

ORDINANCE NO. 572

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING SECTION 74-432 (RESTRICTIONS ON DEVELOPMENT AND LAND USE) OF THE LAND DEVELOPMENT CODE OF THE TOWN OF BELLEAIR TO UPDATE TWO CITATIONS TO THE FLORIDA ADMINISTRATIVE CODE; AMENDING SECTION 74-433 (WELL PERMIT; INSTALLATION AND MAINTENANCE OF WELLS) OF THE LAND DEVELOPMENT CODE OF THE TOWN OF BELLEAIR TO DELETE PERMITTING AND INSPECTION REQUIREMENTS FOR SHALLOW WELLS; DELETE PERMITTING, INSPECTION AND FLOW METER REQUIREMENTS FOR DEEP WELLS; DELETE THE REQUIREMENT FOR WATER WELLS TO BE COMPLIANT WITH STATE AND TOWN REQUIREMENTS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, Town staff has completed a review and analysis of Section 74-432 of the Town's Land Development Code regarding restrictions on development and land use as it relates to groundwater and wellheads; and

WHEREAS, Town staff has reviewed Section 74-432 and recommended approval to update two citations to the Florida Administrative Code; and

WHEREAS, Town staff has completed a review and analysis of Section 74-433 of the Town's Land Development Code regarding permitting, installation and maintenance of wells; and

WHEREAS, Town staff has reviewed Section 74-433 and recommended approval to delete permitting and inspection requirements for shallow wells, delete permitting, inspection and flow meter requirements for deep wells and to delete the requirement for water wells to be compliant with state and town requirements.

NOW, THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Belleair, Florida, that:

Section 1. Section 74-432 (Restrictions on Development and Land Use) of Division 4 (Groundwater and Wellheads) of Article VI (Resource Protection Standards) of Chapter 74 (Land Use Regulations) of the Land Development Code of the Town of Belleair, is hereby amended to read as follows:

Sec. 74-432. Restrictions on development and land use.

- (a) *Zone of exclusion.* No development activities shall take place in the zone of exclusion.
- (b) *Prohibited uses in wellhead protection area.* The following land uses are prohibited within wellhead protection area:
 - (1) Landfills.

- (2) Facilities for the bulk storage, handling ~~of or~~ processing of materials on the Florida Substance List (~~F.S. ch. 442~~ Title 62, F.A.C.).
- (3) Activities that require the storage, use, handling, production or transportation of restricted substances such as agricultural chemicals, petroleum products, hazardous or toxic wastes, industrial chemicals, medical wastes, etc.
- (c) *Development standards for wellhead protection area.* The following special restrictions shall apply to development allowed within the wellhead protection area:
 - (1) Stormwater management practices shall not include drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers.
 - (2) Where development is proposed in areas with unused existing wells, these wells shall be abandoned, including adequate sealing and plugging according to Rule 17.2862C-29.009, Florida Administrative Code.
- (d) *Wells for private use.* No wells for private use that extract groundwater below the surficial aquifer shall be permitted.

Section 2. Section 74-433 (Well Permit; Installation and Maintenance of Wells) of Division 4 (Groundwater and Wellheads) of Article VI (Resource Protection Standards) of Chapter 74 (Land Use Regulations) of the Land Development Code of the Town of Belleair, is hereby amended to read as follows:

Sec. 74-433. Well permit; installation and maintenance of wells.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - (1) Deep well means any well drilled to a depth deeper than a plane at an elevation which is ten feet below sea level.
 - (2) Shallow well means any well drilled to a depth less than or equal to a plane at an elevation which is ten feet below sea level.
- (b) *Shallow wells.*
 - ~~(1) A permit for shallow wells shall be obtained from the town clerk prior to making such installation.~~
 - ~~(2) An installation permit for shallow wells that extract water from the surficial aquifer shall be obtained from the Southwest Florida Management District prior to obtaining an installation permit from the town.~~
 - ~~(3) The fee for the permit and inspection of such wells is as set out in the fee schedule in appendix B to this Code.~~
 - ~~(4) The town manager or the manager's agent shall periodically inspect the well and appurtenant facilities to ensure that the maintenance and operation of such well is in compliance with the terms and conditions of the Town Code of Ordinances.~~

- ~~(e) Deep wells. Any person operating an existing deep well must possess a valid operating permit issued by the town clerk to continue to operate such well. Permits shall be issued on April 1 and shall be renewed annually thereafter. The annual permit fee shall be as set out in the fee schedule in appendix B to this Code. The town manager or the manager's agent shall inspect the appurtenant facilities to ensure that the maintenance and operation thereof is in compliance with the terms and conditions of the Town's Code of Ordinances. The town manager may install a flow meter on each deep well and make a monthly recording of water consumption data.~~
- ~~(dc) Compliance with state and town requirements; e~~Cross connections. All water wells in the town shall be installed, operated and maintained in accordance with requirements of the department of health and rehabilitative services of the state and the Town's Code of Ordinances. No cross connection between the town water system and the irrigation distribution system of a shallow or deep well is permitted.

Section 3. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 4. For purposes of codification of any existing section of the Code of Ordinances, Town of Belleair, herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 5. If any section, subsection, sentence, clause, provision, or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Town Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 6. The Codifier shall codify the substantive amendments to the Code of Ordinances, Town of Belleair, contained in Sections 1 and 2 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 7. This Ordinance shall be effective immediately upon its passage and adoption.

ADOPTED ON FIRST READING by the Town Commission of the Town of Belleair, Florida, at the meeting held on the 12th day of March, 2024.

PUBLISHED on the 27th day of March, 2024.

PASSED AND ADOPTED ON SECOND READING by the Town Commission of the Town of Belleair, Florida, at the meeting held on the ____ day of _____, 2024.

Michael Wilkinson, Mayor

ATTEST:

Christine Nicole, CPM, MMC, Town Clerk