

**ORDINANCE NO. 2002-13**

**AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, BY RE-ADOPTING THE MORATORIUM ON THE APPROVAL OF A PUBLIC SERVICE FACILITY OVERLAY DISTRICT FOR WELL FIELDS; 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.**

**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 2015 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 well field sites; and,

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DEPARTMENT OF  
TALAMON HASSALL  
STATE OF FLORIDA

**WHEREAS**, Hernando County has not designated the locations for future public water supply well field sites within the County because potential safe yield and aquifer minimum flows and levels have not been established for the County's water resources; and,

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

**WHEREAS**, the County recognizes that sufficient data has not been developed to ensure protection of natural systems if groundwater withdrawals greater than those modeled through the 2020 WRAP Phase II horizon are approved; and,

**WHEREAS**, interim Comprehensive Plan amendments have been developed by County Staff; and,

**WHEREAS**, the WRAP Phase II study has provided Hernando County with partial information to guide the location of public water supply well field sites and land development regulations associated with the freshwater/saltwater interface; and,

**WHEREAS**, the WRAP Phase II has gathered additional data, updated the existing groundwater model, and run additional model scenarios to evaluate impacts to the aquifer associated with decreased rainfall and to predict movement of the saltwater/freshwater interface from proposed well field pumpage increases; 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**, the County has received a Grant from the Withlacoochee Regional Water Supply Authority to update the County's groundwater model and develop land use regulations and Comprehensive Plan Amendment(s) to protect local aquifers and natural systems; and,

**WHEREAS**, until such time the County is able to develop and review information regarding the location of new public water supply well fields, adopt Comprehensive Plan Policies and Land Development Regulations to implement the results of the WRAP and WRAP Phase II, and the Hernando County Board of County Commissioners has previously declared a moratorium on all new public water supply well fields 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 well fields in Hernando County.

**SECTION 1. SHORT TITLE**

This article shall be known and cited as the "Hernando County Well Field 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 well fields 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 well field" 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 well field, is prohibited for twelve (12) 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) Phase II, whichever occurs first. The WRAP Phase II study was a cooperative funding project between the Withlacoochee Regional Water Supply Authority (WRWSA) and Hernando County which will provide the technical foundation for determining potable water availability and the location of the saltwater/freshwater interface which will be used to complete Comprehensive Plan Amendments and Land Development Regulations.

**SECTION 5. EXEMPTIONS**

A public service facility overlay district for a public water supply well field 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 well field is necessary to adequately serve the population will be those projections to the year 2015 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 his/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 upon receipt of the official acknowledgment from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 23rd DAY OF JULY, 2002.**

(SEAL)

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

Attest

*Jenise E. Nimer, Deputy*  
KAREN NICOLAI, CLERK

By

*Hannah M. Robinson*  
HANNAH M. ROBINSON, CHAIRPERSON

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY

*Todd B. P... 07/31/02*  
County Attorney's Office