners; provide a method of financial support for the study and work of the agency; and require that all meetings of the agency shall be public meetings; and

WHEREAS, Section 163.3181 directs all local governments to adopt procedures designed to provide effective public participation in the comprehensive planning process and to provide real property owners with notice of all official actions which will regulate the use of their property;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, DULY ASSEMBLED IN REGULAR SESSION THIS 18th DAY OF JUNE, 1985, AS FOLLOWS:

SECTION 1. AUTHORITY.

This Ordinance is enacted pursuant to and in accordance with provisions of Chapter 163, Florida Statutes, as amended, known as the "Local Government Comprehensive Planning Act of 1975".

SECTION 2. DESIGNATION AND ESTABLISHMENT OF LOCAL LAND PLANNING AGENCY.

Pursuant to, and in accordance with Section 163.3174, Florida Statutes, as amended, the Local Government Comprehensive Planning Act of 1975, the members and alternate members of the Hernando County Planning and Zoning Commission, said Commission having been established under the provisions set forth in Chapter 163, Florida Statutes, as amended, is hereby designated and established as the Local Planning Agency (LPA) for the unincorporated territory of Hernando County, Florida.

SECTION 3. DUTIES AND RESPONSIBILITIES OF THE LOCAL PLANNING AGENCY (LPA).

The LPA, in accordance with the Local Government Comprehensive Planning Act of 1975, Section 163.3161-3211, Florida Statutes, as amended, shall:

- A. Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for Hernando County.
- B. Coordinate said comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the State of Florida.
- C. The responsibility for final recommendation of the adoption of such plan to the governing body shall be the responsibility of the LPA, pursuant to Section 163.3174(5) Florida Statutes, as amended. The Board of County Commissioners reserves the right to designate (in cooperation with the LPA) any agency, consultant, citizens advisory committee, or person to prepare the comprehensive plan or any element thereof.
- D. Set rules of procedure to govern its review activities which are consistent with the public participation procedures, Section 7, of this Ordinance.
- E. Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the Board of County Commissioners such changes in the comprehensive plan as may be required from time to time.

F. Perform such other duties and responsibilities either as assigned by the Board of County Commissioners or as required by Chapter 163, Florida Statutes, as amended.

SECTION 4. ORGANIZATION AND PROCEDURES OF THE LOCAL PLANNING AGENCY (LPA)

Members of the LPA shall continue to be appointed and follow such terms of office, methods of choosing officers, providing of financial support and functions and duties as provided in Article V, Section 5 of County Ordinance 72-3, as amended.

SECTION 5. PUBLIC MEETINGS AND RECORDS.

All meetings of the LPA shall be public meetings and all agency records shall be public records. The LPA shall encourage public participation in a manner consistent with Section 7.

SECTION 6. FINANCIAL SUPPORT.

The Board of County Commissioners shall appropriate funds at its discretion to the LPA for expenditures necessary in the conduct of its work. Planning staff of the Department of Planning and Development shall serve as staff to the LPA. The LPA may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning Act of 1975, as amended, expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided acceptance of such loans or grants is approved by the Board of County Commissioners.

SECTION 7. ESTABLISHMENT OF PROCEDURES FOR PROVIDING PUBLIC PARTICIPATION.

The following provisions set out the procedures and responsibilities for meeting the public participation requirements of Section 163.3181, Florida Statutes, as amended.

A. LOCAL PLANNING AGENCY (LPA). The LPA shall adopt procedures to provide effective public participation in the comprehensive planning process, consistent with this section.

B. CITIZENS ADVISORY COMMITTEE (CAC). The Board of County Commissioners may create task forces structured around the

major development issues affecting Hernando County, and consistent with the required and optional elements designated in Chapter 163, Florida Statutes. One LPA member may serve on each task force as an ex-officio (non-voting) liaison between the task force and the LPA.

Each task force will review material submitted by County staff and a consultant. Each task force will elect its own chairman who, with one (1) other member from each task force serve as a Citizens Advisory Committee (CAC) which will incorporate the materials submitted into a proposed Hernando County Comprehensive Plan.

Upon its final review and adoption by the Board of County Commissioners, the updated Comprehensive Plan will guide and direct future growth and development in Hernando County. All development undertaken and all land development regulations must be consistent with the new Comprehensive Plan after its adoption.

(1) Broad Dissemination of Proposals & Alternatives.

- a. Task Forces. Because effective public participation must involve the largest number of residents possible, it is necessary to develop an expanded organizational structure that relates more directly to the planning process. A growing, urbanizing local area such as Hernando County needs a more complex public participation structure to address geographic and other special issues. For this purpose, the Board of County Commissioners shall, with the cooperation of the LPA, organize the task forces related to resident characteristics, elements of the comprehensive plan, and shall consider who is affected, concerned, or has particular needs. Figure 1 illustrates the public participation process which utilizes committees called task forces which create a Countywide planning committee called the Citizens Advisory Committee (CAC).
- b. Alternatives. It shall be the specific responsibility of each Task Force, with staff assistance, to assure that the statutory requirement of Chapter 163, Florida Statutes, as amended, for a broad dissemination of the proposals and

alternatives is provided. The Task Force(s) that review the Future Land Use Plan Element as defined in Chapter 163, Florida Statutes, as amended, shall hold at least one public meeting in each of the five (5) districts of the County.

c. Open Discussions. Each Task Force shall hold open discussions covering any proposed Evaluation and Assessment Report (EAR) or Comprehensive Plan update.

(2) Review & Recommendations. Each Task Force shall make specific recommendations to the CAC, covering the elements or sub-elements of the Comprehensive Plan which are assigned to the Task Force. The CAC shall coordinate the elements of the Comprehensive Plan and all Task Forces and resolve any inconsistencies among Task Force recommendations.

C. COMMUNICATION PROGRAMS. The County Staff shall prepare a communications program during Comprehensive Plan preparation and review which shall be approved by the Board of County Commissioners prior to its presentation to the citizens of the County.

D. INFORMATION SERVICES. The County Administrator shall direct staff to prepare a brief, written, informational leaflet which shall be available for the public at designated location(s) and which shall identify a source and telephone number for additional information.

E. NOTICE TO REAL PROPERTY OWNERS. The Clerk of the Circuit Court or designated appropriate staff member shall be responsible for implementing the notice requirements of Section 163.3184, Florida Statutes, as amended, prior to the adoption of the Comprehensive Plan, any specific element or groups of elements or EAR.

F. PUBLIC HEARINGS. At the option of the Board of County Commissioners, one of the two required public hearings on each proposed element, group of elements or EAR, may be held by LPA.

G. CONSIDERATION OF AND RESPONSE TO PUBLIC COMMENTS. To the extent possible and feasible within the guidelines of Chapter 163, Florida Statutes, as amended, the LPA, assist-

ed by County staff, shall consider and provide response to all public comments.

SECTION 8. METHOD OF CHOOSING LPA MEMBERS.

The LPA shall consist of seven (7) members who are the five (5) members and two (2) alternate members of the Planning and Zoning Commission. They shall be selected by the Board of County Commissioners to serve the terms set out in County Ordinance 72-3, as amended.

SECTION 9. RELATIONSHIP OF THE LPA TO THE BOARD OF COUNTY COMMISSIONERS.

The responsibility for final recommendation of the adoption of the Comprehensive Plan or any elements or portion thereof, to the Board of County Commissioners, shall be the responsibility of the LPA. The Board of County Commissioners may adopt, or adopt with changes or amendments, the proposed comprehensive plan or element or portion thereof despite any adverse comment received.

SECTION 10. SEVERABILITY.

If any word, sentence, phrase, clause, section or portion of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not effect the validity of the remaining portions hereof.

SECTION 11. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS.

All ordinances and resolutions of the governing body in conflict herewith are hereby repealed.

SECTION 12. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon receipt of the official acknowledgment from the Office of the Secretary of the State of Florida that this Ordinance has been filed with said office.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 18th
DAY OF JUNE 1985 .**

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY: *Leonard F. Tria, Jr.*
Leonard F. Tria, Jr., Chairman

ATTEST: *Harold William Brown*
Harold William Brown, Clerk



FIGURE 1

PUBLIC PARTICIPATION PROCESS

