

ORDINANCE 95-8

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 23, ARTICLE II, LOCAL PLANNING AGENCY, BY AMENDING SECTION 23-20, AUTHORITY THROUGH MODIFICATION, DELETION, AND ADDITION; BY AMENDING SECTION 23-21, DESIGNATION AND ESTABLISHMENT OF LOCAL LAND PLANNING AGENCY THROUGH MODIFICATION, DELETION, AND ADDITIONS; BY AMENDING SECTION 23-22, DUTIES AND RESPONSIBILITIES OF THE LOCAL PLANNING AGENCY THROUGH MODIFICATION, DELETIONS, AND ADDITIONS; BY AMENDING SECTION 23-23, ORGANIZATION AND PROCEDURES OF THE LOCAL PLANNING AGENCY THROUGH MODIFICATIONS, DELETIONS AND ADDITION; BY AMENDING SECTION 23-24, PUBLIC MEETINGS AND RECORDS THROUGH MODIFICATION AND ADDITIONS; BY AMENDING SECTION 23-25, FINANCIAL SUPPORT THROUGH MODIFICATION, DELETIONS, AND ADDITIONS; BY AMENDING SECTION 23-26, ESTABLISHMENT OF PROCEDURES FOR PROVIDING PUBLIC PARTICIPATION THROUGH AMENDING THE LOCAL PLANNING AGENCY'S PROCEDURE, SECTION 23-26(a), DELETING REFERENCE ON THE CITIZEN ADVISORY COMMITTEE AND TASK FORCES, SECTION 23-26(b)(1)-(2), DELETING REFERENCE TO COMMUNICATION PROGRAMS, SECTION 23-26(c), DELETING REFERENCE TO INFORMATION SERVICES, SECTION 23-26(d), DELETING REFERENCE TO NOTICE TO REAL PROPERTY OWNERS, SECTION 23-26(e), DELETING REFERENCE TO PUBLIC HEARINGS, SECTION 23-26(f), DELETION OF REFERENCE CONSIDERATION OF AND RESPONSE TO PUBLIC COMMENTS, SECTION 23-26(g); BY AMENDING SECTION 23-27, METHOD OF CHOOSING LPA MEMBERS THROUGH MODIFICATION, DELETIONS AND ADDITIONS; AMENDING THROUGH MODIFICATION SECTION 23-28, RELATIONSHIP OF THE LPA TO THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

SECRETARY OF STATE

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WHEREAS, the Florida Legislature intends for the public to participate in the comprehensive planning process to the fullest extent possible, and

WHEREAS, Section 163.3181, Florida Statutes, directs local governmental units 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, and

WHEREAS, Chapter 9J-5.004, Florida Administrative Code, sets forth provisions which must be adopted by the governing body that provide for and encourage public participation in the comprehensive planning process, and

WHEREAS, Chapter 163, Florida Statutes, requires Hernando County to adopt a Comprehensive Plan that meets the requirements of Chapter 9J-5, Florida Administrative Code, and

WHEREAS, the Board may also consider amending the Comprehensive Plan twice per calendar year pursuant to Section 163.3187, Florida Statutes, and

WHEREAS, the Board of County Commissioners will consider evaluation and appraisal reports on the Comprehensive Plan pursuant to Section 163.3191, Florida Statutes;
THEREFORE,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 23, ARTICLE II, IS HEREBY AMENDED TO READ:

ARTICLE II. LOCAL PLANNING AGENCY

Sec. 23-20. Authority.

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

Sec. 23-21. 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 and Land Development Regulation Act , the seven (7) members of the LPA are the

five (5) members and two (2) 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.

Sec. 23-22. Duties and responsibilities of the local planning agency (LPA).

The LPA, in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act , Section 163.3161 through 163.3215, Florida Statutes, as amended, shall:

- (a) Have the general responsibility for the conduct of the comprehensive planning program and ensure the preparation of the comprehensive plan, elements or portions thereof, plan amendment, or Evaluation and Appraisal Report (EAR) for Hernando County.
- (b) To review the County's proposed comprehensive plan, elements or portions thereof, or plan amendment for consistency with the comprehensive plans of the State, regional or appropriate local governments.
- (c) Have the general responsibility for final recommendation of the adoption or amendment of such plan to the governing body shall be the responsibility of the LPA, pursuant to Section 163.3174(4), 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 23-26, of this article.
- (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) Review proposed land development regulations, land development

codes, or amendments thereto, and make recommendations to the Board of County Commissioners as to the consistency of the proposed land development regulations, land development codes, or amendment thereto with the adopted comprehensive plan, or element or portion thereof, as the land development regulation commission.

- (g) 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.

Sec. 23-23. 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 Appendix A, Hernando County Code of Ordinances, as amended.

Sec. 23-24. 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 Chapter 23, Article II, Section 23-26 of Hernando County Code of Ordinances.

Sec. 23-25. Financial support.

The Board of County Commissioners shall appropriate funds at its discretion for the work of the LPA. The County Administrator shall provide staff to the LPA during the comprehensive planning process.

Sec. 23-26. 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. The procedure shall provide for broad dissemination of the proposals and alternatives, opportunity for written comments,

public hearings, provisions for open discussion, communications programs, information services, notice to real property owners, and consideration of and response to public comments.

Section 23-27. 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 Appendix A of the Code of Ordinances, as amended.

Section 23-28. 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, plan amendment, element or portion thereof despite any adverse comment received.

Sections 23-29 - 23-39. Reserved.

SECTION 2. 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 3. INCLUSION INTO THE CODE.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances as well as the Land Development Regulations 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 4. EFFECTIVE DATE.

The ordinance shall become effective upon receipt of the official acknowledgement from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS THIS 6TH DAY OF JUNE,
1995.

Board of County Commissioners
Hernando County, Florida

By:



John Richardson, Chairman
Board of County Commissioners

Attest:



Karen Nicolai,
Clerk of Circuit Court.

