

ORDINANCE NO.: 2010- 18

AN ORDINANCE AMENDING CHAPTER 28 (UTILITIES), ARTICLE VII (GROUNDWATER PROTECTION AND SITING), SECTION 28-266, (PROHIBITIONS WITHIN WELLHEAD AND SPECIAL PROTECTION AREAS) OF THE HERNANDO COUNTY CODE OF ORDINANCES, BY AMENDING SUBSECTION (C) REGARDING SPECIAL PROTECTION AREAS AND BY AMENDING SUBSECTION (D) REGARDING EXISTING NONCONFORMING PROHIBITED USES; ADDING ADDITIONAL ACTIVITIES AND USES WHICH SHALL BE PROHIBITED IN SPECIAL PROTECTION AREAS; AMENDING CONDITIONS RELATING TO EXISTING NONCONFORMING PROHIBITED USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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FILED

WHEREAS, the County desires to amend its land development regulations regarding activities and uses prohibited in Special Protection Areas (SPAs) by adding additional activities and uses which shall be prohibited.

NOW THEREFORE:

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

**SECTION I. AMENDING CHAPTER 28 (UTILITIES), ARTICLE VII (GROUNDWATER PROTECTION AND SITING), SECTION 28-266 (PROHIBITIONS WITHIN WELLHEAD AND SPECIAL PROTECTION AREAS).** Chapter 28 (Utilities), Article VII (Groundwater Protection and Siting), Section 28-266 (Prohibitions within wellhead and special protection areas) is amended to read as follows, with underlined matter added and struck-through matter deleted:

**Sec. 28-266. Prohibitions within wellhead and special protection areas.**

*[subsections (a) and (b) remain unchanged]*

(c) *Special protection areas.* The following activities are prohibited within the special protection area:

- (1) Solid waste disposal.
- (2) Discharges from commercial and industrial wastewater treatment plants and industrial septic systems and commercial and industrial wastewater effluent disposal, other than mine settling ponds.
- (3) New discharges from domestic wastewater treatment plants. Expansion of existing domestic wastewater treatment plants will be prohibited unless advanced secondary treatment standards are met. Public access reuse of

1 reclaimed water and land application of domestic wastewater effluent may be  
2 allowed upon demonstration of advanced secondary treatment.

- 3  
4 (4) Concentrated animal feeding operations.  
5  
6 (5) Land application of wastewater residuals (sludge) or septage which requires  
7 a permit from the Florida Department of Environmental Protection and/or the  
8 Florida Department of Health and Rehabilitative Services.  
9  
10 (6) New discharges of any regulated substance or untreated stormwater into karst  
11 solution features, sinkholes or drainage wells. Existing stormwater facilities  
12 discharging to sinkholes or drainage wells which are in violation of chapter  
13 17-25, Florida Administrative Code permit requirements shall be brought into  
14 compliance within one year of the effective date of this article. Stormwater  
15 facilities which treat stormwater to chapter 17-25, Florida Administrative  
16 Code standards shall be presumed to be allowable under this section.  
17  
18 (7) New residential subdivisions, with a density of greater than one unit per acre,  
19 that do not provide for a central sanitary sewer facility and wastewater  
20 treatment plant outside an SPA.  
21  
22 (8) Hazardous waste treatment, storage or disposal facilities as defined in section  
23 403.703(22), Florida Statutes, or 40 Code of Federal Regulations 260.10 or  
24 Chapter 17-730, Florida Administrative Code, including transfer facilities,  
25 such facilities ancillary to recycling facilities and facilities which burn such  
26 hazardous waste for fuel.  
27  
28 (9) Hazardous waste generators, other than conditionally exempt small quantity  
29 generators or small quantity generators.  
30  
31 (10) Facilities regulated by the Emergency Planning and Community Right-to-  
32 Know Act of 1986, 42 USC sections 11001--11050.  
33  
34 (11) Landscape improvements for golf courses, greens, fairways or tees. Land  
35 associated with golf courses maintained without the application of pesticides,  
36 fertilizers or other horticultural chemicals is not prohibited in special  
37 protection areas.  
38  
39 (12) Salvage yards.  
40  
41 (13) Landfarming of soil contaminated with regulated substances.  
42  
43 (14) Stormwater retention ponds that will receive stormwater from land uses  
44 prohibited in an SPA and have a direct connection to discharge into the SPA  
45 that are constructed after the effective date of this article. Provided however,  
46 that stormwater retention ponds that are permitted to discharge into a SPA

1 shall utilize the use of low impact stormwater design (LID) consisting of but  
2 not limited to vegetated swales and buffers for secondary treatment of the  
3 discharged stormwater or some other measure that provides equivalent  
4 protection.  
5

6 (15) The siting of underground petroleum product lines, including, but not limited to,  
7 to, pipelines designed for the transportation of gasoline and oil.  
8

9 (16) Automobile repair, maintenance and commercial car washes. Uses include  
10 major and minor automobile repair, automobile tire repair, automobile  
11 painting, automobile body shops, oil change stations, and commercial car  
12 washes.  
13

14 (17) New underground storage tanks.  
15

16 (18) Marine paint shops and marine repair shops.  
17

18 (19) Laundry and dry cleaning plants; any establishment performing dry cleaning  
19 on-site.  
20

21 (20) Electroplating.  
22

23 (21) Laundromats that are not connected to central sanitary sewer.  
24

25 (d) Existing nonconforming prohibited uses. ~~All persons who engage in existing uses~~  
26 ~~prohibited under this article within the special protection area, WHPA One or WHPA Two (2) shall~~  
27 ~~be issued a notice of nonconforming use.~~ Any use which is lawfully existing on the effective date  
28 of this article or any use or activity which is lawfully existing prior to such use or activity being  
29 added to the list of prohibited uses and activities through amendment to this section ~~sibor for which~~  
30 ~~a county permit, master plan or conditional plat has been issued by the county, or for which an active~~  
31 ~~application for a county permit was pending on June 7, 1994, and which does not conform with all~~  
32 ~~the provisions of this article may remain in use or come into use subject to the following:~~  
33

34 (1) No prohibited uses in an ~~SPA, WHPA One or WHPA Two (2)~~ will be  
35 expanded if it increases the nonconformity of the activity.  
36

37 (2) All permitted land application sites for wastewater residuals (sludge) or  
38 septage in SPAs and WHPAs may be used until the expiration of the current  
39 permit. Permit for wastewater residual and/or septage land application sites  
40 shall not be renewed.  
41

42 (3) ~~Abandonment of a permit, permit application, master plan or conditional plat~~  
43 ~~under this section will result in the loss of nonconforming use status.~~  
44 Approval to expand or to extend a use may be permitted in a SPA provided  
45 such expansion or extension will not be detrimental to the SPA feature.  
46 Expanded or extended uses shall be confined within the boundaries of that

1 parcel of land upon which such usage occupied at the time the use became  
2 nonconforming, and shall not be changed to or expanded to include another  
3 nonconforming use. Requests to expand a nonconforming use that are not  
4 approved may be appealed in accordance with Sec. 28-272. Appeals.  
5

6 **SECTION II. SEVERABILITY.** It is declared to be the intent of the Board of County Commissioners  
7 that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any  
8 reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the  
9 remaining portions of this ordinance.  
10

11 **SECTION III. INCLUSION IN THE CODE.** It is the intention of the Board of County Commissioners  
12 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall  
13 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,  
14 any section or subsection of this Ordinance may be renumbered or relettered to accomplish such  
15 intention, and the word "ordinance" may be changed to "section, "article," or other appropriate  
16 designation.  
17

18 **SECTION IV. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with  
19 the Department of State.  
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21 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO**  
22 **COUNTY** in Regular Session this 28 day of September, 2010.  
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26  
27 Attest: Karen Nicolai  
28 KAREN NICOLAI  
29 CLERK



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31  
32  
33  
34  
35 **BOARD OF COUNTY COMMISSIONERS**  
**HERNANDO COUNTY, FLORIDA**  
By: John Druzbeck  
JOHN DRUZBECK  
CHAIRMAN

36 **Approved as to Form and**  
37 **Legal Sufficiency**  
38  
39 By: Geoffrey T. Kirk 8/12/10  
40 Geoffrey T. Kirk  
41 Assistant County Attorney  
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