

Wellfield Moratorium

ORDINANCE NO. 95-2

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

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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), F.S. authorizes Counties to provide and regulate water supplies and conservation programs and;

WHEREAS, The Local Government Comprehensive Planning and Land Development Regulation Act, Florida Statutes, Chapter 163.3161 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, Florida Statutes, Chapter 163.3177(6)(c)(d) provides for the creation of Comprehensive Plan Elements which indicate 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 Hernando County Board of County Commissioners, based on these population projections, wish to ensure that adequate public facilities including future potable water, are available to serve the projected population of Hernando County and;

WHEREAS, The adopted Hernando County Comprehensive Plan

mandates that withdrawal of water within Hernando County be in the public interest 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 has 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 provide the technical foundation for determining water availability which will be used to project safe yield for water withdrawal and;

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

WHEREAS, Completion of 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 as the WRAP study is completed and the County is able to appropriately review the location of the public service facility overlay district for new public water supply wellfields, the Hernando County Board of County Commissioners has declared a moratorium on the approval of the public service facility overlay district for all new public water supply wellfield in Hernando County;

WHEREAS, the population projections for various geographic areas of the County contained in the technical support documents appended to the County's adopted Comprehensive Plan establish a service level for the providing of public facilities including water wellfields, to serve the population projections for said various geographic areas of the County through the year 2010, which this ordinance otherwise permits and subject to other provisions of this Code;

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 " Moratorium on the Approval of the Public Service Facility Overlay District for Wellfields".

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. DEFINITIONS

The following, as used in this article, shall have the following meaning:

Public Water Supply Wellfield: an area consisting of a parcel or parcels of land whether contiguous or non-contiguous which contain(s) one or more interconnected water supply well(s) which provide water to a potable public water supply system.

Replacement Water Supply Wellfield: A public water supply wellfield which replaces a legally existing public water supply wellfield within Hernando County at either the same location or another location. The capacity of the replacement public water supply wellfield shall not exceed the capacity of the legally existing public water supply wellfield.

SECTION 4. APPLICABILITY

This moratorium is applicable to all new public service facility overlay district approvals for public water supply wellfields.

SECTION 5. 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 two (2) years 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 6. 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 7. ENFORCEMENT

Implementation and enforcement of this ordinance shall be by staff as designated by the County Administrator.

SECTION 8. 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 9. 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 10. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of the official acknowledgement 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 21st DAY OF FEBRUARY, 1995.

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

BY *John Richardson*
JOHN RICHARDSON, CHAIRMAN

ATTEST *Karen Nicolai*
KAREN NICOLAI, CLERK

SEAL

