ORDINANCE NO. 2026-38

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY LAND DEVELOPMENT CODE (ORDINANCE 1999-51, AS AMENDED) REGARDING WELLHEAD PROTECTION, SPECIFICALLY AMENDING SECTION 3.02.01 PROVIDING PURPOSE; AMENDING SECTION 3.02.02 TO UPDATE THE DESIGNATION OF THE WELLHEAD RESOURCE PROTECTION AREA; AMENDING SECTION 3.02.03 REGULATING ACTIVITIES IN THE WELLHEAD RESOURCE PROTECTION AREAS; AMENDING SECTION 3.02.04 GENERAL EXEMPTIONS; AMENDING SECTION 3.02.05 SPECIAL USE; PROVIDING FINDINGS OF FACT; PROVIDING FOR CODIFICATION; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, local land development regulations require evaluation and revision to address public health, safety and welfare issues that may occur during the implementation of land development regulations; and

WHEREAS, St. Johns County desires to amend certain provisions of the Land Development Code (the "Code"), enacted pursuant to Part II of Chapter 163 and Chapter 190, Florida Statutes, to maintain consistency with Florida State Statutes and to provide for additional clarity and ease of use; and

WHEREAS, the Florida Department of Environmental Protection (FDEP) has adopted Wellhead Protection requirements pursuant to Chapter 62-521, Florida Administrative Code, which establish a Wellhead Protection Area defined as a five hundred (500) foot radial setback distance around a potable water well to provide protection from contamination of groundwater resources; and

WHEREAS, St. Johns County currently implements a Wellhead Protection Area of one thousand (1,000) feet surrounding public potable water supply wells, which consists of a primary and secondary protection zone intended to provide enhanced local protection of groundwater resources beyond the minimum protections established by Chapter 62-521, Florida Administrative Code; and

WHEREAS, St. Johns County desires to amend certain provisions of the Comprehensive Plan to maintain consistency with FDEP standards within the primary zone and to update prohibitions sand restriction within secondary zone based on current best practices and to provide greater flexibility in water supply planning; and

WHEREAS, St. Johns County desires to amend certain provisions of the Code to maintain consistency with FDEP standards within the primary zone and to update prohibitions sand restriction within secondary zone based on current best practices and to provide greater flexibility in water supply planning; and

WHEREAS, these proposed Code amendments are designed to be compliant with 2025 Senate Bill 180, and does not any more burdensome or restrictive procedures, the effect of these proposed amendments will be to reduce burdens and restrictions bringing County regulations into compliance with state law and allow for the use of modern best practices; and

WHEREAS, the proposed Code amendments are attached hereto as ***Exhibit "A"***; and

WHEREAS, St. Johns County has determined that reasonable amendments to land use regulations serve the public health, safety and welfare of the citizens of St. Johns County; and

WHEREAS, pursuant to Section 125.66(3)(a), Florida Statutes, the County prepared and posted a business impact estimate finding no direct detrimental economic impact on private, for-profit businesses in the County.

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

SECTION 1. LEGISLATIVE FINDINGS OF FACT. The above recitals and WHEREAS clauses are true and correct and are hereby adopted as legislative findings and incorporated herein by reference and made a part hereof.

SECTION 2. LAND DEVELOPMENT CODE REGULATIONS. Article II, of the St. Johns County Land Development Code, Ordinance No. 1999-51, as previously amended, is hereby amended as follows in the attached ***EXHIBIT "A"***, incorporated herein and made a part of this Ordinance.

SECTION 3. APPLICABILITY. The remaining portions of the St. Johns County Land Development Code, Ordinance No. 99-51, as amended, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 4. INCLUSION AND CODIFICATION INTO THE LAND DEVELOPMENT CODE. It is the intent of the St. Johns County Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the St. Johns County Land Development Code, Ordinance No. 1999-51, as previously amended, and that the parts, sections, and attachments of this Ordinance may be renumbered, reorganized, re-lettered, and appropriately incorporated into the Land Development Code in order to accomplish such intentions.

SECTION 5. SCRIVENERS ERRORS. 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 6. SEVERABILITY. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is, for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the constitutionality or validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon a certified copy of this Ordinance being filed with the Florida Department of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 20th day of October, 2026.

Rendition Date OCT 21 2026

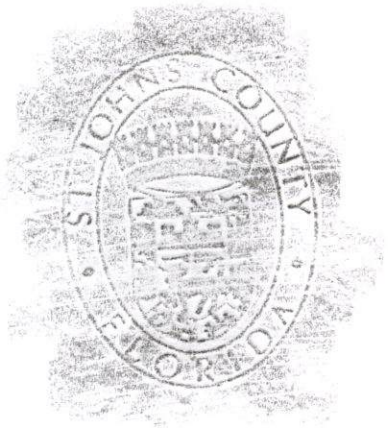
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

By: _____
Clay Murphy, Chair

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

By: _____
Deputy Clerk

Date: _____



PART 3.02.00 — WELLHEAD PROTECTION

Sec. 3.02.01 Purpose

A. The purpose of this Part is to ensure the protection of the existing and future public potable water supplies in St. Johns County, Florida, through the establishment of Wellhead Resource Protection Areas (RPA) around public potable water supply wells, and the prohibition or regulation of specific activities and facilities in these areas.

B. The St. Johns County Board of County Commissioners hereby declares that in order to ensure an adequate and safe future supply of potable water that certain land Uses and associated activities, which are deemed by the County to be potential sources of degradation of the drinking water in St. Johns County, may be regulated or prohibited within defined areas. This Part sets forth regulations and prohibitions deemed necessary by the St. Johns County Board of County Commissioners to ensure protection of the present and future public potable water supply wells for the residents of unincorporated St. Johns County, Florida.

C. It is recognized that public water supply Development occurs within two (2) separate and distinct aquifer systems, those being the shallow, discontinuous, semi-confined Surficial Aquifer and the deeper, continuous, confined Floridan Aquifer. Further, it is recognized that the Surficial Aquifer requires a higher degree of protection than does the Floridan Aquifer.

D. New public water supply wells developed by a Public Water Supply Utility after the effective date of this Code shall prepare a Wellhead Protection Area Study with a professional geologist and submit the findings to St. Johns County in both hard copy and digital format.

Sec. 3.02.02 Wellhead Resource Protection Area Map

A. Designation of Wellhead Resource Protection Areas.

Wellhead Resource Protection Areas (RPA) are hereby established for the Surficial Aquifer and the Floridan Aquifer.

For the Surficial and Floridan Aquifer, a one thousand (1,000) foot Wellhead Resource Protection Area is established around public potable water supply wells

to protect existing and future potable water resources for the people of unincorporated St. Johns County. This Wellhead Resource Protection Area is further divided in two zones for the two Aquifer systems as follows:

1. Primary Zone.

   The Primary Zone of the Wellhead Resource Protection Area shall be defined as a radial setback from a distance of zero (0) to five hundred (500) feet around public potable water supply wells.

2. Secondary Zone.

   The Secondary Zone of the Wellhead Resource Protection Area shall be defined as a radial setback from a distance five hundred (500) to one thousand (1,000) feet around public potable water supply wells.

Notwithstanding the larger Wellhead Resource Protection Area set forth above the Primary Zone around each public potable water supply well constitutes a "Wellhead Protection Area" as defined in Chapter 62-521, F.A.C., and is subject to all prohibitions and restrictions in that rule in addition to the County standards herein.

B. Interpretation of Wellhead Resource Protection Area Designations

To determine the location of properties and facilities within the Wellhead Resource Protection Areas, the following general rules shall apply:

1. Map boundaries

   Provisions of this regulation shall apply if a contiguous parcel of land lies wholly or in part within a Wellhead Resource Protection Area, to the extent of the boundary delimitation.

2. Changes to map boundaries

   Wellhead Resource Protection Area designations may be changed by the Board of County Commissioners, on the basis of defined criteria, including but not limited to changes in the technical knowledge concerning the aquifers of St. Johns County, changes in pumping rates for public potable water supply wells in wellfields, wellfield reconfiguration, the addition of

new public potable water supply wells to a wellfield, or approval by the Board of County Commissioners of additional wellfields.

Sec. 3.02.03 Regulation Of Activities In The Wellhead Resource Protection Areas

A. Primary Zone - Surficial and Floridan Aquifer.
The Primary Zone of the Wellhead Protection Area is established as a zone of exclusion intended to prevent contamination of public potable water supplies. Except as expressly permitted herein no new Uses, Structures, or land-disturbing activities shall be allowed within the Primary Zone.

1. Permitted Uses within the Primary Zone.

Only the following Uses may be permitted within the Primary Zone, subject to compliance with all applicable County, State, and federal regulations:

a. Residential Uses lawfully permitted by the St. Johns Water Management District.

b. Uses functionally related and essential to the operation, maintenance, or protection of the water supply system.

c. Open space Uses, including passive recreation areas.

d. Parks, playgrounds, and similar low-impact recreational Uses.

2. Additional Limitations Applicable to the Surficial Aquifer Primary Zone.

Within the Primary Zone for the Surficial Aquifer the following additional restrictions apply:

a. No parking areas, Structures, or impervious surfaces shall be permitted, except impervious surfaces that are clearly accessory to existing residential Uses lawfully established prior to adoption of the Comprehensive Plan.

b. Playing courts, open-air shelters, and similar low-impact recreation facilities may be permitted, provided they do not result in direct discharge to the Surficial Aquifer and are designed to minimize pollutant loading.

3. Single Family Residential Exemption. One (1) single family dwelling unit may be permitted within the Primary Zone on a Parcel or Lot that lies wholly or partially within this zone of exclusion, provided that the Parcel or Lot was created on or before the adoption of the St. Johns County Comprehensive Plan and all applicable health, wastewater, and stormwater requirements are satisfied.

4. Prohibited Uses and Activities.
Notwithstanding any other provision of this Code, the following Uses and activities are expressly prohibited within the Primary Zone of a Wellhead Resource Protection Area.

a. New sanitary landfills, including new phosphogypsum stacks, solid waste disposal sites, or solid waste transfer facilities, including any solid waste activities regulated under Rule 17-701.020, F.A.C.

b. New Industrial Land Use designations, industrial Uses, or industrial wastewater discharges.

c. New Interim wastewater treatment plants, that do not meet Advanced Wastewater Treatment standards and all regulatory requirements applicable to Community Wastewater Treatment Plants.

d. New concentrated animal feeding operations, as defined in Rule 17-670.200, F.A.C.

e. New dairy farm storage and treatment facilities, including high intensity use areas and land application areas, as defined in Rule 17-670.200, F.A.C.

f. Discharge or infiltration of stormwater into depressions or features with direct or demonstrated hydrologic connection to the Surficial Aquifer.

g. New land applications of sludge or septage.

h. New underground storage tanks or underground storage facilities. Except, replacement of an existing underground storage tank system regulated under Chapter 62-761, F.A.C., within the same excavation, or the addition of new underground storage tanks regulated under Chapter 62-761, F.A.C., at a facility with other such existing underground storage tanks is exempt from this provision, provided that the replacement or new underground

storage tank system is installed with secondary containment as required in Chapter 62-761, F.A.C.

i. New Class I and Class III injection wells, and new Class V injection wells except for those specifically exempted by Rule 62-521.400, F.A.C.

j. New hazardous-waste treatment, storage, or disposal facilities.

k. New aboveground storage tanks and aboveground storage tank facilities. Except replacement or upgrading of an existing aboveground storage tank or addition of new aboveground storage tanks which are regulated under Chapter 62-762, F.A.C., at a facility with other such aboveground storage tanks is exempt from this provision, provided that the replacement or new aboveground storage tank system meets the applicable provisions of Chapter 62-762, F.A.C.

B. Secondary Zone - Surficial Aquifer.

The following Uses and activities are expressly prohibited within the Secondary Zone of a Wellhead Resource Protection Areas for the Surficial Aquifer not withstanding any other provision of this Code:

1. New sanitary landfills, including new phosphogypsum stacks, solid waste disposal sites, or solid waste transfer facilities, including any solid waste activities regulated under Rule 17-701.020, F.A.C.

2. New concentrated animal feeding operations, as defined in Rule 17-670.200, F.A.C.

3. New dairy farm storage and treatment facilities, including high intensity use areas and land application areas as defined in Rule 17-670.200, F.A.C.

4. Any new land applications of sludge or septage.

5. Installation of new underground storage tanks or underground storage facilities.

6. Surface drainage modifications or alteration that would reduce natural recharge to the Surficial Aquifer or redirect stormwater in a manner that diminishes aquifer recharge capacity.

C. Secondary Zone - Floridan Aquifer.

The following Uses and activities are restricted within the Secondary Zone of the Wellhead Resource Protection Areas for the Floridan Aquifer and may be allowed, subject to review and approval of a Special Use Permit and where applicable a Development Permit pursuant to Part 9.01.00.

1. Sludges

Existing sludge spreading activities in an RPA must have a current valid permit or regulatory authorization and remain in full compliance with all applicable state and local environmental permitting requirements and this Part.

2. Septages

Existing septage spreading activities in an RPA must have a current valid permit or regulatory authorization and remain in full compliance with all applicable state and local environmental permitting requirements and this Part.

3. Hazardous Wastes

Any new facility that uses, handles, stores, or generates hazardous wastes in an RPA exceeding thirty (30) gallons of liquid hazardous waste, or six (6) pounds of solid hazardous waste, shall require approval and must have a current valid permit or regulatory authorization and be in full compliance with all local, state and federal requirements and this Part.

4. New sanitary landfills, including new phosphogypsum stacks, solid waste disposal sites, or solid waste transfer facilities, including any solid waste activities regulated under Rule 17-701.020, F.A.C.

5. New concentrated animal feeding operations, as defined in Rule 17-670.200, F.A.C.

6. New dairy farm storage and treatment facilities, high intensity use areas and land application areas, as defined in Rule 17-670.200, F.A.C.

7. Installation of new underground storage tanks or underground storage facilities. Except underground storage tanks or facilities regulated under Chapter 62-761, F.A.C., are exempt from this provision, provided that the new underground storage tank system or facility is installed with secondary containment as required in Chapter 62-761, F.A.C.

Sec. 3.02.04 General Exemptions

The following legally existing activities and facilities are deemed by the County to be generally exempt from the requirements of this Part.

A. General Exemption for Continuous Transit.

The transportation of any hazardous waste through an RPA shall be exempt from the provisions of this Part provided that the transporting motor vehicle is in continuous transit. The transport of any hazardous waste through existing permanent pipelines shall also be exempt provided that the currently authorized Use or Uses are not changed.

B. General Exemption for Vehicular Fuel and Lubricant Use.

The use of any petroleum product solely as a fuel in a vehicle's fuel tank or as a lubricant in a vehicle shall exempt the vehicle from the provisions of this Part.

C. General Exemption for the Use of Nitrates Contained in Fertilizers.

The use of fertilizers containing nitrates shall be generally exempt from this Part.

D. General Exemption for Janitorial Uses.

The use of hazardous waste for the maintenance and cleaning of residential, commercial and office Buildings is generally exempt from the provisions of this Part.

E. General Exemption for Construction Activities.

The activities of constructing, repairing or maintaining any facility or improvement on land within an RPA shall be generally exempt from the provisions of this Part provided that all contractors, subcontractors, laborers, material men and their employees or agents, when using, handling, storing, producing, transporting or disposing of hazardous wastes use applicable Best Management Practices.

F. General Exemption for Laboratory or Instrument Use.

Professional laboratories shall not be required to obtain a Special Use Permit for the handling, storage, use, generation, transport or disposal of hazardous wastes, if and only if, these substances are stored, generated, transported, handled, used or disposed of in the normal course of business of the laboratory.

G. General Exemption for Retail Sales Activity.

Retail sales establishments which store and handle, for resale, hazardous materials in the substance's original and unopened containers shall not be required to obtain a Special Use Permit, when using, handling, storing, producing, transporting or disposing of such materials, use applicable Best Management Practices, and are generally exempt from the provisions of this Part.

This exemption does not apply within five hundred (500) feet of a potable water well and does not waive any secondary containment or other requirements imposed by state or federal law, including Rule 62-521.400, F.A.C., Chapter 62-730, F.A.C., and 40 C.F.R. Part 264, Subpart I.

H. General Exemption for Application of Pesticides, Herbicides, Fungicides, and Rodenticides.

The application of those hazardous wastes used as pesticides, herbicides, fungicides, and rodenticides in recreation, agriculture, pest control, and aquatic weed control activities shall be exempt from the provisions of this Part provided that:

1. Application of the substance is in strict conformity with the use requirements as set forth in the EPA registry for that substance and as indicated on the containers in which the substances are sold.

2. The application is in strict conformity with the requirements as set forth in Chapters 482 and 487 F.S., and the Florida Administrative Code.

3. The application of any of the pesticides, herbicides, fungicides, and rodenticides shall be highlighted in the records of the certified operator supervising its use. The certified operator shall provide specific notification in writing to the applicators under his or her supervision that they are working at a site located in a potable water Wellhead Resource Protection Area for which particular care is required. Records shall be kept of the date and the amount of those substances applied at each location and said records shall be available for inspection by the County.

I. General Exemption for Office Uses

Office Uses, except for the storage, handling or use of hazardous wastes as provided for in this Part, shall be generally exempt from the provisions of this Part.

J. General Exemption for Residential Uses

Residential Uses shall be generally exempt from this Part. However, notwithstanding the minimum lot size requirements of Section 6.01.01 and Section 6.01.05 of this Code, a minimum lot size of one (1) acre is required for the use of a septic system within an RPA, except for existing lots of record as of the adoption of this Code.

Sec. 3.02.05 Special Use

The Applicant for a Special Use Permit shall, in addition to the standards of Part 9.03.00, demonstrate by the preponderance of competent substantial evidence of:

1. Unique circumstances exist which are peculiar to the particular non-residential activity or facility, and which are different than any other prohibited or allowed non-residential activity or facility.

2. Best Possible Technology
Best possible technology exists which will isolate the activity or facility from the existing or future potable water supply resources. Compliance with requirements of state rule shall create a rebuttable presumption that the best possible technology is used.

3. Hydrogeologic data and analysis
Site-specific hydrogeologic data and analysis establish that the activity or facility will not elevate water quality parameters above the limits set forth in Rule 17-3, F.A.C., at the point of discharge.

D. Limitations

No Special Use may authorize any activity prohibited by Chapter 62-521, F.A.C. within five hundred (500) feet of a potable water well (the Wellhead Protection Area), regardless of its designation in this Part.

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AFFIDAVIT OF PUBLICATION

Jennifer Gutt
DEPARTMENT 4485
Sjc Utility Dept
Po Box 3006

Saint Augustine FL 32085

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 , was published on the publicly accessible website of St Johns County, Florida, or in a newspaper by print in the issues of, on:

SAG St Augustine Record 10/02/2026

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 10/02/2026

Legal Clerk

Notary, State of WI, County of Brown

8.25.30

My commission expires

Publication Cost:	$241.60	
Tax Amount:	$0.00	
Payment Cost:	$241.60	
Order No:	12669031	# of Copies:
Customer No:	765143	1
PO #:	LDCA 2025-07 Wellhead Protection	

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Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS BOARD OF COUNTY COMMISSIONERS AND THE PLANNING AND ZONING AGENCY ESTABLISHMENT OF ORDINANCE/ REGULATIONS

NOTICE IS HEREBY GIVEN that public hearings will be held to consider the enactment of the following proposed ordinance at regular meetings, as follows:

Planning and Zoning Agency
Thursday, October 15, 2026, at 1:30PM

St. Johns County Board of County Commissioners
Tuesday, October 20, 2026, at 9:00AM

The public hearings will be held in the St. Johns County Auditorium, located at 500 San Sebastian View, St. Augustine, Florida.

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY'S LAND DEVELOPMENT CODE REGARDING WELLHEAD PROTECTION, SPECIFICALLY SECTION 3.02.01 PROVIDING PURPOSE; AMENDING SECTION 3.02.02 TO UPDATE THE DESIGNATION OF THE WELLHEAD RESOURCE PROTECTION AREA; AMENDING SECTION 3.02.03 REGULATING ACTIVITIES IN THE WELLHEAD RESOURCE PROTECTION AREAS; AMENDING SECTION 3.02.04 GENERAL EXEMPTIONS; AMENDING SECTION 3.02.05 SPECIAL USE; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 proposed ordinance is on file 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.

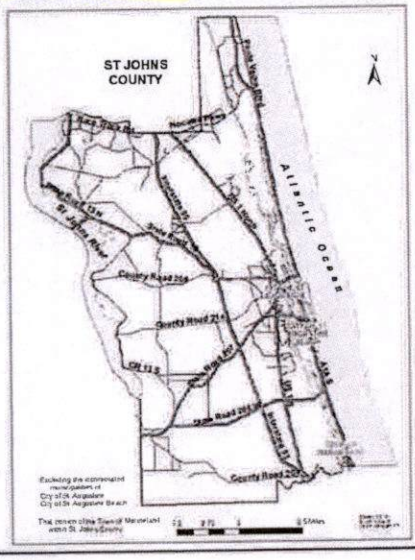
If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony 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
ST. JOHNS COUNTY, FLORIDA
RICHARD HILSENBECK, CHAIR

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
CLAY MURPHY, CHAIR

LDCA 2025-07 Wellhead Protection



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 26, 2026

FILED OCT 26 2026
St. Johns County
Clerk of Court
By: Deputy Clerk

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

Dear 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. 2026-38, which was filed in this office on October 26, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp