

1 ORDINANCE #ORD2020-06
2

3 AN ORDINANCE OF THE CITY OF DUNNELLON,
4 FLORIDA, AMENDING THE CODE OF ORDINANCES, BY
5 AMENDING SECTION 98-1 "DEFINITIONS" TO CREATE
6 A DEFINITION FOR "HIGH-RISK ACTIVITY,"
7 AMENDING SECTION 98-101 "PRE-APPLICATION
8 MATERIALS" TO REFERENCE "WELL/WELLHEAD
9 PROTECTION AREA ZONES," AMENDING SECTION 98-
10 102 "PRELIMINARY PLAT APPLICATION" TO
11 REFERENCE "WELL/WELLHEAD PROTECTION AREA
12 ZONES," DELETING SECTION 98-218 "WELLFIELDS"
13 AND CREATING A NEW CHAPTER 98, ARTICLE VII,
14 ENTITLED "WELLHEAD PROTECTION" IN ITS PLACE
15 TO INCLUDE PROVISIONS FOR PURPOSE AND INTENT,
16 APPLICABILITY, CREATION OF WELL/WELLHEAD
17 PROTECTION AREA ZONES, AND USE REGULATIONS;
18 PROVIDING FOR SEVERABILITY, CODIFICATION,
19 CONFLICTS, AND AN EFFECTIVE DATE.

20
21 WHEREAS, it is the goal of the City to protect, maintain and restore the Floridan Aquifer
22 to ensure the quality and availability of potable water resources for present and future generations;
23 and

24 WHEREAS, it is the desire of the City Council to update its land development regulations
25 to protect the public health and general welfare of the citizens of the City of Dunnellon by
26 providing for the protection of the Floridan Aquifer, ensure consistency with Marion County
27 regulations, and provide for the implementation of land development regulations that prevent land
28 use practices that would contaminate or reduce the recharge of the Floridan Aquifer; and

29 WHEREAS, accordingly, the City Council finds it is necessary and in the best interest of the
30 public health, safety and welfare to establish new procedures and regulations as well as update and
31 amend existing procedures and regulations pertaining to aquifer protection in accordance with the
32 City's Comprehensive Plan.

33 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of
34 Dunnellon City Code, ~~strikethrough~~ constitutes deletions from the original, and asterisks (***)
35 indicate an omission from the existing text which is intended to remain unchanged.
36

37 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
38 **OF DUNNELLON, FLORIDA THAT:**
39

40 **SECTION 1.** The recitals set forth above are hereby adopted as legislative findings of the
41 City Council of the City of Dunnellon.

42
43 **SECTION 2.** Chapter 98, “Subdivisions and Land Development Criteria,” of the City of
44 Dunnellon Code of Ordinances is hereby amended as follows:

45
46 **Sec. 98-1. - Definitions.**

47 The following words, terms and phrases, when used in this chapter, shall have the meanings
48 ascribed to them in this section, except where the context clearly indicates a different meaning:

49 ***

50 High Risk Activity means a land use or activity that causes a relatively high risk of potential water
51 pollution.

52 ***

53 **Sec. 98-101. - Preapplication plans and data.**

54 In connection with the subdivision or resubdivision of land, the following materials are required
55 at the stage of preapplication:

56 ***

57 (2) The location map shall show adjacent and surrounding properties and the relationship of the
58 proposed subdivision to existing community facilities which serve or influence it. This shall
59 include the development name and location, well/wellhead protection area zones, main traffic
60 arteries, shopping centers, elementary and high schools, parks and playgrounds, principal places
61 of employment, other community features such as railroads and bus stations, hospitals and
62 churches, title, scale, north arrow, and date.

63 ***

64 **Sec. 98-102. - Plans and data for conditional acceptance or approval.**

65 The preliminary plat shall be at a scale of not more than 200 feet to the inch. It shall show or be
66 accompanied by the following information:

67 ***

68 (15) Utilities on or adjacent to the tract, including well/wellhead protection area zones,
69 indicating whether the utilities are above or below ground.

70 ***

71 ~~**Sec. 98-218. - Wellfields.**~~

72 ~~(a) — A wellfield protection area with a minimum protection buffer of 200 feet shall be provided~~
73 ~~and maintained around all potable water wellfields, other than individual wells serving single uses.~~

74 ~~(b) — New development or redevelopment in the wellfield protection area is limited to passive~~
75 ~~recreational uses.~~

76 ***

77 **SECTION 3.** Chapter 98, “Subdivisions and Land Development Criteria,” Article VII -
78 “Wellhead Protection” of the City of Dunnellon Code of Ordinances is hereby created as follows:
79

80 **Article VII. - Wellhead Protection.**

81 **Sec. 98-218. – Purpose and intent.**

82 Groundwater is Dunnellon’s unique and limited local water source necessary to support the
83 City’s population and environment. The purpose of Well/Wellhead Protection Area Zones are
84 to safeguard public health, safety, natural resources, and property by protecting the City’s
85 groundwater resources and manage land use and development consistent with the Aquifer
86 Protection Element of the City’s Comprehensive Plan.

87 **Sec. 98-219. – Applicability.**

88 1) The regulations set forth herein shall apply to all areas surrounding each potable water well
89 and/or wellfield for a Community Water System (CWS) established under the provisions
90 of § 62-521.200(1) FAC, as amended.
91

92 2) Exempt activities. The following are exempt from the provisions of this division:

93 a. The transportation of any hazardous material or substance through a Well/Wellhead
94 Protection Area Zone, provided the transporting vehicle is in transit.

95 b. Agricultural uses, including mosquito control or abatement, which are conducted in
96 conformance with Ch. 487 FS, The Florida Pesticide Law, as amended.

97 c. The use of a hazardous material or substance solely as fuel or fuel additive in a vehicle
98 or tractor fuel tank or as a lubricant in a vehicle or tractor.

99 d. Activities associated with fire, police, emergency medical services, emergency
100 management center facilities, and public utilities, except for landfills.

101 e. Retail sales establishments that store and handle hazardous materials or substances for
102 resale in their original unopened containers.

103 f. Office uses except those used for the storage, handling, or use of hazardous materials
104 or substances as provided for in applicable FACs.

105 g. Storage tanks which are constructed and operated in accordance with Florida’s storage
106 tank regulations.

107 h. Geotechnical boring.

108 i. Residential activities not including office space in a residential unit.

109 j. Public utility and medical facility emergency generating facilities except that
110 permanently installed fuel storage facilities exempted under the FAC shall have
111 secondary containment.

112 **Sec. 98-220 – Well/Wellhead Protection Areas Zones.**

113 1) Three Well/Wellhead Protection Area Zones are hereby created and arranged as a series
114 of concentric rings as provided in the following table:

| <u>ZONE</u> | <u>Community Water System (CWS) (FAC 62-521.200(1)) (Municipal/Local Government, Community or Special District, PFSC Regulated Utility)</u> |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Primary</u> | <u>≤100'</u> |
| <u>Secondary</u> | <u>>100' to ≤500'</u> |
| <u>Tertiary</u> | <u>> 500' to ≤ 1,000'</u> |

116

117 At a minimum, each zone shall be measured from the well casing. If the casing location
118 is not specifically known/identified, the well location may be estimated using the
119 longitude/latitude of the well and the well diameter as established by the well's
120 WMD/DOH permitting data.

121 2) The applicable provisions for each protection zone shall be inclusive of any smaller zone
122 contained within the larger zone; however, more restrictive provisions, if any, for the
123 smaller zone shall apply within that zone.

124

125 3) The Community Development Manager shall be responsible for determining if a
126 lot/parcel is located wholly or partially in a particular Well/Wellhead Protection Area
127 Zone. Any person adversely affected by an administrative interpretation of the
128 Community Development Manager may appeal that interpretation to the planning
129 commission by filing a written notice of appeal of said interpretation within 30 calendar
130 days of said interpretation. The planning commission shall hear and decide said appeal
131 at its next available date. The applicant shall be sent via U.S. Mail a notice at least 15
132 days prior to the hearing of the time, date and place when the planning commission will
133 hear the appeal. Any person adversely affected by a decision of the planning commission
134 under this subsection may appeal that decision to the city council by filing a written notice
135 of appeal of the decision within 30 calendar days of said decision. The city council shall
136 hear and decide appeals under this article at its next available meeting date. The applicant
137 shall be sent via U.S. Mail a notice at least 15 days prior to the hearing of the time, date,
138 and place when the city council will hear the appeal.

139

140 **Sec. 98-221 – Regulated uses.**

141 1) Primary Zone. The Primary Zone, as described in Sec. 98-220, is a zone of exclusion for
142 all uses, structures, or other impervious surfaces except as follows:

- 143
144 i. Open space, parks, playgrounds, and new uses functionally related to the
145 CWS.
146 ii. Pervious playing courts, open-air shelters, and other similar recreation
147 facilities.
148 iii. Pervious parking areas for recreation areas; however, no stormwater
149 management detention and/or retention areas for any parking areas, including
150 their driving aisles, shall be allowed within 100 feet of a wellhead.
151 iv. A parcel or lot of record otherwise determined to be eligible for the
152 development of one single family dwelling unit shall be eligible for such use
153 provided that parcel or lot was created on or before Oct 27, 2008.
154

155 2) Secondary Zone. The following uses are prohibited within the Secondary Zone, as
156 described in Sec. 98-220:
157

- 158 i. Non-residential use handling, producing, or storing hazardous materials or
159 substances;
160 ii. Landfill, solid waste disposal facilities, or sludge disposal sites;
161 iii. Effluent spray fields;
162 iv. Expansion of existing high-risk regulated activities and new high-risk
163 regulated activities;
164 v. Discharge to groundwater through manmade conduits, except for OSTDS,
165 having total sewage flows less than or equal to 2,000 gallons per day and
166 stormwater treatment facilities;
167 vi. Feedlots or other concentrated animal waste storage and/or disposal;
168 vii. Mines and excavation sites;
169 viii. The use of drainage wells for stormwater disposal; or
170 The use of sinkholes for stormwater disposal.
171

172 3) Tertiary Zone. The following uses are prohibited within the Tertiary Zone, as described
173 in Sec. 98-220:
174

- 175 i. Landfills, solid waste disposal facilities, or sludge disposal sites;
176 ii. Effluent spray fields not meeting Class I reliability and not meeting high-level
177 disinfection;
178 iii. Expansion of existing high-risk regulated activities and new high-risk
179 regulated activities;
180 iv. Discharge to groundwater through manmade conduits, except for OSTDS and
181 stormwater treatment facilities;
182 v. Feedlots or other concentrated animal waste storage and/or disposal;
183 vi. Mines and excavation sites;
184 vii. The use of drainage wells for stormwater disposal; or
185 viii. The use of sinkholes for stormwater disposal, unless sufficient pretreatment
186 is provided and feasible alternatives cannot be achieved.

187 4) Prohibited uses, structures, and other impervious surfaces lawfully existing at the time of
188 the adoption of this ordinance or lawfully existing at the time a CWS serving as the basis

189 for the zone of exclusion is established shall be classified as non-conforming uses and/or
190 structures in accordance with Appendix A, Article 4 of the City’s land development
191 regulations.

192 **SECTION 3. CODIFICATION.** It is the intent of the City Council of the City of
193 Dunnellon that the provisions of this Ordinance shall be codified. The codifier is granted broad
194 and liberal authority in codifying the provision of this Ordinance.

195 **SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word or portion of
196 this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall
197 not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,
198 word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
199 unconstitutional.
200
201

202 **SECTION 5. CONFLICTS.** In any case where a provision of this Ordinance is found
203 to be in conflict with a provision of any other ordinance of this City, the provision which
204 establishes the higher standards for the promotion and protection of the health and safety of the
205 people shall prevail.
206

207 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately
208 upon its passage and adoption.
209

210 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first
211 reading and public hearing on the 8th day of June 2020.
212

213 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon
214 the second and final reading and public hearing on the ____ day of _____, 2020.

215
216 Ordinance Posted on the City’s website on May 21, 2020. Public hearing advertised on the City’s
217 website on May 21, 2020 and advertised in the Riverland News and Ocala Star Banner on May 28,
218 2020.

219
220 ATTEST: **CITY OF DUNNELLON**
221

222
223 Amanda L. Roberts, CMC C. Dale Burns, Jr., Mayor
224 City Clerk

225
226
227 Approved as to Form:
228 _____
229

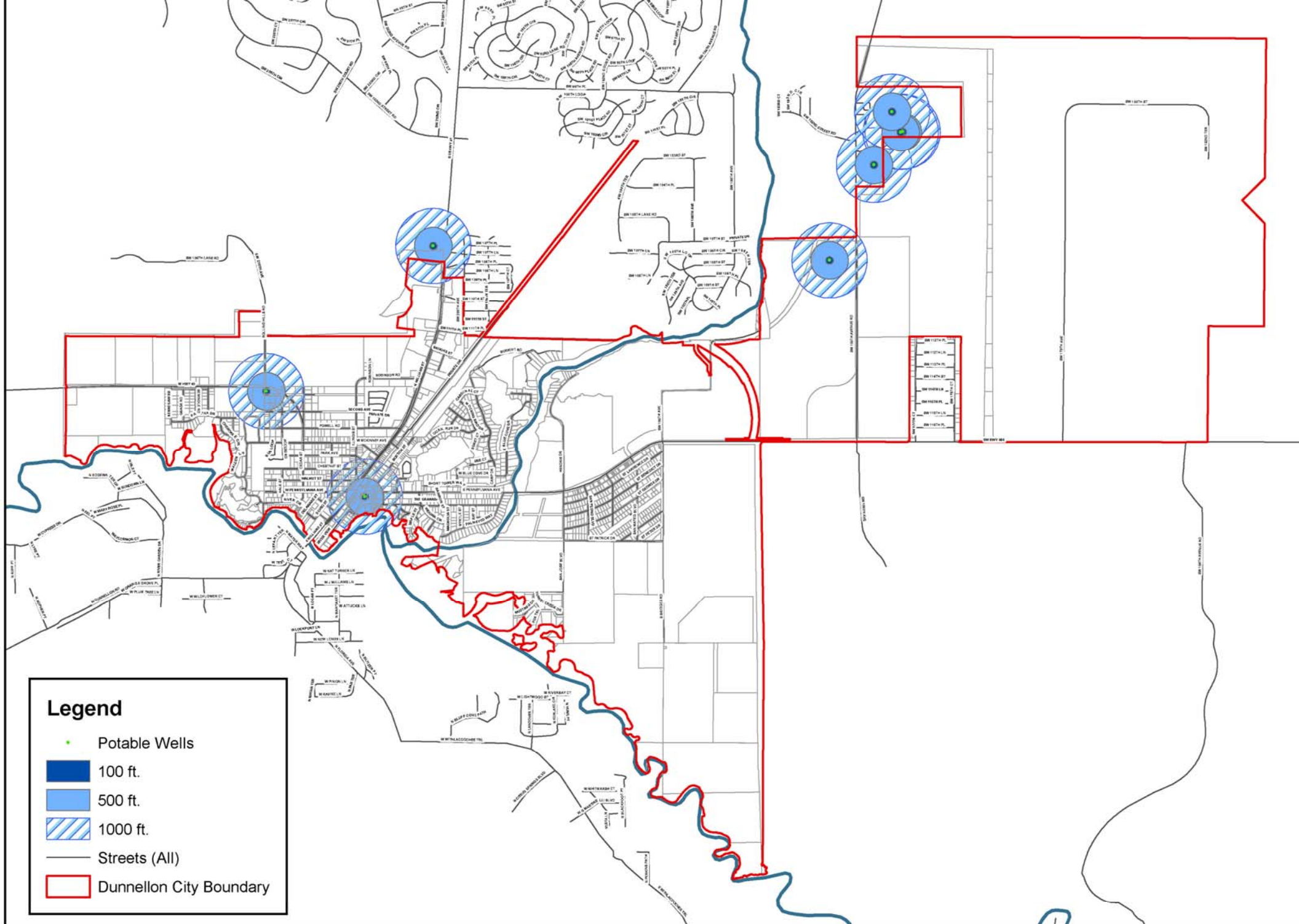
230 Andrew J. Hand, City Attorney

231
232

CERTIFICATE OF POSTING

233 **I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall, the Chamber of
234 Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website
235 this 21st day of May 2020.

236 _____
237 Amanda L. Roberts, CMC
238 City Clerk
239



Legend

- Potable Wells
- 100 ft.
- 500 ft.
- 1000 ft.
- Streets (All)
- Dunnellon City Boundary