

ORDINANCE # 2002-11

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 23 - PLANNING; BY AMENDING ARTICLE I, SECTION 23-3, THE HERNANDO COUNTY COMPREHENSIVE PLAN BY AMENDING THE POTABLE WATER SUB-ELEMENT PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

2002 JUL 18 PM 4: 15
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

WHEREAS, Chapter 163, Part II, Florida Statutes also known as the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 9J-5, Florida Administrative Code, also known as the Minimum Criteria for Review of Local Government Comprehensive Plans and Plan Amendments, Evaluation and Appraisal Reports, Land Development Regulations and Determinations of Compliance, and Chapter 9J-11, Florida Administrative Code, also known as the Governing the Procedure for the Submittal and Review of Local Government Comprehensive Plans and Amendments, require that Hernando County prepare, adopt a Comprehensive Plan; and

WHEREAS, Hernando County has prepared a Comprehensive Plan consisting of the following elements: Future Land Use Element; Mining Sub-element; Traffic Circulation Element; Mass Transit, Ports and Related Sub-element; Aviation Sub-element; Housing Element; General Sanitary Sewer Sub-element; Solid Waste Sub-element; Drainage and Natural Groundwater Aquifer Recharge Sub-elements; Potable Water Sub-element; Coastal Management Element; Conservation Element; Recreation and Open Space Element; Intergovernmental Coordination Element; Capital Improvements Element; and Future Land Use Map Mapping Criteria; and

WHEREAS, Hernando County has held public hearings to provide for and encourage public participation through out the plan preparation process; and

WHEREAS, Hernando County did submit a proposed Comprehensive Plan Amendment, which consists of revised Potable Water policies of the Potable Water Sub-Element, to be incorporated into the adopted Hernando County Comprehensive Plan to the State Land Planning Agency for preliminary review on February 12, 2002; and

WHEREAS, the State Land Planning Agency did review and did raise objections to the proposed plan amendment and transmitted their Objections, Recommendations and Comments Report in writing to Hernando County; and

WHEREAS, the Board of County Commissioners did consider the Objections, Recommendations

and Comments of the State Land Planning Agency and did hold a public hearing on July 10, 2002; and

WHEREAS, all applicable substantive and procedural requirements of law have been met; and

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

SECTION ONE. THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 23, SECTION 3, THE HERNANDO COUNTY COMPREHENSIVE PLAN IS HEREBY AMENDED AS FOLLOWS:

The proposed Hernando County Comprehensive Plan Amendments CPAM-02-01 (DCA #02-1), attached as Attachment A, which consists of amendments to the goals, objectives, and policies of the Potable Water Sub-Element, shall be included in the Comprehensive Plan of the Hernando County and shall supersede any and all elements or portions of elements as specified in the amendment.

SECTION TWO. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of the ordinance, for any reason, is held to be unconstitutional, not found in compliance with Chapter 163, FS, void or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

SECTION THREE. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances 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 FOUR. EFFECTIVE DATE OF PLAN AMENDMENT

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of non-compliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

SECTION FIVE. EFFECTIVE DATE OF ORDINANCE

This ordinance shall become effective upon filing a certified copy of the ordinance with the Department of State within 10 days of enactment.

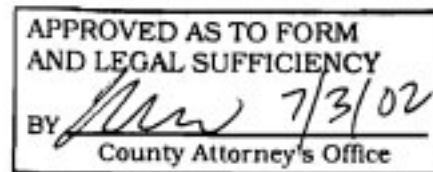
**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION
THIS 10th DAY OF JULY, 2002.**

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

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

ATTEST *Karen Nicolai*
KAREN NICOLAI, CLERK

SEAL



GOAL 4.13

TO ENSURE THAT THE WITHDRAWAL OF WATER WITHIN HERNANDO COUNTY IS IN THE PUBLIC INTEREST.

WITHDRAWAL OF WATER

OBJECTIVE 4.13A: ESTABLISH A PROCEDURE TO ENSURE THAT THE WITHDRAWAL OF GROUNDWATER OR SURFACE WATER FROM HERNANDO COUNTY SHALL ONLY TAKE PLACE IF IT DOES NOT NEGATIVELY IMPACT THE QUALITY AND QUANTITY OF POTABLE WATER REQUIRED FOR HERNANDO COUNTY'S ULTIMATE DEVELOPMENT.

POLICY 4.13A(1): Public Facility Zoning Approval shall be required prior to the construction of any major potable water well fields to review the impacts on surrounding and proposed land uses and the aquifer and require mitigation of significant negative impacts.

POLICY 4.13A(2): The County will continue to participate with the Withlacoochee Regional Water Supply Authority to ensure that regional water supply issues are coordinated.

POLICY 4.13A(3): The County shall coordinate major water supply issues with the Southwest Florida Water Management District, including water supply studies, water well rezoning and consumptive use permits.

POLICY 4.13A(4): With the exception of ~~existing franchise areas and~~ cities within Hernando County, the County will be the sole ~~developer franchiser~~ of wellfields and the ~~supplier of potable water production or supply~~.

POLICY 4.13A(5): The County shall evaluate the potential of developing alternative water supplies to meet the County's future water demand.

POLICY 4.13A(6): ~~Groundwater which is withdrawn from potable water supply sources in Hernando County, and subsequently reclaimed, treated and discharged (treated effluent) shall:~~

~~a) Be made suitable for recharging the aquifer from which it was withdrawn; and~~

~~b) Be surface discharged within the County to recharge the~~

Policies 4.13A(4), (5), (6) added by CPAM-02-01

aquifer from which it was drawn:

The beneficial reuse of reclaimed water shall be encouraged within the groundwater basin from which it was withdrawn.

WELLFIELD SITING CRITERIA AND PROCEDURES

OBJECTIVE 4.13B: MAINTAIN ESTABLISHED WELLFIELD SITING CRITERIA AND PROCEDURES WHICH WILL ENSURE THE PROVISION OF POTABLE WATER WHICH MEETS STATE AND LOCAL STANDARDS FOR WATER QUALITY AND WILL MEET LOCAL LEVEL OF SERVICE STANDARDS TO SUPPLY FUTURE NEEDS.

POLICY 4.13B(1): Future wellfield siting should be prepared by the County in consultation with SWFWMD staff and any applicable authority.

POLICY 4.13B(2): A wellfield siting plan shall be prepared and maintained by the County, projecting anticipated potable water needs for a minimum of 50 years.

POLICY 4.13B(3): Siting factors to be considered shall include but not be limited to the following: aquifer characteristics, sinkhole proclivity, saltwater intrusion, general proximity to development, specific proximity to low intensity land uses, water quality and County, State, and Federal regulations.

POLICY 4.13B(4): Assist and support SWFWMD in the establishment of minimum flows and levels.

POLICY 4.13B(5): Utilize the plans of the Withlacoochee Regional Water Supply Authority in wellfield siting decisions.

POLICY 4.13B(6): ~~Limit the establishment of new wellfields until the Hernando County Water Resources Assessment Project (WRAP) is finalized:~~

~~Until minimum flows and levels are established, no new wellfields will be developed in Hernando County except for those necessary to supply existing and projected population anticipated in Hernando County:~~

Hernando County shall provide for the development of water supplies to meet the demands of existing and projected

Policy 4.13B (6) modified by CPAM-02-01

populations within the County. Development of water supplies will be in accordance with the statutorily mandated Minimum Flows and Levels established by the Southwest Florida Water Management District to protect the water resources of the citizens of Hernando County.

POLICY 4.13B(7): Upon completion of the Hernando County WRAP, prepare Comprehensive Plan amendments to implement the results of the study.

GOAL 4.12

TO PROTECT THE SOURCE AND QUALITY OF DRINKING WATER SUPPLIES BY THE USE OF ZONING LAWS TO CONSERVE WELLFIELD SITES FOR HERNANDO COUNTY AND TO ENCOURAGE THE DEDICATION OF WELL SITES FROM FUTURE DEVELOPMENT.

GROUNDWATER AND DRINKING WATER PROTECTION

OBJECTIVE 4.12A: TO ENSURE THAT POTABLE WATER SUPPLIES ARE AVAILABLE IN SUFFICIENT QUANTITIES TO SERVE THE NEEDS OF HERNANDO COUNTY RESIDENTS BY IMPLEMENTING A COUNTY GROUNDWATER PROTECTION ORDINANCE THAT CREATES ZONES OF PROTECTION AROUND MAJOR COMMUNITY POTABLE WATER SUPPLY WELLFIELDS.

- POLICY 4.12A(1):** Maintain a County groundwater protection ordinance to protect existing potable water supply wellfields from the adverse effects of bacterial and chemical contamination.
- POLICY 4.12A(2):** Maintain and update the necessary technical analysis and computer models to support a groundwater protection ordinance to protect existing and future major community potable water supply wellfields based on best available hydrogeological data.
- POLICY 4.12A(3):** To ensure that the groundwater protection ordinance provides for the staff and equipment necessary to effectively implement, and monitor compliance with the intent of the regulations.
- POLICY 4.12A(4):** In support of the groundwater protection ordinance, wellfield protection zones shall be established and accurately mapped.
- POLICY 4.12A(5):** To establish and periodically revise the areal extent of existing wellfield zones of protection.
- POLICY 4.12A(6):** To control the storage, handling, use or production of all known hazardous or toxic substances within zones of influence of wellfields.
- POLICY 4.12A(7):** Protect against significant point and non-point sources of groundwater pollution within zones of influence of wellfields.

Policies
4.12A(9)
and
4.12A(10)
added via
CPAM-02-
01

POLICY 4.12A(8): Adopt a master water supply plan which will identify and delineate future wellfield sites.

POLICY 4.12A(9): Hernando County will develop its own database of information. At a minimum, the development of the database will include:

- a) A County wide network of surficial and Floridan Aquifer wells regularly monitored for water levels and/or water quality, which may include cooperative efforts with SWFWMD.
- b) The County wide network of monitoring wells will include locations near the County boundaries.
- c) The County wide network of monitoring wells will include a grid of saltwater interface monitoring sites to measure the depth of the interface and fluctuations correlated with rainfall and pumping.

POLICY 4.12A(10): The County shall explore funding options to create the network of monitoring wells as described in Policy 4.12A(9) above.