

ORDINANCE # 91-32

SECRETARY OF STATE

OCT 28 2 13 PM '91

FILED

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 23, SECTION 3, THE HERNANDO COUNTY COMPREHENSIVE PLAN, BY AMENDING THE FUTURE LAND USE MAPS, THE MAPPING CRITERIA, THE FUTURE LAND USE ELEMENT, AND THE CAPITAL IMPROVEMENTS ELEMENT, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATIONS ACT OF 1985, CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Part II, Florida Statutes also known as the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, Chapter 9J-5, Florida Administrative Code, also known as the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance, and Chapter 9J-11, Florida Administrative Code, also known as the Procedure Rule for Review of Local Government Comprehensive Plans and Amendments, require that Hernando County prepare, adopt a Comprehensive Plan; and

WHEREAS, Hernando County has prepared a Comprehensive Plan consisting of the following elements: Future Land Use Element; Mining Subelement; Traffic Circulation Element; Mass Transit; Ports and Related Facilities Subelement; Aviation Subelement; Housing Element; General Sanitary Sewer Subelement, Solid Waste Subelement, Drainage and Natural Groundwater Aquifer Recharge Subelements; Potable Water Subelement; Coastal Management Element, Conservation Element; Recreation and Open Space Element; Intergovernmental Coordination Element; Capital Improvements Element; and Future Land Use Map Mapping Criteria; and

WHEREAS, Hernando County has held public hearings to provide for and encourage public participation throughout the plan preparation process; and

WHEREAS, Hernando County did submit proposed Comprehensive Plan Amendments which consist of revised Future Land Use Maps, revised Mapping Criteria, revised Future Land Use Element, and revised Capital Improvements Element to be incorporated into the adopted Hernando County Comprehensive Plan to the State Land Planning Agency for preliminary review on November 7, 1990 and March 11, 1991; and

WHEREAS, the State Land Planning Agency did review and make written objections to certain sections of the proposed Plan Amendments and transmitted the same in writing to Hernando County, including those objections related to the amount of projected population available to support additional commercially designated areas as required under Rule 9J-5, F.A.C.; and

WHEREAS, the data and analysis submitted in response to such objections show that the Comprehensive Plan, as amended, hereby provides for a sufficient level of commercially designated areas to support the projected demand, absent a future determination of changed circumstances which would establish additional demand for commercially designated areas; and

WHEREAS, the Board of County Commissioners did consider the Objections, Recommendations, and Comments of the State Land Planning Agency and did hold a public hearing on October 23, 1991; and

WHEREAS, all applicable substantive and procedural requirements of law have been met; and

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

SECTION ONE. THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 23, SECTION 3, THE HERNANDO COUNTY COMPREHENSIVE PLAN IS HEREBY AMENDED AS FOLLOWS:

The proposed Comprehensive Plan Amendments, attached hereto as Exhibit "A", which consist of revised Future Land Use Maps, revised Mapping Criteria, revised Future Land Use Element, and revised Capital Improvements Element shall be included in the Comprehensive Plan of Hernando County and shall supersede any and all elements or portions of elements as specified in the amendment.

SECTION TWO. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

SECTION THREE. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION FOUR. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of the official acknowledgement from the office of the Secretary of State 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 23rd DAY OF OCTOBER, 1991.

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

BY *John Richardson*
JOHN RICHARDSON, VICE CHAIRMAN

ATTEST *Karen Nicolai*
KAREN NICOLAI, CLERK

SEAL

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
Butch Battista
**BUTCH BATTISTA,
CHIEF ASSISTANT COUNTY ATTORNEY**

I hereby certify that the foregoing is a true and correct copy of the original.

Karen Nicolai, Clerk Circuit Court Hernando County, Florida

By: *Paula Marie Lawless* P.C.