

ORDINANCE #94-16

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

ALLAHABAD, FLORIDA

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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 Plan 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 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 through out the plan preparation process; and

WHEREAS, Hernando County did submit proposed Comprehensive Plan Amendment which consist of revised Capital Improvements Element to be incorporated into the adopted Hernando County Comprehensive Plan to the State Land Planning Agency for preliminary review on July 20, 1994; and

WHEREAS, the State Land Planning Agency did review and had no objections to the proposed Plan Amendment and transmitted the same in writing to Hernando County; 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 November 15, 1994; 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 Amendment (CPAM-94-1) Attachment A, which consists of a revised Capital Improvements Element shall be included in the Comprehensive Plan of the 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 the 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

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of non-compliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

**ADOPTED BY THE BOARD OF COMMUNITY COMMISSIONERS IN REGULAR SESSION
THIS 15th DAY OF NOVEMBER, 1994.**

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

BY *June Ester*
JUNE ESTER, CHAIRMAN

ATTEST *Karen Nicolai*
KAREN NICOLAI, CLERK

SEAL



**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY**

Robert Butch Battista
**ROBERT "BUTCH" BATTISTA
MANAGING ATTORNEY**