

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

**ORDINANCE NO.: 2018- 16**

**AN ORDINANCE ADOPTING THE HERNANDO COUNTY 2040 COMPREHENSIVE PLAN BY ADOPTING REQUIRED AND OPTIONAL ELEMENTS; BY ADOPTING THE FUTURE LAND USE MAP SERIES; 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**, Hernando County completed an evaluation of the Comprehensive Plan in 2011, and the Board of County Commissioners determined that an updated comprehensive plan was necessary to manage future growth ; and,

**WHEREAS**, the Hernando County Board of County Commissioners ("BOCC"), following a public hearing on March 6, 2018, approved transmitting the proposed Hernando County 2040 Comprehensive Plan ; and,

**WHEREAS**, the County transmitted the proposed 2040 Plan which was assigned Hernando County 18-2ER by the State Land Planning Agency; and,

**WHEREAS**, the comments and an Objections, Recommendations and Comments Report (ORC) was issued by the State Land Planning Agency and comments issued by the Review Agencies regarding Hernando County 18-2ER were received by the County on or before May 21, 2018; and,

**WHEREAS**, the BOCC conducted a second public hearing on September 25, 2018, in connection with final adoption of the 2040 Plan (Hernando County 18-2ER), and approved adoption of the 2040 Comprehensive Plan and associated required and optional Elements and the Future Land Use Map Series, attached as **Exhibit "A"** hereto and made a part hereof.

**WHEREAS**, the BOCC finds and determines that the County Response to the ORC Report addressed any objections rendered by the State Land Planning Agency, and are attached hereto and made a part hereof as **Exhibit "B"** and,

**WHEREAS**, the adopted 2040 Comprehensive Plan (Hernando County 18-2ER) will be transmitted to State Land Planning Agency and Review Agencies.

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

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

4           **SECTION II. Adopting the 2040 Comprehensive Plan (Hernando County 18-2ER).**  
5 The 2040 Plan (Hernando County 18-2ER) and ORC Response, attached as **Exhibit “A”** and  
6 **Exhibit “B”** hereto and incorporated herein by this reference, is hereby approved and adopted,  
7 subject to the Effective Date provision (Section X) below.  
8

9           **SECTION III. Execution.** The Chairman of the Hernando County Board of County  
10 Commissioners is hereby authorized to execute this ordinance, and all related documents.  
11

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

17           **SECTION V. Publication.** This ordinance shall be published as required by law.  
18

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

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

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

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

38           **SECTION X. Effective Date.** The effective date of this plan amendment, if the  
39 amendment is not timely challenged, shall be the date the state land planning agency posts a notice  
40 of intent determining that this amendment is in compliance. If the amendment is timely  
41 challenged, or if the state land planning agency issues a notice of intent determining that this  
42 amendment is not in compliance, this amendment shall become effective on the date the state land  
43 planning agency or the Administration Commission enters a final order determining this adopted  
44 amendment to be in compliance. No development orders, development permits, or development  
45 dependent on this amendment may be issued or commence before it has become effective.  
46

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
2 HERNANDO COUNTY in Regular Session this 25<sup>th</sup> day of September 2018.  
3

4 BOARD OF COUNTY COMMISSIONERS  
5 HERNANDO COUNTY, FLORIDA

6  
7 Attest: By: Darlene M. Christensen By: [Signature]  
8 DONALD C. BARBEE, JR., CLERK STEVE CHAMPION, CHAIRMAN  
9

10  
11  
12 (SEAL)



13  
14  
15  
16 Approved as to Form and  
17 Legal Sufficiency

18  
19 By: [Signature]  
20 Assistant County Attorney