

ORDINANCE NO. 2016-32

AN ORDINANCE OF COLUMBIA COUNTY, FLORIDA, AMENDING ORDINANCE NO. 98-1, THE COLUMBIA COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED; RELATING TO AN AMENDMENT TO THE TEXT OF THE COLUMBIA COUNTY LAND DEVELOPMENT REGULATIONS PURSUANT TO APPLICATION LDR 16-02 BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2.1 OF THE COLUMBIA COUNTY LAND DEVELOPMENT REGULATIONS, ENTITLED "DEFINITIONS - GENERAL"; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, as amended, empowers the Board of County Commissioners of Columbia County, Florida, hereinafter referred to as the Board of County Commissioners, to prepare and adopt land development regulations;

WHEREAS, Sections 163.3161 to 163.3248, Florida Statutes, as amended, the Community Planning Act, requires the Board of County Commissioners to prepare and adopt regulations concerning the use of land and water;

WHEREAS, an application for an amendment, as described below, has been filed with the County;

WHEREAS, the Planning and Zoning Board of Columbia County, Florida, hereinafter referred to as the Planning and Zoning Board, has been designated as the Local Planning Agency of Columbia County, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development Regulations, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Planning and Zoning Board, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, and recommended to the Board of County Commissioners approval of said application for an amendment, as described below;

WHEREAS, pursuant to Section 125.66, Florida Statutes, as amended, the Board of County Commissioners, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Board of County Commissioners reviewed and considered all comments received during said public hearing, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, concerning said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners has determined and found that a need and justification exists for the approval of said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, is consistent with the purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, will further the purposes of the Land Development Regulations and other ordinances, regulations and actions designed to implement the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Application. Pursuant to application, LDR 16-02, by the Columbia County Board of County Commissioners, Section 2.1 of the Land Development Regulations is hereby amended to redefine “Intensive agricultural development” and “Intensive agriculture” as follows:

Intensive agricultural development. Intensive agricultural development means those agricultural land uses requiring an industrial waste permit from the Florida Department of Environmental Protection or any proposed or actual land use as a “Concentrated Animal Feeding Operation” as defined in these Land Development Regulations.

Intensive agriculture. Intensive agriculture means those farming and agricultural operations or uses requiring an industrial waste or wastewater permit from the Florida Department of Environmental Protection or any proposed or actual land use as a “Concentrated Animal Feeding Operation” as defined in these Land Development Regulations. Existing agricultural activities as of the date of adoption or subsequent amendment of these land development regulations will not be required to obtain a special use permit from the county for those existing agricultural activities, except as provided herein. Expansion or change of existing agricultural activities after the date of adoption or subsequent amendment of these land development regulations for which an industrial waste or wastewater permit is required from the state for that expansion or change will also require a special use permit from the county, unless the expansion or change is required by the state to maintain the same livestock population of the activity as existed on the date of adoption or subsequent amendment of the land development regulations.

Further, the following definition is added to section 2.1 for “Concentrated Animal Feeding Operation”:

Concentrated Animal Feeding Operation. Concentrated Animal Feeding Operation shall include Large and Medium Concentrated Animal Feeding Operations defined as:

- a. A Large Concentrated Animal Feeding Operation is defined as one that stables or confines as many as or more than the numbers of animals specified in any of the following categories:
 - (i) 700 mature dairy cows, whether milked or dry;
 - (ii) 1,000 veal calves;
 - (iii) 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
 - (iv) 2,500 swine each weighing 55 pounds or more;
 - (v) 10,000 swine each weighing less than 55 pounds;
 - (vi) 500 horses;
 - (vii) 10,000 sheep or lambs;
 - (viii) 55,000 turkeys;
 - (ix) 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system;

- (x) 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
 - (xi) 82,000 laying hens, if the AFO uses other than a liquid manure handling system;
 - (xii) 30,000 ducks (if the AFO uses other than a liquid manure handling system); or
 - (xiii) 5,000 ducks (if the AFO uses a liquid manure handling system).
- b. A Medium Concentrated Animal Feeding Operation is defined as one that stables or confines as many as or more than the numbers of animals specified in any of the following categories:
- (i) 200 to 699 mature dairy cows, whether milked or dry;
 - (ii) 300 to 999 veal calves;
 - (iii) 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
 - (iv) 750 to 2,499 swine each weighing 55 pounds or more;
 - (v) 3,000 to 9,999 swine each weighing less than 55 pounds;
 - (vi) 150 to 499 horses;
 - (vii) 3,000 to 9,999 sheep or lambs;
 - (viii) 16,500 to 54,999 turkeys;
 - (ix) 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;
 - (x) 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
 - (xi) 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;
 - (xii) 10,000 to 29,999 ducks (if the AFO uses other than a liquid manure handling system); or
 - (xiii) 1,500 to 4,999 ducks (if the AFO uses a liquid manure handling system); and
 - (xiv) Either one of the following conditions are met:
 - a. Pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device; or
 - b. Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

The term manure as used in this section is defined to include manure, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.

Section 2. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. Pursuant to Section 125.66, Florida Statutes, as amended, a certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective upon filing of the ordinance with the Florida Department of State.

Section 6. Authority. This ordinance is adopted pursuant to the authority granted by Section 125.01, Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

PASSED AND DULY ADOPTED, in regular session with a quorum present and voting,
by the Board of County Commissioners this 16th day of February 2017.

Attest:

BOARD OF COUNTY COMMISSIONERS OF
COLUMBIA COUNTY, FLORIDA

P. DeWitt Cason, County Clerk

Ronald Williams, Chairman