



CONSENT AGENDA

MEMORANDUM

TO: MAYOR & CITY COUNCIL MEMBERS

VIA: MIKE HEIN, CITY MANAGER

FROM: T.J. FISH, DIRECTOR OF TRANSPORTATION & PUBLIC WORKS

SUBJECT: CONSIDERATION OF APPROVAL: ORDINANCE 2023-18 AMENDING THE CITY OF GROVELAND’S LAND DEVELOPMENT CODE TO INCLUDE ADDITIONAL PROTECTIONS TO THE CURRENT AND FUTURE WATER SUPPLY BY FURTHER PROHIBITING USES WITHIN VARIOUS DISTANCES FROM A POTABLE WATER WELL, ALSO REFERRED TO AS A WELLFIELD PROTECTION ZONE, WHICH ELEMENTS APPLY CITY WIDE, INCLUDING IN THE GREEN SWAMP, AN AREA OF CRITICAL STATE CONCERN DESIGNATED PURSUANT TO S. [380.05](#), FLORIDA STATUTES; REFERENCING FLORIDA ADMINISTRATIVE CODE SECTIONS AND FLORIDA STATUTES FORMING THE AUTHORITY FOR PROTECTION OF POTABLE WATER WELLS AND WELLFIELD PROTECTION ZONES – SECOND READING

DATE: MAY 1, 2023

GENERAL SUMMARY/BACKGROUND:

City staff and consultants have reviewed the current policies regarding Wellhead Protection Areas as part of implementing the Utility Master Plan adopted by the City Council in 2022. It has been determined that the current policies are inconsistent with the Florida Administrative Code. As the City is evaluating existing and future wellhead sites, the outdated policies have been deemed problematic resulting in a staff recommendation to implement the amendments addressed in Ordinance 2023-18.

Seven separate amendments are recommended to the Land Development Regulations (listed below):

- Section 117-1, Article I., Subpart B - Wellhead protection for municipal wells
- Section 117-79, Article III., Subpart B – Definitions
- Section 117-147, Article III., Subpart B – Zones
- Section 117-180, Article III., Subpart B - Zone 1
- Section 117-181, Article III., Subpart B - Zone 2
- Section 117-182, Article III., Subpart B - Zone 3, 4, and 5
- Section 117-183, Article III., Subpart B - Toxic substances table

The proposed amendments are shown with tracked changes in the Ordinance 2023-18. The amendments are critical as the City is planning the next wellhead location for future water supply. Therefore, staff recommends approval of the proposed amendments contained within Ordinance 2023-18. The updated Production Well Protection Radii Map referenced in the ordinance is also attached.

BUDGET IMPACT:

None.

LEGAL NOTE:

Advertised per statute for the April 6 meeting of the Planning & Zoning Board (Local Planning Agency) and public hearings before the City Council including on April 17.

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance 2023-18 amending the Land Development Code to include additional protections to the current and future water supply by further prohibiting uses within various distances from the Wellfield Protection Zone.

ATTACHMENTS:

Attachment 1 Ordinance 2023-18

Attachment 2 Updated Production Well Protection Radii Map

Attachment 3 Legal Advertisement

Attachment 1

ORDINANCE 2023-18

AN ORDINANCE OF THE CITY OF GROVELAND, FLORIDA, AMENDING THE CITY OF GROVELAND'S LAND DEVELOPMENT CODE TO INCLUDE ADDITIONAL PROTECTIONS TO THE CURRENT AND FUTURE WATER SUPPLY BY FURTHER PROHIBITING USES WITHIN VARIOUS DISTANCES FROM A POTABLE WATER WELL, ALSO REFERRED TO AS A WELLFIELD PROTECTION ZONE WHICH ELEMENTS APPLY CITY WIDE, INCLUDING IN THE GREEN SWAMP, AN AREA OF CRITICAL STATE CONCERN DESIGNATED PURSUANT TO S. 380.05, FLORIDA STATUTES; REFERENCING FLORIDA ADMINISTRATIVE CODE SECTIONS AND FLORIDA STATUTES FORMING THE AUTHORITY FOR PROTECTION OF POTABLE WATER WELLS AND WELLFIELD PROTECTION ZONES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF GROVELAND LAND DEVELOPMENT CODE; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Groveland desires to amend its land development code to amend the wellfield protection zones.

WHEREAS, the adopted wellfield protection zones set forth in this amendment are consistent with Florida law.

WHEREAS, the Planning and Zoning Board of the City of Groveland held a public hearing on this ordinance which was advertised in accordance with law, and the Planning and Zoning Board made a recommendation to City Council.

WHEREAS, the City Council of the City of Groveland at second reading held a public hearing for adoption of this ordinance at least 10 days after the date of advertisement.

WHEREAS, the City of Groveland desires to amend the Land Development Code for the City of Groveland as set forth below.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF GROVELAND, FLORIDA AS FOLLOWS:

SECTION 1. The above recitals are true and correct and made an integral part of this ordinance.

SECTION 2. Section 117-1, Article I., Subpart B, Land Development Code of the Code of Ordinance, City of Groveland, Florida, is hereby amended to read as follows:

Sec. 117-1. Wellhead protection for municipal wells.

- ~~(a) The St. Johns River Water Management District, in partial fulfillment of statutory requirements to provide technical assistance to local governments, has authored and published an analysis of wellhead protection for the city wells.~~
- ~~(b) The analysis is attached to the ordinance from which this section is derived as Attachment A and is hereinafter known as the Groveland Wellhead Protection Area Delineation and is included herein by reference as though set forth at length.~~
- ~~(c) The ordinance from which this section is derived and the attachment will serve as the authority by which wellhead protection areas in the city may be defined.~~

The basis for this section on wellhead protection is 40C-3 F.A.C. – Water Wells. The purpose of chapter 40C-3, F.A.C., is to implement the duties and responsibilities of the District under Part III, chapter 373, F.S., and those responsibilities and duties delegated to the St. Johns River Water Management District by the Department of Environmental Protection relative to regulating the location, construction, repair, or abandonment of wells, and the licensing of water well contractors. It is the policy of the Governing Board that these rules are reasonably necessary to insure the protection and management of water resources and the health, safety, and general welfare of the people of this District. Public Water System Well siting and setback requirements are referenced under:

- (a) 40C-3.036(2), Chapter 62-532, F.A.C., Water Well Permitting and Construction Requirements,
- (b) 40C-3.036(3), Rule 62-555.310, F.A.C., Source and Siting Requirements for Public Water Systems, and
- (c) 40C-3.036(4), Rule 62-555.312, F.A.C., Location of Public Water System Wells.

SECTION 3. Section 117-79 Article III., Subpart B, Land Development Code of the Code of Ordinance, City of Groveland, Florida, is hereby amended to read as follows:

Sec. 117-79. Definitions.

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

Aquifer means a rock formation, group of rock formations or part of a rock formation that contains enough saturated permeable material to yield significant quantities of water.

Contamination means the presence of any harmful or deleterious substances in the water supply.

Florida substance list means a compilation of toxic substances which are to be subject to the provisions of F.S. §§ 442.101 to 442.127 Code of Federal Regulations Designating Hazardous Substances 40 CFR Section 302.4.

Floridan aquifer means the aquifer underlying Lake County, which supplies Lake County and surrounding counties with potable water.

Groundwater means subsurface water in the saturated zone from which wells, springs and groundwater runoff are supplied.

Lithology means the general characteristics of any rock formation.

One-foot drawdown contour means the locus of point around a well or well field where the free water elevation is lowered by one foot due to the pumping of the well or well field.

Permitted pumping capacity means the amount of water authorized to be pumped from a well during a one-year period.

Person means any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever or any combination of such, jointly or severally.

Pollutant travel time means the time required by pollutants to travel from one point to another.

Pollution means the presence of any substance (organic, inorganic, radiological or biological) or condition (temperature, PH, turbidity) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

Potable water means water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.

Public utility means any privately, municipally or county-owned system providing water or wastewater service to the public that has at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days of the year.

Toxic substance means any substance that has the capacity to produce personal injury or illness to humans through ingestion, inhalation or absorption into the body.

Transmissivity means the rate at which water is transmitted through a unit width of any aquifer under a unit of hydraulic gradient.

Travel-time zones means the area bounded by travel time contours.

Water pollution means the introduction in any surface or underground water of any organic or inorganic deleterious substance in such quantities, proportions and accumulations that are injurious to human, plant, animal, fish and other aquatic life or property, or that unreasonably interferes with the comfortable enjoyment of life or property or the conduct of business.

Well means a pit or hole sunk into the earth to reach a resource supply such as water.

Wellfield means a tract of land that contains a number of wells for supplying water.

Zones of influence means zones delineated as specific distances near and around wellfields, within which toxic substances will be regulated to protect the quality of the groundwater resource. These zones are approximately based on the rate of movement of

groundwaters in the vicinity of wells with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

Zone of influence map(s) means a map depicting any zones of influence and wellfield locations as approved by the city manager and on file with the city clerk.

SECTION 4. Section 117-147, Article III., Subpart B, Land Development Code of the Code of Ordinance, City of Groveland, Florida, is hereby amended to read as follows:

Sec. 117-147. Zones.

The zones of influence indicated on the zone of influence maps are:

Zone 1	75 100-foot radius from well
Zone 2	200 150-foot radius from well
Zone 3	1,000 200-foot radius from well
Zone 4	500-foot radius from well
Zone 5	1,000-foot radius from well

SECTION 5. Section 117-180, Article III., Subpart B, Land Development Code of the Code of Ordinance, City of Groveland, Florida, is hereby amended to read as follows:

Sec. 117-180. In Zone 1.

There shall be no new development activities within Zone 1 as indicated on the zone of influence maps. There shall be no manufacturing activities within Zone 1. No person shall store, handle, use and/or produce any toxic substances set forth in Table 117-1 in section 117-183. Septic tanks, sanitary sewer facilities, and unlined reclaimed water storage facilities shall be prohibited within Zone 1. Aboveground or underground storage tanks, sanitary hazard as defined in F.A.C. 62-532, storage or treatment of solid waste in tanks, and transmission facilities conveying reclaimed water shall be prohibited.

SECTION 6. Section 117-181, Article III., Subpart B, Land Development Code of the Code of Ordinance, City of Groveland, Florida, is hereby amended to read as follows:

Sec. 117-181. In Zone 2.

There shall be no new development activities within Zone 2 as indicated on the zone of influence maps. There shall be no manufacturing activities within Zone 2. No person shall store, handle, use and/or produce any toxic substances set forth in Table 117-1 in section 117-183. Septic tanks, sanitary sewer facilities, and unlined reclaimed water storage facilities shall be prohibited within Zone 2. There shall be no storage of toxic substances within Zone 2. All persons who engage in nonresidential activities within Zone 2 as indicated on the zone of influence maps, who store, handle, use and/or produce any toxic substances set forth in Table 117-1 in section 117-183 shall obtain a well field protection permit from the city clerk and shall comply with the provisions of this article and the rules and regulations promulgated hereunder.

SECTION 7. Section 117-182, Article III., Subpart B, Land Development Code of the Code of Ordinance, City of Groveland, Florida, is hereby amended to read as follows:

Sec. 117-182. In Zone 3, 4, and 5.

Septic tanks, sanitary sewer facilities, and unlined reclaimed water storage facilities shall be prohibited within Zone 3. There shall be no manufacturing activities within Zones 3 and 4. There shall be no storage of toxic substances within Zone 3, 4, and 5. Industrial uses shall be prohibited, including activities that require the storage, use, handling or transportation of restricted substances on the Florida Substance List (F.S. ch. 442), and agricultural chemicals, petroleum products, hazardous/toxic wastes, and industrial chemicals. In addition, percolation ponds, mining activities and similar activities are prohibited. Excavation of waterways or drainage facilities which intersect the water table shall not occur within 1,000 feet. Apart from those substances indicated on the Florida Substance List, all persons who engage in nonresidential activities within Zone ~~5~~ 3 as indicated on the zone of influence maps, who ~~store~~, handle, use and/or produce any toxic substances set forth in Table 117-1 in section 117-183 shall obtain a wellfield protection permit from the city manager or designee ~~clerk~~ and shall comply with the provisions of this article and the rules and regulations promulgated hereunder.

SECTION 8. Section 117-183, Article III., Subpart B, Land Development Code of the Code of Ordinance, City of Groveland, Florida, is hereby amended to read as follows:

Sec. 117-183. Toxic substances table.

Following is a table of toxic substances. In addition to the substances contained within this table, substances of the Florida Substance List are included.

Acephate
Aldicarb
Aldrin/dieldrin
Arsenic
Benzene
Bromodichloromethane
Bromoform
Cadmium
Carbaryl
Carbon tetrachloride
Chlordane
Chlordecone
Chlorobenzene

Chloroform
Chlorotoluene
Chromium (total)
Chromium (hexavalent)
Copper (excluding elemental metal)
Cyanide
2-4 D
DDT
Demeton
Diazinon
Dibromochloromethane
1,2 Dibromo-3-chloropropane
Dichlorobenzene
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethane cis and/or trans 1,2 Dichloroethane
Dichlorodimethane
1,2-Dichloropropane cis and/or trans 1,3 Dichloropropane
Disulfoton
Endosulfan
Endothall
Endrin
Ethylbenzene
Ethylene Dibromide
Guthion
Heptachlor
Isopropylbenzene
Lead
Lindane
Malathion
Mancozeb
Mercury
Methomyl

Methylene chloride
Methoxychlor
Mirex
Nickel (excluding elemental metal)
Nitrates
Oxamyl
Paraquat
Parathion
Phenolic compounds
Polychlorinated biphenyls
n-Propylbenzene
Selenium
Silver (excluding elemental metal)
Silvex
Styrene
1,1,1,2-Tetrachloroethane
Tetrachloroethane
Toluene
Toxaphene
Trichlorobenzene
1,1,1-Trichloroethane
Trichloroethane
Vinyl chloride
Xylene
Zinc (excluding elemental metal)
Gasoline
Kerosene
Pathogens
Petroleum products
Radionuclide

SECTION 9. Applicability. This ordinance shall be applicable to property located within the City of Groveland municipal boundaries as well as properties located in the Green Swamp, An Area of Critical State Concern.

SECTION 10. Severability. If any section or phrase of this ordinance is held to be unconstitutional, void or otherwise invalid, the validity of the remaining portions of this ordinance shall not be affected thereby.

SECTION 11. Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control and supersede.

SECTION 12. Inclusion. It is the intention of the City Council of the City of Groveland that this ordinance shall become and be made a part of the Land Development Code for the City. Sections may be renumbered or reorganized for editorial and codification purposes and such renumbering or reorganization shall not constitute nor be considered a substantive change to the Land Development Code as adopted.

SECTION 13. Effective Date. The effective date of this ordinance is upon adoption. No portion of the ordinance that is applicable to the Green Swamp, An Area of Critical State Concern shall be effective until a final order is issued finding the amendment to be in compliance as defined in 163.3184(1)(b), Florida Statutes.

PASSED AND ORDAINED this ___ day of _____, 2023 at a regular meeting of the City Council of the City of Groveland.

Evelyn Wilson, Mayor
City of Groveland, Florida

Attest:

Virginia Wright, City Clerk



Approved as to form and legality:

Anita Geraci-Carver, City Attorney

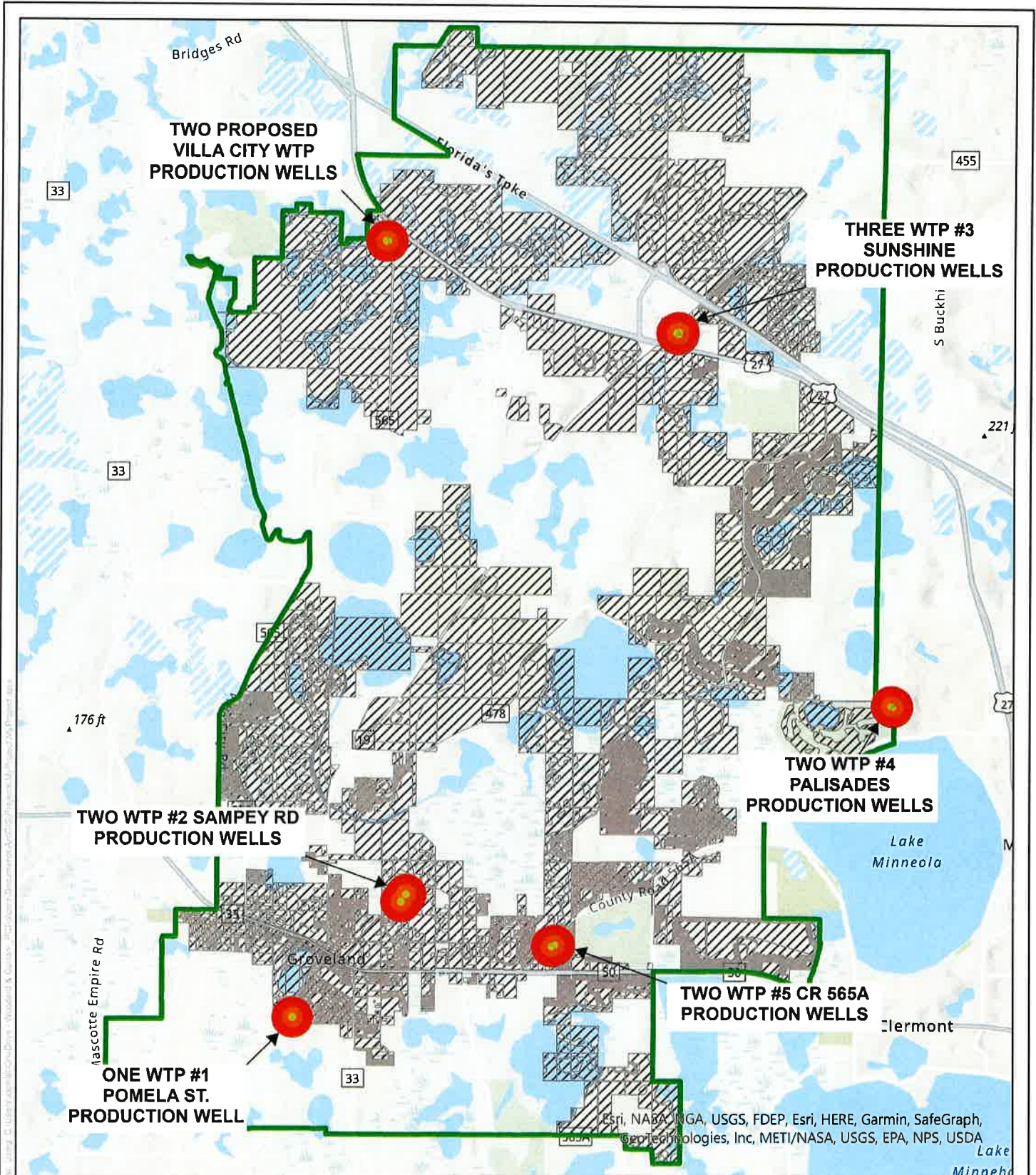
First Reading _____

Second Reading _____

Council Member _____ moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member _____ and upon roll call on the motion the vote was as follows:








	YEA	NAY
Barbara Gaines		
Mike Radzik		
Richard Skyzinski		
Dina Sweatt		
Evelyn Wilson		

Attachment 2




Production Well Locations & Well Protection Radii
City of Groveland

Legend

	Zone 1 - 100' Well Radius		Zone 5 - 1000' Well Radius
	Zone 2 - 150' Well Radius		Planning Area
	Zone 3 - 200' Well Radius		City Limits
	Zone 4 - 500' Well Radius		

0 1,500 3,000 6,000 Feet

N



Woodard & Curran

Project #: 0234301.02
Map Created: March 2023

Third Party GIS Disclaimer: This map is for reference and graphical purposes only and should not be relied upon by third parties for any legal decisions. Any reliance upon the map or data contained herein shall be at the users' sole risk. Data Sources: St. Johns River Water Management District - Existing Wells Under City of Groveland CUP

Attachment 3

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

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156 S Lake AVE
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STATE OF FLORIDA, COUNTY OF LAKE

The Daily Commercial, a newspaper printed and published in the city of Leesburg, and of general circulation in the Counties of Lake and Sumter, State of Florida, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated or by publication on the newspaper's website, if authorized, on:

03/30/2023

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Sworn to and subscribed before on 03/30/2023

Legal Clerk

Notary, State of WI, County of Brown

3/7/27

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Publication Cost: \$160.10
Order No: 8631809 # of Copies:
Customer No: 526520 1
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KAITLYN FELTY
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

The City of Groveland proposes to adopt Ordinance 2023-18. The Planning & Zoning Board will hold a public hearing of the E. L. Puryear Building located at 243 S. Lake Avenue, Groveland, Florida, on Thursday, April 6, 2023. The Planning & Zoning Board public hearing begins at 3:00 p.m. or as soon thereafter as possible. The City Council will hold a public hearing of the E. L. Puryear Building located at 243 S. Lake Avenue, Groveland, Florida, on Tuesday, April 11, 2023, and Monday, May 1, 2023. The City Council public hearings begin at 7:00 p.m. or as soon thereafter as possible. The title of the ordinance is as follows:

ORDINANCE 2023-18

AN ORDINANCE OF THE CITY OF GROVELAND, FLORIDA, AMENDING THE CITY OF GROVELAND'S LAND DEVELOPMENT CODE TO INCLUDE ADDITIONAL PROTECTIONS TO THE CURRENT AND FUTURE WATER SUPPLY BY FURTHER PROHIBITING USES WITHIN VARIOUS DISTANCES FROM A POTABLE WATER WELL, ALSO REFERRED TO AS A WELL-FIELD PROTECTION ZONE WHICH ELEMENTS APPLY CITY-WIDE, INCLUDING IN THE GREEN SWAMP, AN AREA OF CRITICAL STATE CONCERN DESIGNATED PURSUANT TO 5.36(6), FLORIDA STATUTES; REFERENCING FLORIDA ADMINISTRATIVE CODE SECTIONS AND FLORIDA STATUTES FORMING THE AUTHORITY FOR PROTECTION OF POTABLE WATER WELLS AND WELLFIELD PROTECTION ZONES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF GROVELAND LAND DEVELOPMENT CODE; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE.

You may appear at the Planning and Zoning Board and City Council public meetings and be heard with respect to the proposed Ordinance. Persons with disabilities needing assistance to participate in this proceeding should contact the City Clerk at least 48 hours before the meetings at 352-429-2141 ext. 2014.

The Ordinance is available at the Community Development Department located in the Public Safety Complex at 6925 State Road 50, Groveland, Florida, for inspection on Monday through Friday, from 8:30 a.m. to 5:00 p.m.

Persons are advised that if they decide to make any decision made at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is based, per Section 204.0105, Florida Statutes.

If you have any questions in advance of the scheduled public hearings, please contact the Community Development Department at 352-524-1751 or planning@groveland-fl.gov. #631809 3/30/2023