

ORDINANCE NO. 2022 - _____

AN ORDINANCE AMENDING THE 2040 HERNANDO COUNTY COMPREHENSIVE PLAN BY AMENDING SECTION B RELATING TO THE FUTURE LAND USE MAP AS AFFECTING 48.6 ACRES OF LAND GENERALLY LOCATED AT THE EAST SIDE OF MCKETHAN ROAD (US HIGHWAY 98), AT ITS INTERSECTION WITH PORTAGE PATH; PROVIDING FOR TRANSMITTAL OF ADOPTED CPAM2204 TO THE STATE LAND PLANNING AGENCY AND 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 (now known as the Community Planning Act), as set forth in Sections 163.3161 through 163.3215, Florida Statutes (the “Act”); and,

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

WHEREAS, the instant request is for the BOCC to amend Section B of the 2040 Hernando County Comprehensive Plan relating to the Future Land Use Map (attached as Exhibit “A” hereto and incorporated herein by this reference) hereinafter referred to as CPAM2204; and,

WHEREAS, CPAM2204 is an amendment to the County’s Future Land Use Map involving land that is 50 acres or less in size and which has been determined by the Hernando County Planning Department to constitute a “small scale development amendment” based upon the criteria set forth in Section 163.3187, Florida Statutes; and,

WHEREAS, small scale development amendments are exempt from state and regional review pursuant to Section 163.3187, Florida Statutes; and,

WHEREAS, the BOCC conducted a public hearing on November 8, 2022, in connection with the adoption of CPAM2204 as an amendment to the 2040 Hernando County Comprehensive Plan; and,

WHEREAS, upon enactment of this Ordinance, CPAM2204 will be transmitted as an adopted comprehensive plan amendment to the State Land Planning Agency and the other Review Agencies for filing.

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

SECTION I. Recitals. The recitals set forth above are true and correct and incorporated herein by this reference.

1 **SECTION II. Adopting CPAM2204.** CPAM2204 (attached as Exhibit “A” hereto and
2 incorporated herein by this reference) is hereby approved and adopted and the 2040 Hernando
3 County Comprehensive Plan is amended accordingly, subject to the Effective Date provision
4 (Section X) below.

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6 **SECTION III. Execution.** The Chairman of the Hernando County Board of County
7 Commissioners is hereby authorized to execute this Ordinance, and all related documents.

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9 **SECTION IV. Transmittal of Adopted CPAM2204 to State Land Planning Agency
10 and Review Agencies.** County staff shall transmit an executed copy of this Ordinance adopting
11 CPAM2204 to the State Land Planning Agency and the other Review Agencies within ten (10)
12 days of adoption hereof pursuant to Section 163.3184, Florida Statutes.

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

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16 **SECTION VI. Applicability.** This Ordinance shall be applicable throughout the
17 unincorporated area of Hernando County.

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

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

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30 **SECTION IX. Filing with the Department of State.** The clerk shall be and is hereby
31 directed forthwith to send a certified copy of this Ordinance, or electronically transmit this
32 Ordinance by email, to the Bureau of Administrative Code, Department of State, R.A. Gray
33 Building, Room 101, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

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35 **SECTION X. Effective Date.** This Ordinance shall take effect upon filing with the
36 Florida Secretary of State; however, the adopted amendment (CPAM2204) shall take effect and
37 be considered an amendment to the 2040 Hernando County Comprehensive Plan, if the
38 amendment is not timely challenged, 31 days after the State Land Planning Agency notifies the
39 local government that the plan amendment package is complete or as otherwise provided in
40 Sections 163.3184 and 163.3187, Florida Statutes. If timely challenged, this amendment shall
41 become effective on the date the State Land Planning Agency or the Administration Commission
42 enters a final order determining this adopted amendment to be in compliance. No development
43 orders, development permits, or land uses dependent on this amendment may be issued or
44 commence before it has become effective. If a final order of noncompliance is issued by the
45 Administration Commission, this amendment may nevertheless be made effective by adoption of

1 a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land
2 Planning Agency.

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4 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
5 **HERNANDO COUNTY, FLORIDA, ADOPTED IN REGULAR SESSION THIS 8th DAY**
6 **OF NOVEMBER, 2022.**

7
8 **BOARD OF COUNTY COMMISSIONERS**
9 **HERNANDO COUNTY, FLORIDA**

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13 Attest: _____
14 DOUGLAS A. CHORVAT, JR.
15 CLERK OF CIRCUIT COURT
16 AND COMPTROLLER

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26 By: _____
27 STEVE CHAMPION
28 CHAIRMAN

29
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
County Attorney's Office