

ORDINANCE NO. 2024 - 28

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE 2025 COMPREHENSIVE PLAN, ORDINANCE NO. 2010-38, AS AMENDED, TO AMEND THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES REGARDING WASTEWATER TREATMENT SYSTEMS AND ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS IN COMPLIANCE WITH SECTION 163.3177(3)(a)4 AND (6)(c), FLORIDA STATUTES (2024); AMENDING THE INFRASTRUCTURE ELEMENT; SPECIFICALLY AMENDING GOAL D.1 SANITARY SEWER DISPOSAL AND OBJECTIVES D.1.3 WASTEWATER SYSTEMS AND D.1.4 SEPTIC TANKS; ADDING NEW POLICIES D.1.3.6 AND D.1.4.9; PROVIDING FOR FINDINGS OF FACT; PROVIDING FINDINGS OF CONSISTENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125 and 163, Florida Statutes, provide for the Board of County Commissioners to prepare, implement, and enforce Comprehensive Plans and Land Development regulations for the control of development within the County; and

WHEREAS, Section 163.3184 and 163.3187 Florida Statutes provide for the process for the adoption of Comprehensive Plan amendments; and

WHEREAS, Section 163.3177(4)(a), Florida Statutes (2023), requires coordination of appropriate aspects of the comprehensive plan with the appropriate water management district's regional water supply plan; and

WHEREAS, House Bill 1379 was passed by the Florida Legislature, effective on July 1, 2023, and, among other things, amended Section 163.3177, Florida Statutes, to require an update of the County Comprehensive Plan to incorporate elements related to Basin Management Action Plan (BMAP) projects and onsite sewage treatment and disposal (OSTDS) systems within the County's jurisdiction; and

WHEREAS, Section 163.3177(3)(a), Florida Statutes, as amended by House Bill 1379, requires elements of the County Comprehensive Plan to be updated with projects necessary to achieve the pollutant load reductions attributable to the County, as established in a basin management action plan pursuant to Section 403.067(7), Florida Statutes; and

WHEREAS, Section 163.3177(6)(c), Florida Statutes, as amended by House Bill 1379, requires elements of the County Comprehensive Plan to be updated for the County to consider the feasibility of providing sanitary sewer service in a 10-year planning horizon to developments within the County's jurisdiction of more than fifty (50) residential lots with more than one OSTDS system per one (1) acre; and

WHEREAS, this Ordinance serves the public health, safety and welfare of the citizens of St. Johns County.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. Objectives D.1.3 and D.1.4 of the St. Johns County Comprehensive Plan are amended to read as provided in the attached as **Exhibit A**, incorporated herein as part of this Ordinance.

SECTION 2. The 2025 Comprehensive Plan amendments described in Section 1 hereof are based upon the

following Findings of Fact:

- (a) The amendments were fully considered after public hearing pursuant to legal notice duly published as required by Law.
- (b) The amendments are consistent with the Northeast Florida Strategic Regional Policy Plan.
- (c) The amendments are consistent with the applicable sections of the St. Johns County Comprehensive Plan and the Land Development Code.

SECTION 3. The remaining portions of the St. Johns County Comprehensive Plan, Ordinance No. 2010-38, as amended, and the 2025 Future Land Use Map, as amended, which are not in conflict with the provisions of this ordinance, shall remain in full force and effect. Nothing in this Ordinance shall be deemed as amending or rescinding portions of the St. Johns County Comprehensive Plan unless specifically addressed.

SECTION 4. Inclusion and Codification into the Comprehensive Plan; It is the intent of the St. Johns County Board of County Commissioners that the provisions of this Ordinance shall be codified and made part of the St. Johns County Comprehensive Plan, Ordinance No. 2010~38, as previously amended, and that the sections and attachments of this ordinance may be renumbered, reorganized, relettered, and appropriately incorporated into the Comprehensive Plan in order to accomplish such intentions. It is the intent of the St. Johns County Board of County Commissioners that scriveners and typographic errors which do not change the tone or tenor of this Ordinance may be corrected during codification and may be authorized by the County Administrator or designee, without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Board

SECTION 5. Should any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions.


SECTION 6. These amendments to the St. Johns County Comprehensive Plan shall be effective 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely, challenged, within 30 days after adoption, the amendment does not become effective until the state land planning agency or Administration Commission enters a final order determining the adopted amendment to be in compliance.

SECTION 7. This ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of Court in accordance with Section 125.68, Florida Statutes.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 4TH DAY OF JUNE, 2024.

Rendition Date JUN 04 2024

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: 
Sarah Arnold, Chair

Effective Date: JUL 08 2024

ATTEST: Brandon J. Patty
Clerk of the Circuit Court & Comptroller

BY: Crystal Smith
Deputy Clerk

Exhibit A

Objective D.1.3 Wastewater Systems

St. Johns County shall continue to discourage the use of wastewater systems that are package treatment plants; but when necessary, the county shall require the package wastewater treatment systems be constructed to run efficiently and effectively to prevent water degradation and be designed to meet advanced wastewater treatment (AWT) standards including use of treated effluent for use as reclaimed water irrigation.

Policies

- D.1.3.1 The County shall continue to replace package treatment plants with regional sewer facilities when they become available.
- D.1.3.2 The County shall ensure that, prior to the issuance of a development order or permit, the applicant has demonstrated that the project complies with Federal, State, and Local permit requirements for wastewater systems (package treatment plants).
- D.1.3.3 St. Johns County shall require wastewater disposal agreements whereby package treatment plants may be interconnected and replaced by regional treatment facilities in order to improve operating efficiencies. Such wastewater agreements shall state that at the time deemed appropriate by the county, the wastewater system shall be acquired by the county for operation and maintenance.
- D.1.3.4 Wastewater Systems (package treatment plants) shall be allowed within the Development Areas only as a temporary measure and shall be built according to applicable state or local standards. Once centralized sanitary sewer is available the County shall require private wastewater systems, through a wastewater disposal agreement, to be decommissioned and connected to the centralized utility system.
- D.1.3.5 The County will continue to require all new package treatment plants constructed in the County to construct their proposed facilities according to the St. Johns County Utility Department's sanitary sewer facility construction standards with an overall goal of reaching Advanced Waste Treatment (AWT) standards for all plants.

D.1.3.6 Where applicable, by September 30, 2025, the County shall include a list of sanitary sewer service projects in the Five-Year Schedule of Capital Improvement, with an annual update as necessary, for increased capacity or upgrade of treatment required to achieve the pollutant load reductions attributable to the County, to meet the Total Maximum Daily Load (TMDL) established in the Lower St. Johns River Basin Management Action Plan pursuant to Section 403.067(7), Florida Statutes. If the current TMDL is being met, no projects shall be listed.

Objective D.1.4
Septic Tanks

The County shall continue to review the use of on-site sewage treatment disposal system (OSTDS) facilities to assure compliance with Federal, State, Regional, and County regulations, and install regional facilities in accordance with the Capital Improvements Element in order to reduce the number of septic tanks installed annually.

Policies

- D.1.4.1 Septic tanks, at a minimum, shall comply with established State standards, including suitable soil types and minimum lot sizes. The County shall continue to ensure compliance with established State standards through the St. Johns County Health Department review of applications for septic tanks.
- D.1.4.2 The County shall continue to apply the State established minimum setback for septic tank drain fields in areas adjacent to any stream, creek, pond or other open water body.
- D.1.4.3 Pursuant to applicable law and as required by St. Johns County Land Development Code (LDC), residents using septic tank systems shall be required to tie into centralized sewer systems once that system becomes available in the area.
- D.1.4.4 On-site sewage disposal systems shall be prohibited within wetland systems.
- D.1.4.5 New developments above the St. Johns County Health Department's threshold(s) for septic tank use shall rely upon public or private sewer systems and wastewater treatment plants built to county/state specifications.
- D.1.4.6 In an effort to protect the health, safety, and welfare of its citizens, the County shall require the use of advance on-site treatment and disposal systems (OSTDS) for new development located within 100 feet of the surface waters along the Intracoastal Waterway and St. Johns River which is not served by centralized sewer service. The lot size and proximity to surface water for new developments shall be considered in the review of these systems.
- D.1.4.7 St. Johns County shall continue to encourage the use of advanced on-site treatment and disposal systems (OSTDS) for new development on a parcel

located within the Environmental Sensitive Lands (ESLs), as designated on the FLUM series, which does not have central sanitary sewer currently available.

- D.1.4.8 The County shall, in coordination with the St. Johns County Health Department, establish public education programs on the proper use, inspection requirements, maintenance, and abandonment of septic tanks. The tank abandonment process shall be based on applicable state and local regulations.
- D.1.4.9 Within the County's jurisdiction, for any development of more than fifty (50) residential lots, whether built or unbuilt, with more than one (1) onsite sewage treatment and disposal system (OSTDS) per one (1) acre, the County shall consider the feasibility of providing sanitary sewer services within a 10-year planning horizon and must identify the name and location of the wastewater treatment facility that could receive sanitary sewer flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next twenty (20) years, including expected future new construction and connections of OSTDS to sanitary sewer; and a timeline for the construction of the sanitary sewer system. The County shall update its feasibility analysis as needed to account for future applicable developments. By September 30, 2025, the County shall include in the Five-Year Schedule of Capital Improvement, with an annual update as necessary, a list of projects for providing sanitary sewer to the development(s), as applicable. This analysis shall be conducted pursuant to Section 163.3177(c)3 of the Florida Statutes, incorporated by reference in this element by July 1, 2024.

LOCALiQ

FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Kimberly Carmen
Kimberly Carmen
1205 State Road 16
St Augustine FL 32084-8548

STATE OF WISCONSIN, COUNTY OF BROWN

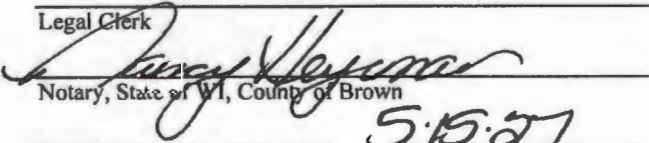
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the St Augustine Record, published in St Johns County, Florida; that the attached copy of advertisement, being a Main Legal CLEGL, was published on the publicly accessible website of St Johns County, Florida, or in a newspaper by print in the issues of, on:

04/25/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 04/25/2024

Legal Clerk


Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$241.60
Order No: 10089177 # of Copies:
Customer No: 1380797 1
PO #: COMPAMD 2024-01 Septic

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NANCY HEYRMAN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF A PROPOSED COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP OF THE ST. JOHNS COUNTY 2025 COMPREHENSIVE PLAN

NOTICE IS HEREBY GIVEN that the Planning and Zoning Agency on **Thursday, 5/16/2024 at 1:30 p.m.** and the St. Johns County Board of County Commissioners on **Tuesday, 6/04/2024 at 9:00 a.m.** will each hold public hearings, as follows: The Planning and Zoning Agency to consider and issue a recommendation on the adoption of a proposed comprehensive plan amendment to the St. Johns County Future Land Use Map of the 2025 Comprehensive Plan and the Board of County Commissioners will consider whether or not to adopt the same proposed comprehensive plan amendment to the St. Johns County Future Land Use Map of the 2025 Comprehensive Plan, with the following styled ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE 2025 COMPREHENSIVE PLAN, ORDINANCE NO. 2010-36, AS AMENDED, TO AMEND THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES REGARDING WASTEWATER TREATMENT SYSTEMS AND ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS IN COMPLIANCE WITH SECTION 163.3177(3)(a)4 AND (b)(c), FLORIDA STATUTES (2024); AMENDING THE INFRASTRUCTURE ELEMENT, SPECIFICALLY AMENDING GOAL D.1 SANITARY SEWER DISPOSAL AND OBJECTIVES D.1.3 WASTEWATER SYSTEMS AND D.1.4 SEPTIC TANKS; ADJING NFW POLICIES D.1.3.R AND D.1.4.B; PROVIDING FOR FINDINGS OF FACT; PROVIDING FINDINGS OF CONSISTENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Said hearings will be held in the County Auditorium, County Administration Building, 500 San Sebastian Way, St. Augustine, Florida. All interested parties may appear at the public hearings to be heard regarding any or all of the proposed amendment. Board of County Commissioner items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

The subject property includes acres and is located on St. Johns County, within St. Johns County, Florida. See attached map generally depicting the location (Exhibit A). A complete description is available in the St. Johns County Planning and Zoning Office.

The proposed change is known as File Number COMPAMD-2024000001, and is available for review in the Planning and Zoning Division of the Growth Management Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida and may be examined by interested parties prior to said public hearings.

Interested parties may appear at the public hearings to be heard regarding the proposed amendment.

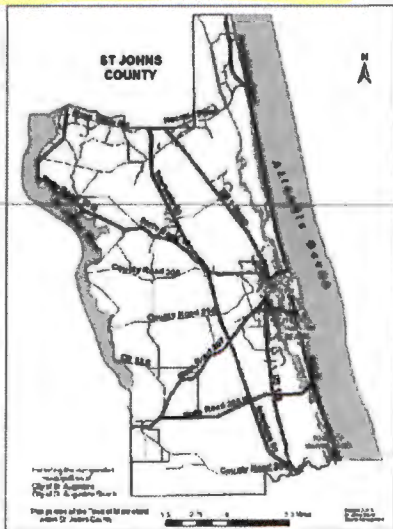
If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon

which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the St. Johns County Facilities Management, 2416 Dobbs Road, St. Augustine, FL 32086. Hearing impaired persons, call Florida Relay Service (1-800-955-8770), no later than 5 days prior to the meeting.

PLANNING AND ZONING AGENCY	BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA	ST. JOHNS COUNTY, FLORIDA
MEAGAN PERKINS, CHAIR	SARAH ARNOLD, CHAIR

File Number: COMPAMD-2024000001, Septic to Sewer - HB1379 (Tracking)





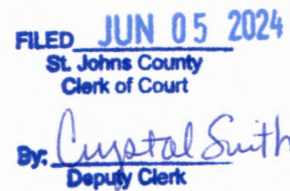
FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

June 5, 2024

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, FL 32084



Dear Honorable Brandon Patty,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns County Ordinance No. 2024-28, which was filed in this office on June 5, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh