



Hillsborough County Florida Agenda Item Cover Sheet

Agenda Item N^o: D-1

Meeting Date 4/21/2021

Consent Section

Regular Section

Public Hearing

Subject: Hold a public hearing to consider an amendment to Section 111 of the Hillsborough County Code of Ordinances and Laws (Water Conservation).

Department Name: County Attorney's Office

Contact Person: Hank Ennis Contact Phone: 272-5670

Sign-Off Approvals

<u>Christine Beck</u>	<u>4/8/2021</u>	<u>Hank Ennis</u>	<u>4/8/2021</u>
County Attorney	Date	Managing County Attorney	Date
<u>Kevin Brickey</u>	<u>4/9/2021</u>	<u>Hank Ennis</u>	<u>4/8/2021</u>
Management and Budget – Approved as to Financial Impact Accuracy	Date	Assistant County Attorney	Date

Staff's Recommended Board Motion:
Hold a public hearing to consider an amendment to Section 111 of the Hillsborough County Code of Ordinances and Laws (Water Conservation) to allow exceptions to the modified irrigation schedule in the southern portion of the Water Resources Department's Service area for irrigation using alternative water sources including domestic well water and surface water. The amendment will also add additional properties to the modified irrigation restriction area which were not under construction when the original modified irrigation restrictions were adopted. It is expected that these homesites will be fully developed prior to the expiration of the modified irrigation restrictions. This action is pursuant to direction given by the Board of County Commissioners (BOCC) at the March 3rd BOCC meeting, requested by the Environmental Management Division and the Water Resources Department. The financial impact associated with the agenda item is the cost to publish the appropriate legal notice.

Financial Impact Statement:
The financial impact associated with the agenda item is the cost to publish the appropriate legal notice.

Background:
In December 2020, the County adopted additional irrigation restrictions in the southern portion of the Water Resources Department's South Central Service Area. These restrictions were adopted in response to low water pressure issues during high irrigation demand coupled with the normal morning potable water demand. Since the existing situation is a result of the County's potable water infrastructure, it is unnecessary to have modified restrictions on domestic well water and surface water irrigation systems. Staff is also requesting additional properties be included in the modified irrigation restriction area. These areas were not under construction when the original map included with the modified irrigation restrictions was created. However now it appears that these homesites will be fully developed prior to the expiration of the modified irrigation restrictions. Inclusion of these new properties is important to help protect the potable water distribution system.

List Attachments:
Draft Ordinance

1 **ORDINANCE NO. 21-_____**

2 **AN ORDINANCE OF THE HILLSBOROUGH COUNTY BOARD**
3 **OF COUNTY COMMISSIONERS AMENDING CHAPTER 111**
4 **OF THE HILLSBOROUGH COUNTY CODE OF ORDINANCES**
5 **AND LAWS (WATER CONSERVATION); AMENDING THE**
6 **DAYS AND TIMES WHEN THE IRRIGATION OF NEW AND**
7 **EXISTING LAWNS AND LANDSCAPING USING CERTAIN**
8 **SOURCES OF WATER CAN OCCUR WITHIN DESIGNATED**
9 **AREAS WITHIN HILLSBOROUGH COUNTY; PROVIDING**
10 **THAT PROPERTIES THAT HAVE A WATER USE PERMIT**
11 **FROM THE SOUTHWEST FLORIDA WATER MANAGEMENT**
12 **DISTRICT SHALL COMPLY WITH THEIR DISTRICT**
13 **PERMIT AND ARE NOT SUBJECT TO THE RESTRICTIONS**
14 **HEREIN; ADDING ADDITIONAL PROPERTIES TO THE**
15 **DESIGNATED AREA; PROVIDING FOR AN EFFECTIVE**
16 **DATE.**

17 **WITNESSETH:**

18
19 **WHEREAS**, the water pressure in the southern part of the County’s potable water
20 service area is becoming dangerously low primarily resulting from the irrigation of new and
21 existing lawns and landscaping using public supply potable water during increased potable water
22 demand periods; and

23
24 **WHEREAS**, if the water pressure becomes low due to the increased peak potable water
25 demand periods associated with the irrigation of new and existing lawns and landscaping using
26 public supply potable water in the referenced area, this may result in a “Precautionary Boil Water
27 Notice” event; and

28
29 **WHEREAS**, if the water pressure becomes low due to the increased peak potable water
30 demand associated with the irrigation of new and existing lawns and landscaping using public
31 supply potable water in the referenced area, the fire flow pressure may be affected, which may
32 hinder the County’s ability to combat fires in the referenced area; and

33
34 **WHEREAS**, Hillsborough County Water Resources Department has initiated a capital
35 project to construct improvements to the South Central Potable Water System to provide
36 sufficient water quality and pressure to meet the substantial growth and the increased peak
37 potable water demands in this portion of the County which is anticipated to be completed by the
38 end of the fourth quarter of 2022; and

39
40 **WHEREAS**, if the Board of County Commissioners limits the days and adjusts the
41 timeframe for the irrigation of new and existing lawns and landscaping using public supply
42 potable water to provide relief during the current peak demand periods associated with the
43 irrigation practices in the impacted area, the problems with low water pressure can be improved.

1
2 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
3 **COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR**
4 **MEETING THIS ___ DAY OF _____, 2021.**

5 1) Sections 111-7 (a) and (b) of Chapter 111 of the Hillsborough County Code of
6 Ordinances and Laws is amended to read as follows:

7 (a) The irrigation of existing lawns and landscaping using public supply potable water,
8 domestic well water and surface water is allowed during a single period of either the hours of
9 12:01 a.m. to 8:00 a.m. or during the hours of 6:00 p.m. to 11:59 p.m., on each allowable
10 watering day. However, upon the effective date of the ordinance from which this amended
11 section is derived through December 31, 2022, the irrigation of existing lawns and landscaping
12 using public supply potable water in the area designated in the map below, is only allowed
13 during a single period of either the hours of 8:30 a.m. to 12:00 noon as allowed by the Southwest
14 Florida Water Management District upon approval of a petition for variance by Hillsborough
15 County, or during the hours of 6:00 p.m. to 12:00 midnight on each allowable watering day. A
16 user may irrigate existing lawns and landscaping zones using public supply potable water during
17 only one of the specified time periods on any allowable watering day.

18 (b)(1) Except as restricted in section (b)(2) referenced below, irrigation of existing lawns
19 and landscaping using public supply potable water, domestic well water and surface water shall
20 be limited to twice per week, as follows:

- 21 a. At addresses ending in the number 0, 1, 2 or 3 on Mondays and/or
22 Thursdays;
- 23 b. At addresses ending in the number 4, 5 or 6, on Tuesdays and/or Fridays;
- 24 c. At addresses ending in the number 7, 8 or 9 and at locations with no
25 address and locations with mixed addresses, on Wednesdays and/or
26 Saturdays.

27 (2) Upon the effective date of the ordinance from which this subsection is derived
28 through December 31, 2022 the irrigation of existing lawns and landscaping using public supply
29 potable water in the area designated in the map below, shall be limited to once per week, as
30 follows:

- 31 a. At addresses ending in the number 0 or 1 on Mondays;
- 32 b. At addresses ending in the number 2 or 3, on Tuesdays;
- 33 c. At addresses ending in the number 4 or 5, on Wednesdays;
- 34 d. At addresses ending in the number 6 or 7, on Thursdays;
- 35 e. At addresses ending in the number 8 or 9, on Fridays;
- 36 and at locations with no address and locations with mixed addresses on Saturdays.

37
38 (3) Properties that have a Water Use Permit issued by the Southwest Florida Water
39 Management District (District) shall comply with their District permit and are not subject to the

1 restrictions herein. However, if a Water Shortage Order is declared by the District (District)
2 pursuant to Chapter 40D-21, F.A.C., properties with a District Water Use Permit are subject to
3 the irrigation restrictions as described in this Ordinance to the extent that this Ordinance is more
4 restrictive than the District's Water Shortage Order.
5

6 2) Section 111-7(l) of Chapter 111 of the Hillsborough County Code of Ordinances and
7 Laws is amended to read as follows:

8 (l) Irrigation of new lawns and landscaping is restricted to the following:

9 (1) During the initial 30 days, new lawns and landscaping may be watered in
10 using public supply potable water, domestic well water and surface water any day
11 but not between the hours of 8:00 a.m. to 6:00 p.m. However, upon the effective
12 date of the ordinance from which this amended subsection is derived through
13 December 31, 2022, the irrigation of new lawns and landscaping using public
14 supply potable water in the area designated in the map below, is allowed any day
15 for 30 days only during either the hours of 8:30 a.m. to 12:00 noon, as allowed by
16 the Southwest Florida Water Management District upon approval of a petition for
17 variance by Hillsborough County, or during the hours of 6:00 p.m. to 12:00
18 midnight.

19 (2) Following the initial 30-day period, irrigation of new lawns and
20 landscaping using public supply potable water, domestic well water and surface
21 water may occur on alternating days for an additional 30 days with:

- 22 a. even-numbered addresses on Tuesdays, Thursdays and Sundays;
- 23
- 24 b. odd-numbered addresses on Mondays, Wednesdays and Saturdays;
- 25
- 26 c. common areas, mixed addresses, and locations with no address on
- 27 Sundays, Tuesdays and Fridays;
- 28
- 29 d. and not between the hours of 8:00 a.m. to 6:00 p.m.;
- 30
- 31 e. however, upon the effective date of the ordinance from which this
- 32 amended subsection is derived through December 31, 2022, the
- 33 irrigation of new lawns and landscaping using public supply
- 34 potable water in the area designated in the map below, is allowed
- 35 only on the above referenced days and only during either the hours
- 36 of 8:30 a.m. to 12:00 noon, as allowed by the Southwest Florida
- 37 Water Management District upon approval of a petition for
- 38 variance by Hillsborough County, or during the hours of 6:00 p.m.
- 39 to 12:00 midnight.
- 40

41 This establishment period begins the day the new plant material is installed and is limited
42 to areas containing new plant material only. An entire zone of an irrigation system may only be
43 used for establishment period watering if the zone in question is for an area that contains at least
44 50 percent new plant material. If a zone contains less than 50 percent new plant material or if the

1 new plant material is in an area that will typically not be watered by an irrigation system, only
2 the new plant material is eligible for this 60-day exemption. Targeted watering may be
3 accomplished by hand watering or any appropriate method which isolates and waters only the
4 new plant material.

5
6 3) The current map referenced in Chapter 111 of the Hillsborough County Code of
7 Ordinances and Laws is replaced with the following map.

8
9 4) This Ordinance shall become effective when a certified copy has been filed with the
10 Florida Department of State.

11
12
13 **STATE OF FLORIDA**)
14 **COUNTY OF HILLSBOROUGH**)

15
16 I, CINDY STUART, Clerk of the Circuit Court and Ex Officio Clerk of the Board of
17 County Commissioners of Hillsborough County, Florida, do hereby certify that the above and
18 foregoing is a true and correct copy of an Ordinance adopted by the Board of County
19 Commissioners at its meeting of _____, 2021, as the same appears of record in Minute
20 Book _____, of the Public Records of Hillsborough County Florida.

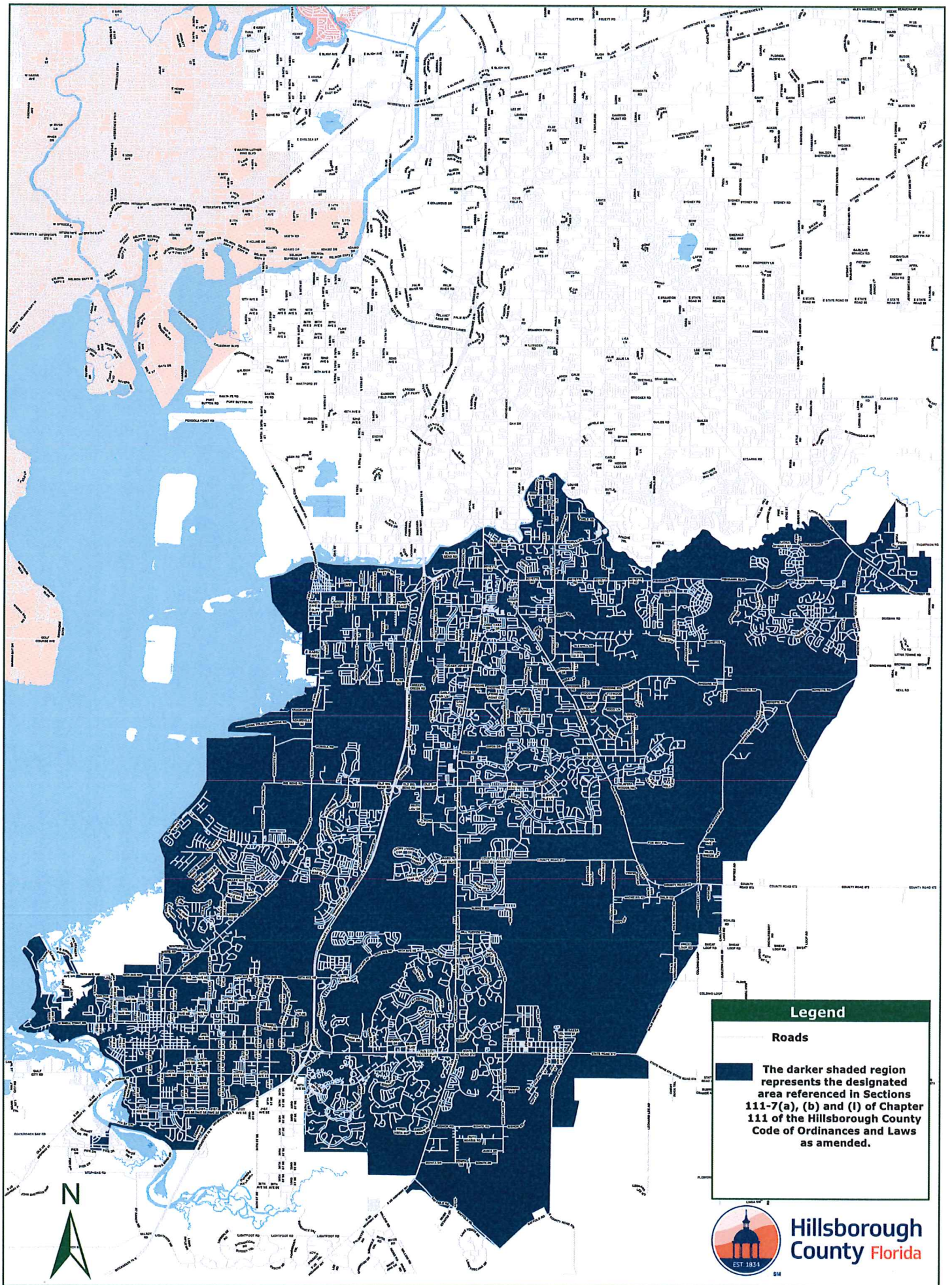
21
22 WITNESS my hand and official seal this ____ day of _____ 2021.

23
24 CINDY STUART
25 CLERK OF CIRCUIT COURT

26
27
28 By: _____
29 Deputy Clerk
30

31 Approved by County Attorney as to
32 Form and Legal Sufficiency

33
34
35 By: _____
36 Chief Administrative Counsel



Hillsborough
 County Florida