

Article 5 Overlay Zones and Special Areas

- Division 1 AOZ – Airport Overlay Zone**
- Division 2 ESOZ – Environmentally Sensitive Overlay Zone**
- Division 3 FOZ - Floodplain Overlay Zone**
- Division 4 SPZ - Springs Protection Overlay Zone**
- Division 5 MOA – Military Operating Area**
- Division 6 Scenic Roads**
- Division 7 WHPA - Wellhead/Wellfield Protection Area**

Sec. 5.7.1 Purpose and intent.

Groundwater is Marion County’s unique and limited local water source necessary to support Marion County’s population and environment. The Wellhead/Wellfield Protection Area’s purpose is to safeguard public health, safety, natural resources, and property by protecting the County’s groundwater resources and manage land use and development consistent with Marion County’s Comprehensive Plan Natural Groundwater Aquifer Protection Element.

Sec. 5.7.2 Applicability.

- A. The regulations set forth herein shall apply to all areas surrounding each potable water well and/or wellfield for a Community Water System (CWS) established under the provisions of FAC 62-521.200(1), as amended.
- B. Exempt activities. The following are exempt from the provisions of this Division:
 - (1) The transportation of any hazardous material or substance through a WHPA, provided the transporting vehicle is in transit.
 - (2) Agricultural uses, including mosquito control or abatement, which are conducted in conformance with FS Chapter 487, The Florida Pesticide Law, as amended.
 - (3) The use of a hazardous material or substance solely as fuel or fuel additive in a vehicle or tractor fuel tank or as a lubricant in a vehicle or tractor.
 - (4) Activities associated with fire, police, emergency medical services, emergency management center facilities, and public utilities, except for landfills.
 - (5) Retail sales establishments that store and handle hazardous materials or substances for resale in their original unopened containers.
 - (6) Office uses except those used for the storage, handling, or use of hazardous materials or substances as provided for in applicable FACs.
 - (7) Storage tanks which are constructed and operated in accordance with Florida’s storage tank regulations.
 - (8) Geotechnical boring.
 - (9) Residential activities not including office space in a residential unit.
 - (10) Public utility and medical facility emergency generating facilities except that permanently installed fuel storage facilities exempted under the Florida Administrative Code shall have secondary containment.

Sec. 5.7.3 Well/wellhead protection areas (WHPAs).

- A. Three WHPA zones are hereby created and arranged as a series of concentric rings as provided in Table 5.5.3-1, *Wellhead/Wellfield Protection Area (WHPA) Zones*.

Table 5.7.3-1: Wellhead/Wellfield Protection Area (WHPA) Zones

ZONE	Community Water System (CWS) (FAC 62-521.200(1)) Wellhead/Wellfield Type	
	Serving On-site Only	Serving one or more properties under separate and/or different ownership
Primary	≤200'	≤200'
Secondary	>200' to ≤300'	>200' to ≤500'
Tertiary	n/a	>500' to ≤1,000'

- B. At a minimum, each zone shall be measured from the well casing. If the casing location is not specifically known/identified, the well location may be estimated using the longitude/latitude of the well and the well diameter as established by the well's WMD/DOH permitting data.
- C. The applicable provisions for each protection zone shall be inclusive of any smaller zone contained within the larger zone; however, more restrictive provisions, if any, for the smaller zone shall apply within that zone.
- D. The Planning and Zoning Manager, in consultation with the Utilities Director, shall be responsible for determining if a lot/parcel is located wholly or partially in a particular Wellhead/Wellfield Protection Area Zone. Any appeal of this determination shall be made to the Development Review Committee.

Sec. 5.7.4 Regulated uses.

A. Primary Zone

- (1) The Primary Zone is a zone of exclusion for all uses, structures, or other impervious surfaces except as follows:
 - (a) Open space, parks, playgrounds, and new uses functionally related to the CWS.
 - (b) Playing courts, open-air shelters, and other similar recreation facilities.
 - (c) Parking areas for recreation areas; however no stormwater management detention and/or retention areas for any parking areas, including their driving aisles, shall be allowed within 100' of a wellhead.
 - (d) A parcel or lot of record determined to be eligible for the development of one single family dwelling unit per **Article 4.##** shall be eligible for such use provided that parcel or lot was created on or before January 1, 1992; and if the residential dwelling unit requires service by an OSTDS, the location of the OSTDS shall be separated from the CWS well/wellhead/wellfield to the maximum extent practicable.
- (2) Prohibited uses, structures, and other impervious surfaces existing at the time a CWS serving as the basis for the zone of exclusion is established shall be classified as non-conforming uses and/or structures in accordance with **Article 4.##**.

B. Secondary Zone

(1) Prohibited uses:

- (a) Non-residential use handling, producing, or storing hazardous materials or substances;
- (b) Landfill, solid waste disposal facilities, or sludge disposal sites;
- (c) Effluent spray fields;
- (d) Expansion of existing high-risk regulated activities and new high-risk regulated activities;
- (e) Discharge to groundwater through manmade conduits, except for OSTDS having total sewage flows less than or equal to 2,000 gallons per day and stormwater treatment facilities;
- (f) Feedlots or other concentrated animal waste storage and/or disposal;
- (g) Mines and excavation sites;
- (h) The use of drainage wells for stormwater disposal where recharge is into a potable water aquifer; or
- (i) The use of sinkholes for stormwater disposal where recharge is into a potable water aquifer.

- (2) Prohibited uses, structures, and other impervious surfaces existing at the time a CWS serving as the basis for the zone of exclusion is established shall be classified as non-conforming uses and/or structures in accordance with **Article 4.#.#**.

C. Tertiary Zone

(1) Prohibited uses:

- (a) Landfills, solid waste disposal facilities, or sludge disposal sites;
- (b) Effluent spray fields not meeting Class I reliability and not meeting high-level disinfection;
- (c) Expansion of existing high-risk regulated activities and new high-risk regulated activities;
- (d) Discharge to groundwater through manmade conduits, except for OSTDS and stormwater treatment facilities;
- (e) Feedlots or other concentrated animal waste storage and/or disposal;
- (f) Mines and excavation sites;
- (g) The use of drainage wells for stormwater disposal where recharge is into a potable water aquifer; or
- (h) The use of sinkholes for stormwater disposal where recharge is into a potable water aquifer, unless sufficient pretreatment is provided and feasible alternatives cannot be achieved.

- (2) Prohibited uses, structures, and other impervious surfaces existing at the time a CWS serving as the basis for the zone of exclusion is established shall be classified as non-conforming uses and/or structures in accordance with **Article 4.#.#**.

Sec. 5.7.5 Stop work orders.

A "Stop Work Order" shall be issued by a Code Enforcement Officer for a violation of this Division if the owner or operator is conducting an unapproved and/or prohibited use, or the owner or operator declines to cooperate with the County in correcting or cleaning up a discharge or spill of a hazardous material or substance as defined by Federal or State law, as amended.