

**Agenda (modified)**  
**City of Dunnellon**  
**Planning Commission Meeting**  
20750 River Drive, Dunnellon, FL 34431  
**February 18, 2020 at 5:30 p.m.**

PLEASE NOTE: Individuals wishing to address the Planning Commission are required to sign in at the beginning of the meeting or you will not be recognized. A three-minute time limit will be administered. You may address the Commission one time only unless you are scheduled to speak on the agenda. PLEASE TURN CELL PHONES OFF.

One or more City Council members may attend this meeting and may speak.

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Proof of Publication:** The Agenda was posted on City's website and City Hall bulletin board on Tuesday, February 11, 2020. Modified to add minutes to Item #1 and posted on the City's website, Tuesday, February 18, 2020.

1. Approval Of Minutes - January 21, 2020

Documents:

[20200121.Pdf](#)

2. Public Hearing - Comprehensive Plan Amendment - Aquifer Protection  
Public hearing for review of comprehensive plan consistency of Ordinance #2020-05 by the Planning Commission acting as the Local Planning Agency (LPA)
  - Chairman to close regular meeting and open public hearing
  - Staff Presentation
  - Public Comments
  - Commissioners' Comments
  - Chairman to close public hearing and reopen regular meeting

Documents:

[Ordinance 2020-05 Proposed Comp Plan Amendment With Aquifer Protection Element.pdf](#)

3. RESOLUTION - Consideration Of Comprehensive Plan Consistency - ORD2020-05  
Resolution #RES2020-03 finding of consistency and forwarding a recommendation of approval to City Council for consideration

*Proposed Motion: I move Resolution #RES2020-03 be ready by title only.*

*Proposed Motion: I move Resolution #RES2020-03 be approved.*

Documents:

4. Public Hearing - Land Development Regulations - Section 98 - Wellhead  
Public hearing for review of comprehensive plan consistency of Ordinance #2020-06 by the Planning Commission acting as the Local Planning Agency (LPA)
  - Chairman to close regular meeting and open public hearing
  - Staff Presentation
  - Public Comments
  - Commissioners' Comments
  - Chairman to close public hearing and reopen regular meeting

Documents:

[Ordinance 2020-06 Proposed LDR Amendments - Accompanying Aquifer Protection Element Amendments.pdf](#)

5. RESOLUTION - Consideration Of Comprehensive Plan Consistency - ORD2020-06  
Resolution #RES2020-05 finding of consistency and forwarding a recommendation of approval to City Council for consideration

*Proposed Motion: I move Resolution #RES2020-05 be ready by title only.*

*Proposed Motion: I move Resolution #RES2020-05 be approved.*

Documents:

[Ordinance 2020-06 Proposed LDR Amendments - Accompanying Aquifer Protection Element Amendments.pdf](#)

6. Public Comment
7. Adjournment

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Any person requiring a special accommodation at this meeting or hearing because of a disability or physical impairment should contact the City Clerk at (352) 465-8500 at least 48 hours prior to the proceeding.

If a person desires to appeal any decision with respect to any matter considered at the above meeting or hearing, he or she will need a record of the proceeding. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based. The city is not responsible for any mechanical failure of recording equipment.

**Minutes  
City of Dunnellon  
Planning Commission Meeting  
January 21, 2020 at 5:30 p.m.**

Chairwoman D'Arville called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

**Roll Call:**

Members Present:

Brenda D'Arville, Louise Kenny, Lisa Sheffield, and Mary Ann Hilton

Staff Present:

Lonnie Smith, Teresa Malmberg, and Assistant City Attorney Patrick Brackins (via telephone)

**Proof of Publication:** The Agenda was posted on City's website and City Hall bulletin board on Wednesday, January 15, 2020.

**1. Approval of Minutes - December 17, 2019**

Louise Kenny made a motion to approve the minutes of the December 17, 2019, meeting as submitted. Mary Ann Hilton seconded. The motion was passed by unanimous vote, 4-0.

**2. Public Hearing - ORD2020-05 Comp Plan and LDR Amendments - Wellhead Protection Area**

Public hearing for review of comprehensive plan consistency of Ordinance #2020-05 by the Planning Commission acting as the Local Planning Agency (LPA)

Chairwoman D'Arville closed the regular meeting and opened the public hearing at 5:33 p.m. Mary Ann Hilton made a motion to table the comprehensive plan and land development regulations amendments to date certain, February 18, 2020 at 5:30 p.m. Louise Kenny seconded. The motion passed by unanimous vote, 4-0. Chairwoman D'Arville reported she will be out of the country for the next meeting and asked the availability of the other members. Members anticipated closed the public hearing and reopened the regular meeting at 5:34 p.m.

Chairwoman D'Arville called for discussion. Lonnie Smith presented a summary review of the amendments. Members discussed the need for additional information to be included with the next presentation package to add engineering with data and analysis consistent with Marion County; appeal information; and possibly an engineering summary.

**3. Reports & Updates**

None.

#### **4. Commissioners' Planning Items**

##### Commission Goals, Objectives, and Projects - Review and Update

Parking Update: Discussion regarding status of parking plans in progress and future of applying for the grant through USDA.

Beautification utilizing CRA funds: Discussion regarding landscape upgrades in-progress on West Pennsylvania and possibilities for other CRA areas to be considered in the future.

Comprehensive Plan: The Evaluation and Appraisal Report (EAR) will be due in 2021.

Discussed inclusion of visioning and economic development strategy.

Economic Development Strategy: Lonnie Smith reported that Allison McGrath with Kimley-Horne submitted the City of Dunnellon for an award related to the Economic Development Strategy process and completion.

#### **5. Public Comment**

Burt Eno, 9220 SW 193<sup>rd</sup> Circle, spoke concerning the wellhead protection zones and the need for Florida Governmental Utility Authority (FGUA), owner of the utilities, to review and provide input regarding the changes to the wellhead protection zones.

Bill Vibbert, 9552 SW 192<sup>nd</sup> Court Rd., spoke concerning Nine Island Cove and provided an overview of the Florida Communities Trust (FCT) process land identification. Also noted that Nine Island Cove, if considered for a park, should be identified in the Comprehensive Plan, Recreation & Open Space Element, same as Blue Run Park was in the previous plan.

Bill White, City Councilman, Seat 2, spoke concerning the amendments before the Planning Commission and items that come before Council. It is a Council assumption that the homework has been done. The language is in harmony with Marion County and confirmed the science is done. To address Mrs. Kenny's recommendation for engineering, take a look at the county and use their science in lieu of all new engineering. Councilman White confirmed that staff will include any comments from FGUA with the backup for the amendments.

#### **6. Adjournment**

Mary Ann Hilton motioned to adjourn the meeting at 6:42 p.m. Lisa Sheffield seconded. The motion passed by unanimous vote, 4-0.

Respectfully submitted,

Louise Kenny, Vice Chairwoman

Teresa Malmberg, Recording Secretary

## **ORDINANCE #ORD2020-05**

**AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, ORD2020-05, PROVIDING FOR THE AQUIFER PROTECTION ELEMENT TEXT AMENDMENTS AND WELL/WELLHEAD PROTECTION ZONE MAP AMENDMENTS TO THE COMPREHENSIVE PLAN; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Dunnellon adopted a Comprehensive Plan on October 14, 1991, which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

**WHEREAS**, the City of Dunnellon is committed to planning and managing the future growth and development of the City; and

**WHEREAS**, the City Council of the City of Dunnellon has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Florida Statutes; and

**WHEREAS**, the Local Planning Agency, reviewed the proposed amendments and provided recommendations to the City Council by resolution after a duly noticed public hearing; and

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

**WHEREAS**, it is the desire of the City Council to update its Aquifer Protection Element to protect the public health and general welfare of the citizens of the City of Dunnellon, ensure consistency with Marion County regulations, and provide for the implementation of land development regulations that prevent land use practices that would contaminate or reduce the recharge of the Floridan aquifer; and

**WHEREAS**, the City Council of the City of Dunnellon held public hearings to consider this amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

**WHEREAS**, the City of Dunnellon has complied with all other requirements and procedures of Florida law in processing this amendment to the City's Comprehensive Plan; and

**WHEREAS**, the City Council of the City of Dunnellon hereby finds and determines that this amendment is internally consistent with the City's Comprehensive Plan and is consistent with other controlling law to include, but not limited to Chapter 163, Florida Statutes; and

**WHEREAS**, the City Council of the City of Dunnellon hereby finds that this Ordinance serves a legitimate governmental purpose and is in the best interests of the public health, safety and welfare of the citizens of Dunnellon, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA, AS FOLLOWS:**

**Section 1. LEGISLATIVE FINDINGS.** The recitals set forth above are hereby adopted as the legislative findings of the City Council of the City of Dunnellon, Florida.

**Section 2. COMPREHENSIVE PLAN AQUIFER PROTECTION ELEMENT TEXT AMENDMENT.** The proposed amendments to the Aquifer Protection Element of the City of Dunnellon’s Comprehensive Plan are attached to this Ordinance as Exhibit “A,” and are hereby adopted and incorporated into the text of this Ordinance as if fully set forth herein. Within Exhibit “A,” underlined words constitute additions to the Aquifer Protection Element and strikethrough constitutes deletions.

**Section 3. COMPREHENSIVE PLAN WELLHEAD PROTECTION ZONE MAP AMENDMENT.** “Map 3 – Existing Cone of Influence for Wellheads” dated June 15, 2016 and which is attached to this Ordinance as Exhibit “B” is hereby deleted and replaced by the updated map of the same name dated December 12, 2019 which is attached to this Ordinance as Exhibit “C” and incorporated herein.

**Section 4. TRANSMISSION TO AGENCIECS; DIRECTIONS TO THE CLERK.** Within ten (10) days after the first public hearing of this Ordinance and passage of same by the City Council of the City of Dunnellon, the City Clerk is hereby directed to transmit a copy of the adopted plan amendments, with any supporting data and analysis, to the Florida Department of Economic Opportunity (DEO), the East Central Florida Regional Planning Council, Florida Department of State (DOS), Florida Department of Environmental Protection (DEP), Florida Department of Transportation – District Office 5, Southwest Florida Water Management District, the Ocala/Marion Transportation Planning Organization (TPO), Marion County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Dunnellon.

**Section 5. CONFLICTS.** After the effective date of this Ordinance in any case where all or any part of this Ordinance is found to be in conflict with any provision of any other ordinance of the City of Dunnellon, to the extent of such conflict, all such ordinances are hereby repealed.

**Section 6. SEVERABILITY.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unenforceable, unlawful or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance.

**Section 7. EFFECTIVE DATE.** This Ordinance shall become effective 31 days after the Department of Economic Opportunity notifies the City that the plan amendment package is complete. However, if timely challenged, this Ordinance shall not become effective

until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance. *See Fla. Stat. 163.3184(3)(c)4 (2019).*

**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon the first reading on the \_\_\_th day of \_\_\_\_\_, 2020.

**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon the second reading on the \_\_\_th day of \_\_\_\_\_, 2020.

Advertised in the Riverland News on Thursday, \_\_\_\_\_ \_\_\_\_, 2020.

Attest:

**CITY OF DUNNELLON**

\_\_\_\_\_

\_\_\_\_\_

Amanda L. Roberts, CMC  
City Clerk

C. Dale Burns, Jr., Mayor

Approved as to Form:

\_\_\_\_\_

Andrew Hand, City Attorney

**CERTIFICATE OF POSTING**

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

\_\_\_\_\_

Amanda L. Roberts, CMC  
City Clerk

Exhibit A

# AQUIFER PROTECTION ELEMENT



## Goals, Objectives and Policies

Special instructions to screen reader users: Turn on font styles in your screen reader to ensure that strikeout text will be read accurately.



## **AQUIFER PROTECTION ELEMENT GOALS, OBJECTIVES AND POLICIES**

### **GOAL:**

Protect, maintain, and restore the Floridan Aquifer to ensure the quality and availability of potable water resources for present and future generations.

### **Objective 1:**

Land development regulations shall include siting requirements for land use which assist in the protection of groundwater aquifer recharge and protection of existing and future groundwater supplies.

### **Policy 1.1:**

~~Wellhead protection area (WHPA) requirements for current and future wells will continue to be enforced within Dunnellon. These requirements will be consistent with Marion County's WHPA requirements. These guidelines will serve to protect the City's existing wellfields from contamination. Wellhead protection areas will consist of two zones which shall be defined as:~~

- ~~A. Primary Zone For all wells within the City meeting the above criteria, the boundary of the primary zone shall be defined by a 500 foot radius from the wellhead. This area shall be a zone of exclusion for all uses except existing uses that functionally related to the water supply system, open space, parks, and playgrounds. No parking areas, structures, or other impervious surfaces, other than those surfaces that are accessory to existing uses, will be allowed in this zone. The above referenced allowable uses, materials, and substances shall be consistent with Chapters 62-521, 38I-30, and 62-555.312, F.A.C.~~
- ~~B. Secondary Zone The boundary of this zone shall be defined by a 1,000 foot radius from the wellhead. Existing wells, of any size or depth, must be currently permitted or properly abandoned, prior to the issuance of any development or demolition permit. Prohibited uses, materials and substances shall be consistent with Chapters 62-521, 38I-30, and 62-555.312, F.A.C. Within this zone, any use other than low density residential, existing non-residential use, or handling, production or storage of hazardous materials and substances shall be considered non-conforming. The following uses shall also be prohibited within this zone:~~
- ~~1. Landfills or sludge disposal sites;~~
  - ~~2. Effluent spray fields;~~
  - ~~3. Discharge to ground water through manmade conduits, except for septic tanks and stormwater treatment facilities;~~
  - ~~4. Feedlots or other concentrated animal waste;~~
  - ~~5. Stormwater facilities where recharge occurs into a potable water aquifer; and~~
  - ~~6. All uses specified in the Comprehensive Plan Future Land Use Element.~~

Well/Wellhead Protection Area (WHPA) requirements for a qualified Community Water Systems (CWS), as defined by Chapter 62-521.200(1), FAC, shall be maintained to provide protection of existing and proposed wells from contamination for the design life of the facility. When multiple wells are existing and/or suitably planned for future service, in lieu of a WHPA for each individual well, a wellfield protection area approach may be used, provided the identified Wellfield Protection Area encompasses all existing and planned wells to be used by the qualified CWS.

**Policy 1.2**

Qualified CWS WHPAs shall be consistent with Marion County’s WHPA requirements and are defined and established as listed below, and on “Map 3 ‘- Existing Cone of Influence for Wellheads” incorporated herein:

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

**Policy 1.23:**

The City shall review the Southwest Florida Water Management District’s regulations regarding high aquifer recharge areas on an annual basis. In case of changes to these regulations, amendments shall be made to the Land Development Code to reflect the new regulations set forth by the water management district.

**Policy 1.4:**

The City shall maintain land development regulations regarding the placement and establishment of new land uses and development for WHPAs, at a minimum consistent with Chapters 62-521, 62-532, 62-555.312, and 62-610.200, FAC, as amended.

**Objective 2:**

Implement water quality protection strategies for the two springsheds that exist in Dunnellon.

**Policy 2.1:**

The City will discourage the sale and use of fast release pesticides and fertilizers within city limits through educational programs.

**Policy 2.2:**

The City should provide funding for programs which assist in educating residents about proper use of fertilizers and irrigation practices

**Policy 2.3:**

The City will incorporate the principles of the Florida Yards and Neighborhoods Program into local landscaping ordinances.

**Objective 3:**

Restrict land use activities that have the potential to pollute public water supply facilities and/or the Floridan Aquifer.

**Policy 3.1:**

Control point sources of groundwater pollution by implementing land development regulations to restrict any land use that will diminish groundwater quality and quantity. The following land uses shall be regulated to reduce potential impacts:

- A. Vehicle sales, repair, rental, storage, or maintenance;
- B. Hazardous waste facilities;
- C. Buildings larger than 80,000 sq. ft.;
- D. Drive-up facilities;
- E. RV Parks.

**Objective 4:**

Maintain reasonable and appropriate potable water usage (125 gal/person/day) consistent with the current Conservation Element amendments of the Comprehensive Plan.

**Policy 4.1:**

The City will promote water conservation through the enforcement of the adopted Florida Building Code which requires such items as low-volume commodes, water flow restrictions for showers and spigots, and similar devices in all new construction and renovations, and will comply with the appropriate water management district water use restrictions.

**Policy 4.2:**

Use of the lowest quality water available for appropriate uses, through water storage systems (i.e. rain barrels) and gray (reclaimed) water supply facilities.

**Policy 4.3:**

The City shall require compliance with the Southwest Florida Water Management District regarding irrigation practices and other water restrictions measures.

**Policy 4.4:**

Participate in water conservation and protection program of the Southwest Florida Water Management District.

**Policy 4.5:**

Require the use of native vegetation in landscaping, which reduces irrigations needs.

**Policy 4.6:**

Coordinate with the Southwest Florida Water Management District to ensure the City and its residents comply with the requirements for water conservation during times of water shortage.

**Policy 4.7:**

Maintain a water conservation program which includes: progressive rate structures; leak detection and remediation programs; and educational programs.

**Policy 4.8:**

Coordinate with the Southwest Florida Water Management District in development of organized procedures to be followed during emergency water supply interruptions.

**Policy 4.9:**

Enforce state laws requiring low volume plumbing fixtures for new construction through building permit procedures.

**Policy 4.10:**

Participate in water conservation and protection programs of the SWFWMD, and seek assistance in the development of a water shortage plan, which establishes preparations for emergency water supply interruptions. Develop mechanisms to ensure appropriate procedures are followed during district-declared and local emergency water supply interruptions, as required by Chapter 373.609, Florida Statutes by establishing chain-of-command communication between the Southwest Florida Water Management District, the City Manager, public utilities director, plant operators, newspapers, law enforcement and local citizens. Information on water shortage and conservation programs shall be disseminated through the monthly billing statement.

**Objective 5:**

Limit the use of impervious surfaces to increase land availability for aquifer recharge.

**Policy 5.1:**

Design of parking lots, sidewalks, buildings, and other impervious surfaces shall minimize connections between impervious surfaces through the following techniques:

- A. Directing flows from roof drains to vegetated areas or to rain barrels or cisterns for reuse of the water;
- B. Directing flows from paved areas to vegetated areas;
- C. Locating impervious surfaces so that they drain to vegetated buffers or natural areas; and
- D. Breaking up flow directions from large paved surfaces.

Not all techniques may be required to accomplish the requirement to minimize connections.

**Policy 5.2:**

Porous pavement materials, such as pervious concrete, pervious asphalt, or other pervious or porous materials shall be used to minimize the amount of impervious surface within all development.

**Policy 5.3:**

Implement innovative site design techniques, which protect the aquifer and maintain aquifer recharge capabilities, such as cluster development, pervious pavement, green development, water and energy efficient development, and open space requirements.

**Objective 6:**

Provide for the management of hazardous waste in order to protect environmental quality, potable water supplies, and the health, safety, and welfare of Dunnellon's population. This shall be achieved by implementing monitoring and other regulatory programs and through policies for siting of new land uses involving hazardous waste.

**Policy 6.1:**

The City shall cooperate with any state, federal, or local programs concerning hazardous waste.

**Policy 6.2:**

Prior to any activity that stores, uses or produces hazardous waste, the responsible party shall:

- A. Develop an emergency response system addressing accidents involving hazardous waste.
- B. Ensure that location of the site will not degrade quality of groundwater or surface water or other natural resources.
- C. Ensure DEP standards for transfer, handling, and storage of hazardous waste are implemented by undergoing review and approval under the Marion County Storage Tank Program.

- D. Coordinate with State, Regional and County officials to demonstrate that compliance with the above requirements will satisfy all regulations and policies.

**Policy 6.3:**

Promote the collection and recycling of hazardous wastes by providing public information and programs such as Amnesty Days and the locations of approved recyclers.

**Policy 6.4:**

- A. All new underground storage tanks within the City shall be required to provide a double lining, consistent with DEP rules. All land use requests for installation of underground storage tanks shall not be issued development orders until approved by the Marion County Underground Storage Tank Program to ensure consistency with DEP rules.
- B. All existing underground storage tanks within the City shall be inspected annually in accordance with the Marion County Underground Storage Tank Program. Existing hazardous substance storage tank systems shall be required to meet performance standards of DEP Rules.
- C. Prior to permitting of demolition or redevelopment of land uses which contain underground storage tanks, the developer shall be required to submit closure plans consistent with DEP Rules. to the Marion County Underground Storage Tank Program officials for prior approval.
- D. Should the City police, fire department, public works personnel or other staff become aware of any spills throughout the City, the Public Works Director shall report the information within 24 hours to the Marion County Underground Storage Tank Program and request assistance under the program towards enforcement of cleanup procedures.
- E. Above ground storage tanks systems shall meet the standards of DEP Rules.

**Policy 6.5:**

Owners of existing underground storage tanks within 1000-foot radius of any public potable water well shall monitor groundwater quality and report quarterly to the City. Any tank found to be leaking shall be required to report within 24 hours to the Marion County Storage Tank Program.

**Policy 6.6:**

The City shall verify that adequate potable water supplies are available, consistent with adopted level of service standards, prior to issuing development orders.

**Policy 6.7:**

Coordinate with SWFWMD in the protection of aquifer recharge areas after such information on prime recharge areas is made available. As soon as such information becomes available, the City shall amend the comprehensive plan to protect prime recharge areas. As an interim measure, the

following impervious surface ratios shall apply to new development and redevelopment: all new subdivisions and nonresidential development shall provide a minimum of 35 percent pervious (porous) open space or green area, except within the historic district.

**RESOLUTION #RES2020-03**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, MAKING RECOMMENDATION TO THE CITY COUNCIL ON PROPOSED ORDINANCE 2020-05, PROVIDING FOR THE AQUIFER PROTECTION ELEMENT TEXT AMENDMENTS AND WELL/WELLHEAD PROTECTION ZONE MAP AMENDMENTS TO THE COMPREHENSIVE PLAN; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Dunnellon Planning Commission held a public meeting to consider a text and map amendment to the Comprehensive Plan to update Aquifer Protection Element; and

**WHEREAS**, the Planning Commission reviewed proposed Ordinance 2020-05; and

**WHEREAS**, the Planning Commission, sitting as the local planning agency, finds that Ordinance 2019-03 is consistent with the City’s Comprehensive Plan.

**NOW THEREFORE BE IT RESOLVED** by the City of Dunnellon Planning Commission that:

A recommendation of approval of Ordinance 2020-05, as set forth in Exhibit ‘A’ attached hereto, will be forwarded to the City Council for their consideration.

**BE IT, FURTHER, RESOLVED** that this Resolution shall be effective immediately upon adoption.

**Upon motion duly made and carried**, the foregoing Resolution was approved this \_\_\_\_ day of \_\_\_\_\_, 2020 by the Planning Commission upon a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the result was as follows;

Chairwoman Brenda D’Arville	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Vice-Chairwoman Louise Kenny	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Lisa Sheffield	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Mary Ann Hilton	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Vacant, Commissioner	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Vacant, 1 <sup>st</sup> Alternate	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Vacant, 2 <sup>nd</sup> Alternate	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote

[Signature page follows]



Attested by:  
**PLANNING COMMISSION**

Approved as to Legal Form and Legality  
For use and reliance by the City of Dunnellon,  
Florida

**BY:** \_\_\_\_\_  
Brenda D'Arville, Chairwoman  
Planning Commission, City of Dunnellon

**BY:** \_\_\_\_\_  
Patrick J. Brackins  
Assistant City Attorney

This \_\_\_\_ day of \_\_\_\_\_, 2020.

This \_\_\_\_ day of \_\_\_\_\_, 2020.

**EXHIBIT A**  
**ORDINANCE #ORD2020-05**

**AN ORDINANCE OF THE CITY OF DUNNELTON, FLORIDA, ORD2020-05, PROVIDING FOR THE AQUIFER PROTECTION ELEMENT TEXT AMENDMENTS AND WELL/WELLHEAD PROTECTION ZONE MAP AMENDMENTS TO THE COMPREHENSIVE PLAN; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Dunnellon adopted a Comprehensive Plan on October 14, 1991, which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

**WHEREAS**, the City of Dunnellon is committed to planning and managing the future growth and development of the City; and

**WHEREAS**, the City Council of the City of Dunnellon has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Florida Statutes; and

**WHEREAS**, the Local Planning Agency, reviewed the proposed amendments and provided recommendations to the City Council by resolution after a duly noticed public hearing; and

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

**WHEREAS**, it is the desire of the City Council to update its Aquifer Protection Element to protect the public health and general welfare of the citizens of the City of Dunnellon, ensure consistency with Marion County regulations, and provide for the implementation of land development regulations that prevent land use practices that would contaminate or reduce the recharge of the Floridan aquifer; and

**WHEREAS**, the City Council of the City of Dunnellon held public hearings to consider this amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

**WHEREAS**, the City of Dunnellon has complied with all other requirements and procedures of Florida law in processing this amendment to the City's Comprehensive Plan; and

**WHEREAS**, the City Council of the City of Dunnellon hereby finds and determines that this amendment is internally consistent with the City's Comprehensive Plan and is consistent with other controlling law to include, but not limited to Chapter 163, Florida Statutes; and

**WHEREAS**, the City Council of the City of Dunnellon hereby finds that this Ordinance serves a legitimate governmental purpose and is in the best interests of the public health, safety and welfare of the citizens of Dunnellon, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA, AS FOLLOWS:**

**Section 1. LEGISLATIVE FINDINGS.** The recitals set forth above are hereby adopted as the legislative findings of the City Council of the City of Dunnellon, Florida.

**Section 2. COMPREHENSIVE PLAN AQUIFER PROTECTION ELEMENT TEXT AMENDMENT.** The proposed amendments to the Aquifer Protection Element of the City of Dunnellon’s Comprehensive Plan are attached to this Ordinance as Exhibit “A,” and are hereby adopted and incorporated into the text of this Ordinance as if fully set forth herein. Within Exhibit “A,” underlined words constitute additions to the Aquifer Protection Element and strikethrough constitutes deletions.

**Section 3. COMPREHENSIVE PLAN WELLHEAD PROTECTION ZONE MAP AMENDMENT.** “Map 3 – Existing Cone of Influence for Wellheads” dated June 15, 2016 and which is attached to this Ordinance as Exhibit “B” is hereby deleted and replaced by the updated map of the same name dated December 12, 2019 which is attached to this Ordinance as Exhibit “C” and incorporated herein.

**Section 4. TRANSMISSION TO AGENCIECS; DIRECTIONS TO THE CLERK.** Within ten (10) days after the first public hearing of this Ordinance and passage of same by the City Council of the City of Dunnellon, the City Clerk is hereby directed to transmit a copy of the adopted plan amendments, with any supporting data and analysis, to the Florida Department of Economic Opportunity (DEO), the East Central Florida Regional Planning Council, Florida Department of State (DOS), Florida Department of Environmental Protection (DEP), Florida Department of Transportation – District Office 5, Southwest Florida Water Management District, the Ocala/Marion Transportation Planning Organization (TPO), Marion County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Dunnellon.

**Section 5. CONFLICTS.** After the effective date of this Ordinance in any case where all or any part of this Ordinance is found to be in conflict with any provision of any other ordinance of the City of Dunnellon, to the extent of such conflict, all such ordinances are hereby repealed.

**Section 6. SEVERABILITY.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unenforceable, unlawful or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance.

**Section 7. EFFECTIVE DATE.** This Ordinance shall become effective 31 days after the Department of Economic Opportunity notifies the City that the plan amendment package is complete. However, if timely challenged, this Ordinance shall not become effective

until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance. *See Fla. Stat. 163.3184(3)(c)4 (2019).*

**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon the first reading on the \_\_\_th day of \_\_\_\_\_, 2020.

**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon the second reading on the \_\_\_th day of \_\_\_\_\_, 2020.

Advertised in the Riverland News on Thursday, \_\_\_\_\_ \_\_\_\_, 2020.

Attest:

**CITY OF DUNNELLON**

\_\_\_\_\_

\_\_\_\_\_

Amanda L. Roberts, CMC  
City Clerk

C. Dale Burns, Jr., Mayor

Approved as to Form:

\_\_\_\_\_

Andrew Hand, City Attorney

**CERTIFICATE OF POSTING**

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

\_\_\_\_\_

Amanda L. Roberts, CMC  
City Clerk

Exhibit A

# AQUIFER PROTECTION ELEMENT



## Goals, Objectives and Policies

Special instructions to screen reader users: Turn on font styles in your screen reader to ensure that strikeout text will be read accurately.

## **AQUIFER PROTECTION ELEMENT GOALS, OBJECTIVES AND POLICIES**

### **GOAL:**

Protect, maintain, and restore the Floridan Aquifer to ensure the quality and availability of potable water resources for present and future generations.

### **Objective 1:**

Land development regulations shall include siting requirements for land use which assist in the protection of groundwater aquifer recharge and protection of existing and future groundwater supplies.

### **Policy 1.1:**

~~Wellhead protection area (WHPA) requirements for current and future wells will continue to be enforced within Dunnellon. These requirements will be consistent with Marion County's WHPA requirements. These guidelines will serve to protect the City's existing wellfields from contamination. Wellhead protection areas will consist of two zones which shall be defined as:~~

- ~~A. Primary Zone For all wells within the City meeting the above criteria, the boundary of the primary zone shall be defined by a 500 foot radius from the wellhead. This area shall be a zone of exclusion for all uses except existing uses that functionally related to the water supply system, open space, parks, and playgrounds. No parking areas, structures, or other impervious surfaces, other than those surfaces that are accessory to existing uses, will be allowed in this zone. The above referenced allowable uses, materials, and substances shall be consistent with Chapters 62-521, 38I-30, and 62-555.312, F.A.C.~~
- ~~B. Secondary Zone The boundary of this zone shall be defined by a 1,000 foot radius from the wellhead. Existing wells, of any size or depth, must be currently permitted or properly abandoned, prior to the issuance of any development or demolition permit. Prohibited uses, materials and substances shall be consistent with Chapters 62-521, 38I-30, and 62-555.312, F.A.C. Within this zone, any use other than low density residential, existing non-residential use, or handling, production or storage of hazardous materials and substances shall be considered non-conforming. The following uses shall also be prohibited within this zone:
  - ~~1. Landfills or sludge disposal sites;~~
  - ~~2. Effluent spray fields;~~
  - ~~3. Discharge to ground water through manmade conduits, except for septic tanks and stormwater treatment facilities;~~
  - ~~4. Feedlots or other concentrated animal waste;~~
  - ~~5. Stormwater facilities where recharge occurs into a potable water aquifer; and~~
  - ~~6. All uses specified in the Comprehensive Plan Future Land Use Element.~~~~

Well/Wellhead Protection Area (WHPA) requirements for a qualified Community Water Systems (CWS), as defined by Chapter 62-521.200(1), FAC, shall be maintained to provide protection of existing and proposed wells from contamination for the design life of the facility. When multiple wells are existing and/or suitably planned for future service, in lieu of a WHPA for each individual well, a wellfield protection area approach may be used, provided the identified Wellfield Protection Area encompasses all existing and planned wells to be used by the qualified CWS.

**Policy 1.2**

Qualified CWS WHPAs shall be consistent with Marion County’s WHPA requirements and are defined and established as listed below, and on “Map 3 ‘- Existing Cone of Influence for Wellheads” incorporated herein:

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

**Policy 1.23:**

The City shall review the Southwest Florida Water Management District’s regulations regarding high aquifer recharge areas on an annual basis. In case of changes to these regulations, amendments shall be made to the Land Development Code to reflect the new regulations set forth by the water management district.

**Policy 1.4:**

The City shall maintain land development regulations regarding the placement and establishment of new land uses and development for WHPAs, at a minimum consistent with Chapters 62-521, 62-532, 62-555.312, and 62-610.200, FAC, as amended.

**Objective 2:**

Implement water quality protection strategies for the two springsheds that exist in Dunnellon.

**Policy 2.1:**

The City will discourage the sale and use of fast release pesticides and fertilizers within city limits through educational programs.

**Policy 2.2:**

The City should provide funding for programs which assist in educating residents about proper use of fertilizers and irrigation practices

**Policy 2.3:**

The City will incorporate the principles of the Florida Yards and Neighborhoods Program into local landscaping ordinances.

**Objective 3:**

Restrict land use activities that have the potential to pollute public water supply facilities and/or the Floridan Aquifer.

**Policy 3.1:**

Control point sources of groundwater pollution by implementing land development regulations to restrict any land use that will diminish groundwater quality and quantity. The following land uses shall be regulated to reduce potential impacts:

- A. Vehicle sales, repair, rental, storage, or maintenance;
- B. Hazardous waste facilities;
- C. Buildings larger than 80,000 sq. ft.;
- D. Drive-up facilities;
- E. RV Parks.

**Objective 4:**

Maintain reasonable and appropriate potable water usage (125 gal/person/day) consistent with the current Conservation Element amendments of the Comprehensive Plan.

**Policy 4.1:**

The City will promote water conservation through the enforcement of the adopted Florida Building Code which requires such items as low-volume commodes, water flow restrictions for showers and spigots, and similar devices in all new construction and renovations, and will comply with the appropriate water management district water use restrictions.

**Policy 4.2:**

Use of the lowest quality water available for appropriate uses, through water storage systems (i.e. rain barrels) and gray (reclaimed) water supply facilities.



**Policy 4.3:**

The City shall require compliance with the Southwest Florida Water Management District regarding irrigation practices and other water restrictions measures.

**Policy 4.4:**

Participate in water conservation and protection program of the Southwest Florida Water Management District.

**Policy 4.5:**

Require the use of native vegetation in landscaping, which reduces irrigations needs.

**Policy 4.6:**

Coordinate with the Southwest Florida Water Management District to ensure the City and its residents comply with the requirements for water conservation during times of water shortage.

**Policy 4.7:**

Maintain a water conservation program which includes: progressive rate structures; leak detection and remediation programs; and educational programs.

**Policy 4.8:**

Coordinate with the Southwest Florida Water Management District in development of organized procedures to be followed during emergency water supply interruptions.

**Policy 4.9:**

Enforce state laws requiring low volume plumbing fixtures for new construction through building permit procedures.

**Policy 4.10:**

Participate in water conservation and protection programs of the SWFWMD, and seek assistance in the development of a water shortage plan, which establishes preparations for emergency water supply interruptions. Develop mechanisms to ensure appropriate procedures are followed during district-declared and local emergency water supply interruptions, as required by Chapter 373.609, Florida Statutes by establishing chain-of-command communication between the Southwest Florida Water Management District, the City Manager, public utilities director, plant operators, newspapers, law enforcement and local citizens. Information on water shortage and conservation programs shall be disseminated through the monthly billing statement.

**Objective 5:**

Limit the use of impervious surfaces to increase land availability for aquifer recharge.

**Policy 5.1:**

Design of parking lots, sidewalks, buildings, and other impervious surfaces shall minimize connections between impervious surfaces through the following techniques:

- A. Directing flows from roof drains to vegetated areas or to rain barrels or cisterns for reuse of the water;
- B. Directing flows from paved areas to vegetated areas;
- C. Locating impervious surfaces so that they drain to vegetated buffers or natural areas; and
- D. Breaking up flow directions from large paved surfaces.

Not all techniques may be required to accomplish the requirement to minimize connections.

**Policy 5.2:**

Porous pavement materials, such as pervious concrete, pervious asphalt, or other pervious or porous materials shall be used to minimize the amount of impervious surface within all development.

**Policy 5.3:**

Implement innovative site design techniques, which protect the aquifer and maintain aquifer recharge capabilities, such as cluster development, pervious pavement, green development, water and energy efficient development, and open space requirements.

**Objective 6:**

Provide for the management of hazardous waste in order to protect environmental quality, potable water supplies, and the health, safety, and welfare of Dunnellon's population. This shall be achieved by implementing monitoring and other regulatory programs and through policies for siting of new land uses involving hazardous waste.

**Policy 6.1:**

The City shall cooperate with any state, federal, or local programs concerning hazardous waste.

**Policy 6.2:**

Prior to any activity that stores, uses or produces hazardous waste, the responsible party shall:

- A. Develop an emergency response system addressing accidents involving hazardous waste.
- B. Ensure that location of the site will not degrade quality of groundwater or surface water or other natural resources.
- C. Ensure DEP standards for transfer, handling, and storage of hazardous waste are implemented by undergoing review and approval under the Marion County Storage Tank Program.

- D. Coordinate with State, Regional and County officials to demonstrate that compliance with the above requirements will satisfy all regulations and policies.

**Policy 6.3:**

Promote the collection and recycling of hazardous wastes by providing public information and programs such as Amnesty Days and the locations of approved recyclers.

**Policy 6.4:**

- A. All new underground storage tanks within the City shall be required to provide a double lining, consistent with DEP rules. All land use requests for installation of underground storage tanks shall not be issued development orders until approved by the Marion County Underground Storage Tank Program to ensure consistency with DEP rules.
- B. All existing underground storage tanks within the City shall be inspected annually in accordance with the Marion County Underground Storage Tank Program. Existing hazardous substance storage tank systems shall be required to meet performance standards of DEP Rules.
- C. Prior to permitting of demolition or redevelopment of land uses which contain underground storage tanks, the developer shall be required to submit closure plans consistent with DEP Rules. to the Marion County Underground Storage Tank Program officials for prior approval.
- D. Should the City police, fire department, public works personnel or other staff become aware of any spills throughout the City, the Public Works Director shall report the information within 24 hours to the Marion County Underground Storage Tank Program and request assistance under the program towards enforcement of cleanup procedures.
- E. Above ground storage tanks systems shall meet the standards of DEP Rules.

**Policy 6.5:**

Owners of existing underground storage tanks within 1000-foot radius of any public potable water well shall monitor groundwater quality and report quarterly to the City. Any tank found to be leaking shall be required to report within 24 hours to the Marion County Storage Tank Program.

**Policy 6.6:**

The City shall verify that adequate potable water supplies are available, consistent with adopted level of service standards, prior to issuing development orders.

**Policy 6.7:**

Coordinate with SWFWMD in the protection of aquifer recharge areas after such information on prime recharge areas is made available. As soon as such information becomes available, the City shall amend the comprehensive plan to protect prime recharge areas. As an interim measure, the

following impervious surface ratios shall apply to new development and redevelopment: all new subdivisions and nonresidential development shall provide a minimum of 35 percent pervious (porous) open space or green area, except within the historic district.



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 re-subdivision 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))</u> <u>(Municipal/Local Government, Community or Special District, PFSC</u> <u>Regulated Utility)</u>
<u>Primary</u>	<u>≤100'</u>
<u>Secondary</u>	<u>&gt;100' to ≤500'</u>
<u>Tertiary</u>	<u>&gt; 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 **Sec. 98-221 – Regulated uses.**

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

142



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

154 2) Secondary Zone. The following uses are prohibited within the Secondary Zone, as

155 described in Sec. 98-220:

156

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

171 3) Tertiary Zone. The following uses are prohibited within the Tertiary Zone, as described

172 in Sec. 98-220:

173

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

186 4) Prohibited uses, structures, and other impervious surfaces lawfully existing at the time of

187 the adoption of this ordinance or lawfully existing at the time a CWS serving as the basis

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

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

194  
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 **SECTION 5. CONFLICTS.** In any case where a provision of this Ordinance is found  
202 to be in conflict with a provision of any other ordinance of this City, the provision which  
203 establishes the higher standards for the promotion and protection of the health and safety of the  
204 people shall prevail.

205  
206 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately  
207 upon its passage and adoption.

208  
209 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first  
210 reading on the \_\_th day of \_\_\_\_\_, 2020.

211  
212 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon  
213 the second and final reading and public hearing on the \_\_th day of \_\_\_\_\_, 2020.

214  
215 Ordinance Posted on the City's website on \_\_\_\_\_, 2020. Public hearing advertised on  
216 the City's website on \_\_\_\_\_, 2020 and advertised in the Riverland News on \_\_\_\_\_  
217 \_\_\_\_\_, 2020.

218  
219 ATTEST: **CITY OF DUNNELLON**  
220  
221 \_\_\_\_\_  
222 Amanda L. Roberts, CMC C. Dale Burns, Jr., Mayor  
223 City Clerk

224  
225  
226 Approved as to Form:  
227 \_\_\_\_\_  
228  
229 Andrew J. Hand, City Attorney



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41 City Council of the City of Dunnellon.

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51 pollution.

52           \*\*\*

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

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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           \*\*\*

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

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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.  
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94 Protection Area Zone, provided the transporting vehicle is in transit.

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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.

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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  
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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 **Sec. 98-221 – Regulated uses.**

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

142

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

154 2) Secondary Zone. The following uses are prohibited within the Secondary Zone, as

155 described in Sec. 98-220:

156

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

171 3) Tertiary Zone. The following uses are prohibited within the Tertiary Zone, as described

172 in Sec. 98-220:

173

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

186 4) Prohibited uses, structures, and other impervious surfaces lawfully existing at the time of

187 the adoption of this ordinance or lawfully existing at the time a CWS serving as the basis

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

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

194  
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 **SECTION 5. CONFLICTS.** In any case where a provision of this Ordinance is found  
202 to be in conflict with a provision of any other ordinance of this City, the provision which  
203 establishes the higher standards for the promotion and protection of the health and safety of the  
204 people shall prevail.

205  
206 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately  
207 upon its passage and adoption.

208  
209 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first  
210 reading on the \_\_th day of \_\_\_\_\_, 2020.

211  
212 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon  
213 the second and final reading and public hearing on the \_\_th day of \_\_\_\_\_, 2020.

214  
215 Ordinance Posted on the City's website on \_\_\_\_\_, 2020. Public hearing advertised on  
216 the City's website on \_\_\_\_\_, 2020 and advertised in the Riverland News on \_\_\_\_\_  
217 \_\_\_\_\_, 2020.

218  
219 ATTEST: **CITY OF DUNNELLON**  
220  
221 \_\_\_\_\_  
222 Amanda L. Roberts, CMC C. Dale Burns, Jr., Mayor  
223 City Clerk

224  
225  
226 Approved as to Form:  
227 \_\_\_\_\_  
228  
229 Andrew J. Hand, City Attorney