

**JEFFERSON COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE NO. 2011-072111-02

AN ORDINANCE OF JEFFERSON COUNTY FLORIDA, RELATING TO AQUIFER PROTECTION; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; AMENDING LAND DEVELOPMENT CODE SECTION 1.05.02 TO ADD AQUIFER PROTECTION MEASURES TO REGULATED ACTIVITIES ENUMERATED; AMENDING LAND DEVELOPMENT CODE SECTION 2.02.02G3, TO CLARIFY THE DEFINITION OF LOCAL PUBLIC SERVICE FACILITY; AMENDING LAND DEVELOPMENT CODE SECTION 4.02.02, TO ADD AQUIFER PROTECTION MEASURES; AMENDING LAND DEVELOPMENT CODE SECTION 9.02.02, DEFINITION OF MAJOR DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Florida, as follows:

SECTION 1: FINDINGS OF FACT

WHEREAS, pursuant to the requirements of the Community Planning Act (formerly the Local Government Comprehensive Planning and Land Development Regulation Act) of Chapter 163, Part II, Florida Statutes, and former Chapter 9J-5, Florida Administrative Code, Jefferson County had adopted a Comprehensive Land Use Plan; and

WHEREAS, pursuant to the requirements of Section 163, Part II, Florida Statutes, and former Chapter 9J-5, Florida Administrative Code, Jefferson County has adopted a Land Development Code which implements the Comprehensive Plan and regulates the use of land in Jefferson County; and

WHEREAS, abundant and pure potable groundwater water resources are essential to the current and future residents of Jefferson County; and

WHEREAS, it is important for Jefferson County to regulate development activity which may pose a threat to the quality of groundwater from aquifers that constitute sources of potable water; and

WHEREAS, installation of development infrastructure of the type usually associated with large scale groundwater withdrawals, and/or of the type associated the production of bottled water, involve activities which might be incompatible with surrounding uses requiring that such development proposals be further restricted and subject to additional review and scrutiny; and

WHEREAS, there exist in Jefferson County several spring/stream systems, the most notable of which are the Aucilla River sinks and rise, and the Wacissa Springs Group, which feed the Aucilla and Wacissa Rivers and wetlands, as well as regionally significant natural areas associated with these river systems (hereinafter Aucilla/Wacissa River Ecosystem); and

WHEREAS residents and visitors of Jefferson County have historically visited and utilized the Aucilla/Wacissa River Ecosystem for such traditional and economically important recreational activities as boating, fishing, swimming, canoeing and kayaking, bird watching, and hunting; and

WHEREAS, the health of the Aucilla/Wacissa River Ecosystem is dependent, in part, upon protection of water resources flowing from the Aucilla River rise and the Wacissa Springs Group.

WHEREAS, there exist in Jefferson County a number of stream-to-sink systems where riverine or lake surface water flow into sinkholes with no surface water outlet and thereby introducing surface water directly into the groundwater aquifer; stream-to-sink systems present an increased risk of contamination of potable groundwater and spring water resources from land based activities.

WHEREAS, the Board of County Commissioners has determined that additional protection of groundwater resources in Jefferson County is necessary in order to preserve and protect essential potable groundwater resources and to preserve and protect the Aucilla/Wacissa River Ecosystem;

WHEREAS, the Jefferson Board of County Commissioners has determined that this ordinance is consistent with the adopted Comprehensive Plan and is necessary to protect the health, safety, and welfare of Jefferson County, Florida and its citizens.

NOW, THEREFORE, BE IT ORDAINED by the Jefferson County Board of County Commissioners as follows:

SECTION 2: PURPOSE OF ORDINANCE

The purpose of this Ordinance is to adopt an amendment to the Jefferson County Land Development Code providing additional protection for groundwater resources, generally, and more specifically, protecting potable groundwater resources; protecting the health and biodiversity of the Aucilla/Wacissa River Ecosystem; protecting water resources in springs and stream to sink systems; and for the protection of other existing and future uses that are be located

in areas where infrastructure and activities associated with water bottling or large groundwater withdrawals could be proposed.

SECTION 3: AMENDMENT TO SECTION 1.05.02 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE

Section 1.05.02 of the Jefferson County Land Development Code, Regulated Activities Enumerated, is hereby amended as follows:

NOTE: Underlined language is proposed language and ~~Struck Through~~ language is language proposed to be deleted.

Subsections A - P, no change.

Q. Development and/or land use involving large scale withdrawal of groundwater.

R. Development and/or land use which may reduce the quality of groundwater in aquifers constituting potable water resources or providing essential flows to springs and riverine systems which rely on spring flow.

SECTION 4: AMENDMENT TO SECTION 2.02.02 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE

Section 2.02.02 of the Jefferson County Land Development Code, Types of Uses, Local Public Service Activities, is hereby amended as follows:

NOTE: Underlined language is proposed language and ~~Struck Through~~ language is language proposed to be deleted.

2.02.00 USES ALLOWED IN LAND USE DISTRICTS

2.02.02 Types of Uses

Subsections A - F, no change.

G. Local Public Service Activities

This group of activities includes those uses which generally provide essential or important public services directly to the consumer or are small scale facilities, and which may have characteristics of potential nuisance to adjacent properties due to noise, light and glare, or appearance. Government offices or government agency offices specifically are not included in this group of uses. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

Subsections 1 and 2, no change.

3. Utility facilities, such as water and wastewater pumping stations, and utility linear distribution/collection facilities' corridors/easements/right-of-way which contain water or wastewater lines as part of a consumer distribution or collection system, but excluding water pumping stations and other facilities associated with, or used for, the production of bottled water.

Subsections 4 – 7, no change.

SECTION 5: AMENDMENT TO SECTION 4.02.02 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE

Section 4.02.02 of the Jefferson County Land Development Code, Location Criteria and Other Restrictions, is hereby amended as follows:

NOTE: Underlined language is proposed language and Struck Through language is language proposed to be deleted.

Subsections A and B, no change.

C. The County shall not approve any development associated with, or related to, the production of bottled water without approval of the County by a supermajority (defined as a minimum of 4 votes in favor) vote of the Board of County Commissioners.

D. Development infrastructure intended to support surface and groundwater withdrawals in all land use districts shall be limited to that infrastructure necessary to serve uses of land which are otherwise allowable designated land uses in the district where such infrastructure is proposed to be located.

E. The use of landscaping best management practices as stated in the Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries (Florida Department of Environmental Protection, 2008) is encouraged.

F. All new golf course siting, design, construction, and management shall implement the prevention, management, and monitoring practices, detailed in the golf course siting, design, and management chapter of the Protecting Florida's Springs Manual – Land Use Planning Strategies and Best Management Practices (Florida Department of Community Affairs and the Florida Department of Environmental Protection, 2002).

G. The County shall encourage the use of water management conservation measures which will assure the retention of groundwater to protect the coastal bays and springsheds, and assure emergency water conservation in the case of groundwater contamination.

SECTION 6: AMENDMENT TO SECTION 9.02.02 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE

Section 9.02.02 of the Jefferson County Land Development Code, Designation of Plans as Minor or Major Developments, is hereby amended as follows:

NOTE: Underlined language is proposed language and ~~Struck Through language~~ is language proposed to be deleted.

Subsections A and B, no change.

C. Major Development. A plan shall be designated as a major development requiring final development approval by the Planning Commission and the Board of County Commissioners if it is:

Subsections C 1 – C 6, no change.

7. Any development associated with, or related to, the production of bottled water, which must also be approved by supermajority (defined as a minimum of 4 votes in favor) vote of the Board of County Commissioners.

8. Any development involving the installation of infrastructure to support, or to be served by, large scale withdrawals of groundwater (greater than 100,000 gallons per day as a thirty (30) day rolling average) for purposes other than agriculture, irrigation, recreation, or construction dewatering.

9. Any development involving the installation of infrastructure for a public or private utility.

SECTION 7: SEVERABILITY

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and affect.

SECTION 8: CONFLICT

All ordinances or parts of ordinances in conflict herewith are, to the extent of such of conflict, hereby repealed.

SECTION 9: COPY ON FILE

A certified copy of this enacting ordinance shall be filed with the Clerk of the Circuit Court.

SECTION 10: EFFECTIVE DATE

This Ordinance shall be filed with the Office of the Secretary of the State of Florida and shall immediately take effect upon receipt of official acknowledgment from the Department of State that the same has been filed.

SECTION 11: AUTHORITY

This ordinance is adopted pursuant to the authority granted by Chapter 125.01 and Chapter 163.3161 through 163.3215, Florida Statutes.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Jefferson County this ____ day of ____, 2011.

BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA

Stephen Fulford, Chairman

ATTESTED BY:

Kirk Reams, Clerk of the Circuit Court

APPROVED as to FORM & SUBSTANCE:

Scott Shirley, County Land Use Attorney

This ordinance was submitted to the Secretary of State, State of Florida on the ____ day of _____, 2011.