

ORDINANCE NO. 9637-23

AN ORDINANCE OF THE CITY OF CLEARWATER (THE "CITY"), FLORIDA, AMENDING THE CITY OF CLEARWATER COMPREHENSIVE PLAN (THE "COMPREHENSIVE PLAN") IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES, BY MODIFYING THE UTILITIES ELEMENT, UPDATING PROVISIONS RELATED TO POTABLE WATER AND NATURAL GROUND WATER AQUIFER RECHARGE NEEDS BASED ON THE CITY'S 10-YEAR WATER SUPPLY FACILITIES WORK PLAN (2022-2032), COMPLETED IN ACCORDANCE WITH THE 2020 SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT'S ("SWFWMD") REGIONAL WATER SUPPLY PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act of Florida empowers and requires the City of Clearwater City Council (the "City Council") to plan for the future development and growth, and to adopt and periodically amend the Comprehensive Plan, including elements and portions thereof; and

WHEREAS, Section 163.3177, Florida Statutes, requires coordination of the local comprehensive plan with the water management district's regional water supply plans; and

WHEREAS, the City's water supply work plan must be updated every five years within 18 months after the governing board of a water management district approves an updated regional water supply plan; and

WHEREAS, on November 17, 2020, the Governing Board for SWFWMD approved the 2020 Regional Water Supply Plan; and

WHEREAS, the City has completed the 10-year Water Supply Facilities Work Plan (2022-2032); and

WHEREAS, these proposed amendments and the City's 10-year Water Supply Facilities Work Plan (2022-2032) will be transmitted to the Florida Department of Economic Opportunity (DEO) for review and comments, and their objections, recommendations and comments, along with all comments from local and regional agencies, will be considered by city staff in preparing these proposed amendments, prior to adoption by the City Council; and

WHEREAS, the City Council finds it necessary, desirable, and proper to amend the Comprehensive Plan in order to reflect changing conditions; and

WHEREAS, at a duly noticed public meeting the Clearwater Community Development Board, pursuant to its responsibilities as the Local Planning Agency, has reviewed this amendment, conducted a public hearing, considered all public testimony and has determined that this amendment is consistent with the City of Clearwater's Comprehensive Plan and recommended that the City Council adopt this amendment; and

WHEREAS, the City Council has fully considered the recommendation of the Community Development Board and testimony and evidence submitted at its public hearing; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF CLEARWATER, FLORIDA:

Section 1. That the Introduction to the Utilities Element of the Comprehensive Plan be amended to read as follows:

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Potable Water and Natural Ground Water Aquifer Recharge Needs

- Clearwater has maintained an interlocal agreement with Pinellas County since 1955 with approximately forty percent (40%) of its water supply emanating from the County. The City also maintains a water use permit issued through the Southwest Florida Water Management District ("SWFWMD") to pump an annual average of 14.3 million gallons daily ("MGD") from its forty-four active wellheads. According to the City's 2021 Annual Water Report, the 2021 actual average water production from the City's wells was approximately 6.872 MGD. In 2011, the actual average pumpage from the City's wells was approximately 7.56 MGD (average through September 2015). The balance of the City's water demand is met through purchase from Pinellas County. In order to meet the City's future potable water supply needs in a fiscally responsible manner, several alternative actions must be explored and initiated both individually or in combination with other water supply source alternatives. The City's Water Supply Plan - Capital Improvements Implementation Master Plan (Oct 2004), as updated in 2008 and 2012, included projects based upon cost benefit analysis that enabled the City to increase its local production of potable water to 7.5 MGD in 2015.

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- The City needs to continue to recognize potable water as a scarce resource and to continue to operate the water utility prudently in implementing both conservation and consumption objectives. According to the 2022-2032 Facilities Work Plan, the ~~The~~ current water consumption rate is approximately sixty-two (62)~~seventy-six (76)~~ gallons/person/day, which includes both the seasonal and permanent population of Clearwater and is inclusive of both City produced water and County purchased water.

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Section 2. That Objective D.5.2, Policy D.5.2.7, and Policy D.5.2.8 of the Comprehensive Plan , be amended to read as follows:

D.5.2 Objective - Provide adequate quantity and quality of water service to all customers of the Clearwater service area. ~~Current service level (May, 2017) is 45,168 customer accounts (potable, reclaimed and fire).~~

Policies

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D.5.2.7 Continue to identify, acquire, and develop sources of water supply and methods of water treatment to meet existing and future needs. Some ways this can be accomplished are through well rehabilitation projects and/or exploration and drilling of new wells. Some type of water treatment may be initiated. Additional volumes of water may be acquired from the Pinellas County Water System through Clearwater's intergovernmental water service agreement. The City's long range Water Master Plan, updated in 2012, and its 10-Year Water Supply Facilities Work Plan (~~2022-2032~~~~2016-2026~~ Planning Period) shall serve as guiding documents for water supply and treatment methods.

D.5.2.8 Ensure that water management projects are designed and operated to maintain and enhance natural systems, as well as manmade systems, by working closely with the Southwest Florida Water Management District when proposing new projects and water management programs. The City's long range Water Master Plan, updated in 2012 and its 10-Year Water Supply Facilities Work Plan (~~2022-2032~~~~2016-2026~~ Planning Period) outline a work plan for continued coordination with the Southwest Florida Water Management District's Regional Water Supply Plan, adopted in November ~~2020~~2015.

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Section 3. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 4. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Matthew J. Mytych, Esq.
Assistant City Attorney

Rosemarie Call, MPA, MMC
City Clerk