

ORDINANCE NO. 99-1

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, BY READOPTING THE MORATORIUM ON THE APPROVAL OF A PUBLIC SERVICE FACILITY OVERLAY DISTRICT FOR WELLFIELDS; PROVIDING FOR A SHORT TITLE; ESTABLISHING THE AUTHORITY TO ADOPT THE ORDINANCE; PROVIDING FOR APPLICABILITY; ESTABLISHING A MORATORIUM; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

HERNANDO COUNTY
FLORIDA
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TALLAHASSEE

THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS FINDS THAT:

WHEREAS, Groundwater is an important resource within Hernando County which must be protected; and,

WHEREAS, Inappropriate development and land use contribute to degradation of groundwater quality; and,

WHEREAS, Chapter 125.01(1), FS, authorizes Counties to provide and regulate water supplies and conservation programs; and,

WHEREAS, The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163.3161, FS, authorizes Counties to conserve, develop, utilize and protect natural resources within their jurisdiction; and,

WHEREAS, The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163.3177(6)(c)(d), FS, provides for the creation of Comprehensive Plan Elements which indicates ways to provide for future potable water, aquifer recharge protection areas and the protection of natural resources in the area; and,

WHEREAS, the Comprehensive Planning process included the preparation of technical support documents for the Elements contained within the adopted Comprehensive Plan; and,

WHEREAS, the technical support documents for the adopted Hernando County Comprehensive Plan establish population projections to the year 2010 for designated geographical areas within Hernando County so that adequate planning can be accomplished into the future; and,

WHEREAS, the adopted Hernando County Comprehensive Plan requires that the County adopt a master water supply plan which will identify and delineate future public water supply wellfield sites; and,

WHEREAS, Hernando County has not designated the locations for future public water supply wellfield sites within the County because the potential safe yield of the aquifer has not been established for the County's water resources; and,

WHEREAS, Hernando County had entered into an Interlocal Agreement for the Water Resource Assessment Project (WRAP), a cooperative funding project with the Southwest Florida Water Management District (SWFWMD) to assess the water resources in Hernando County, and providing projections for a safe yield for water withdrawal; and,

WHEREAS, excessive pumpage may adversely affect the County's water resources; and,

WHEREAS, the WRAP study will provide Hernando County with the information to guide the location of public water supply wellfield sites in areas which provide for safe yields, and protect the health, safety and welfare of the citizens of Hernando County; and,

WHEREAS, the Board of County Commissioners of Hernando County, Florida, finds and declares that the Floridan Aquifer constitutes a natural resource of the highest magnitude and importance to the residents of Hernando County, Florida; and,

WHEREAS, until such time the County is able to appropriately review the location of new public water supply wellfields, adopt Comprehensive Plan policies and Land Development Regulations to implement the results of the WRAP, and the Hernando County Board of County Commissioners has previously declared a moratorium on all new public water supply wellfields in Hernando County;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, that the following provisions are hereby enacted and hereby become the Moratorium on the Approval of the Public Service Facility Overlay District for Wellfields in Hernando County.

SECTION 1. SHORT TITLE

This article shall be known and cited as the "Hernando County Wellfield Moratorium Extension".

SECTION 2. AUTHORITY

This article is adopted pursuant to the general laws of Florida, and the provisions hereof and all sections contained herein shall be construed as having been adopted in the interests of the health, safety, and general welfare of the people and environment of Hernando County, Florida.

SECTION 3. APPLICABILITY

This moratorium is applicable to all new public water supply wellfields which pump 1,000,000

gallons of water per day (gpd) or more, based on the average annual daily withdrawal. For purposes of this ordinance, "public water supply wellfield" shall mean the site of one or more water wells which supply water for public consumption to a water system which serves multiple connections.

SECTION 4. MORATORIUM

Subsequent to the effective date of the ordinance from which this article derives, the approval of a Public Service Facility Overlay District for the creation of any new public water supply wellfield, is prohibited for eighteen months or until such time as the necessary Comprehensive Plan Amendments and Land Development Regulations have been developed to implement the results of the Water Resources Assessment Project (WRAP), whichever occurs first. The WRAP study is a cooperative funding project between the Southwest Florida Water Management District (SWFWMD) and Hernando County which will provide the technical foundation for determining water availability which will be used to determine the safe yield for water withdrawal and appropriate locations for future public water supply wellfields.

SECTION 5. EXEMPTIONS

A public service facility overlay district for a public water supply wellfield proposed to adequately serve the projected population of a geographic area of Hernando County served by the applicant is exempt from the provisions of this moratorium ordinance. The population projections used to determine whether a wellfield is necessary to adequately serve the population will be those projections to the year 2010 contained within the technical support documents for the adopted Comprehensive Plan.

SECTION 6. ENFORCEMENT

Implementation and enforcement of this ordinance shall be by the County Administrator or her designee.

SECTION 7. 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 8. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated into 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 9. EFFECTIVE DATE

This Ordinance shall become effective on February 11, 1999.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR
SESSION THIS 26 DAY OF January, 1999.**

(SEAL)

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

Attest: *Karen Nicolai*, Deputy Clerk
KAREN NICOLAI, CLERK

By: *Pat Novy*
PAT NOVY, CHAIRMAN