

ORDINANCE NO. 97-1

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; PROVIDE FOR AN EFFECTIVE DATE.

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FILED

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,

1 **WHEREAS**, Hernando County has not designated the locations for future public water
2 supply wellfield sites within the County because the potential safe yield of the aquifer has not been
3 established for the County's water resources; and,
4

5 **WHEREAS**, Hernando County has entered into an Interlocal Agreement for the Water
6 Resource Assessment Project (WRAP), a cooperative funding project with the Southwest Florida
7 Water Management District (SWFWMD) to assess the water resources in Hernando County, and
8 providing projections for a safe yield for water withdrawal; and,
9

10 **WHEREAS**, the WRAP cooperative funding effort has not been completed to date; and,
11

12 **WHEREAS**, excessive pumpage may adversely affect the County's water resources; and,
13

14 **WHEREAS**, completion of the WRAP study will provide Hernando County with the
15 information to guide the location of public water supply wellfield sites in areas which provide for
16 safe yields, and protect the health, safety and welfare of the citizens of Hernando County; and,
17

18 **WHEREAS**, the Board of County Commissioners of Hernando County, Florida, finds and
19 declares that the Floridan Aquifer constitutes a natural resource of the highest magnitude and
20 importance to the residents of Hernando County, Florida; and,
21

22 **WHEREAS**, until such time as the WRAP study is completed and the County is able to
23 appropriately review the location of new public water supply wellfields, the Hernando County Board
24 of County Commissioners has previously declared a moratorium on all new public water supply
25 wellfields in Hernando County;
26

27 **NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
28 **COMMISSIONERS OF HERNANDO COUNTY, FLORIDA**, that the following provisions are
29 hereby enacted and hereby become the Moratorium on the Approval of the Public Service Facility
30 Overlay District for Wellfields in Hernando County.
31

32 **SECTION 1. SHORT TITLE**
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34 This article shall be known and cited as the "Hernando County Wellfield Moratorium Extension".
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36 **SECTION 2. AUTHORITY**
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38 This article is adopted pursuant to the general laws of Florida, and the provisions hereof and all
39 sections contained herein shall be construed as having been adopted in the interests of the health,
40 safety, and general welfare of the people and environment of Hernando County, Florida.
41

42 **SECTION 3. APPLICABILITY**
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1 This moratorium is applicable to all new public water supply wellfields which pump 1,000,000
2 gallons of water per day (gpd) or more, based on the average annual daily withdrawal.
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4 **SECTION 4. MORATORIUM**
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6 Subsequent to the effective date of the ordinance from which this article derives, the approval of a
7 Public Service Facility Overlay District for the creation of any new public water supply wellfield,
8 is prohibited for two (2) years or until such time as the necessary Comprehensive Plan Amendments
9 and Land Development Regulations have been developed to implement the results of the Water
10 Resources Assessment Project (WRAP), whichever occurs first. The WRAP study is a cooperative
11 funding project between the Southwest Florida Water Management District (SWFWMD) and
12 Hernando County which will provide the technical foundation for determining water availability
13 which will be used to determine the safe yield for water withdrawal and appropriate locations for
14 future public water supply wellfields.
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16 **SECTION 5. EXEMPTIONS**
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18 A public service facility overlay district for a public water supply wellfield proposed to adequately
19 serve the projected population of a geographic area of Hernando County served by the applicant is
20 exempt from the provisions of this moratorium ordinance. The population projections used to
21 determine whether a wellfield is necessary to adequately serve the population will be those
22 projections to the year 2010 contained within the technical support documents for the adopted
23 Comprehensive Plan.
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25 **SECTION 6. ENFORCEMENT**
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27 Implementation and enforcement of this ordinance shall be by the County Administrator or his
28 designee.
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30 **SECTION 7. SEVERABILITY**
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32 If any section, subsection, sentence, clause, or phrase of this ordinance, for any reason, is held to be
33 unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not
34 be affected thereby.
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36 **SECTION 8. INCLUSION INTO THE CODE**
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38 The provisions of this ordinance shall be included and incorporated into the Land Development
39 Regulations of Hernando County, as an addition or amendment thereto, and shall be appropriately
40 renumbered to conform to the uniform numbering system of the Code.
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42 **SECTION 9. EFFECTIVE DATE**
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1 This Ordinance shall become effective upon receipt of the official acknowledgement from the office
2 of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.
3

4 **ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR**
5 **SESSION THIS 11th DAY OF FEBRUARY, 1997.**
6

7 (SEAL)

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

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11
12
13 Attest:


Karen Nicolai
KAREN NICOLAI, Clerk

By:

Ray Lossing
RAY LOSSING, CHAIRMAN