

ORDINANCE NO. 2023-07

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 AN APPLICATION LDR 2302 BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR AMENDING SECTION 4.2.39 ENTITLED BORROW PITS AND SECTION 14.7.1 ENTITLED SPECIAL PERMITS FOR BORROW PITS; 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. Land Development Regulations Amended.

Pursuant to an application, LDR 2302 by the Board of County Commissioners, to amend the text of the Land Development Regulations Section 4.2.39 entitled "Borrow Pits" and Section 14.7.1 entitled "Special Permits for Borrow Pits" are hereby amended to read as follows. Words that are stricken through shall be removed from the Land Development Regulations while those words that are underlined shall be added. Ellipses (...) indicate portions of the code have been omitted for brevity; the ellipses should not be included, nor should they indicate any addition or deletion. Unless an addition or deletion is indicated, the Land Development Regulations shall not be altered by this Ordinance.

4.2.39 *Borrow pits.* A special permit is required for a borrow pit as provided in section 14.7.1 borrow pits as defined within section 2.1 of these land development regulations, shall not be permitted within residential zoning districts. Borrow pits which existed prior to the effective date of this section and do not meet all the requirements of this section, shall be considered conforming to these land development regulations and shall not require additional permitting by the county for the life of the operation, unless they are enlarged in aerial extent.

Borrow pits shall not be excavated in a manner which creates an environmental or public safety hazard as determined by the land development regulation administrator. In addition, at such time as the earthen material has been removed and the borrow pit activity has ceased, the area excavated shall be left in a condition, as determined by the land development regulation administrator, which will not cause an environmental or safety hazard.

No borrow pit shall be used as a class III landfill as defined by the Florida Department of Environmental Protection.

No borrow pit requiring a special permit under these land development regulations (see section 14.14) excavated after the adoption of this amendment shall be located such that the top slope is within a ~~330~~ 100-foot radius from any area platted as a residential subdivision, unrecorded residential subdivision, or division of land into parcels of more than ten acres in size but less than 20 acres in size and intended for residential uses; and that any borrow pit where the top slope is located more than ~~330~~ 100 feet and less than ~~660~~ 200 feet of a platted residential subdivision, unrecorded residential subdivision or division of land into parcels of more than ten acres in size but less than 20 acres in size intended for residential uses is required to be completely buffered from the residential subdivision with a minimum depth of a 25-foot planted and mature landscaped buffer.

To protect against erosion of adjoining properties, while a Borrow pit is being excavated and until completion of restoration, slopes shall not be steeper than 6:1. Slopes shall be seeded and mulched on a weekly basis in accordance with Florida Department of Transportation standards.

All borrow pits shall also meet all regional, state and federal requirements.

14.7.1 *Special permits for borrow pits.*

(b) The issuance of the special permit shall be subject to all areas disturbed by borrow pit operations being restored. The land shall be considered restored if the following criteria are met:

(1) Land areas have been graded to a level, gently rolling, sloping or terraced topography, with major continuous slopes no steeper than ~~four~~ six horizontal to one vertical and in a way to minimize erosion due to rainfall, break up long uninterrupted slopes and make

the surface suitable for vegetation. Vegetation shall be appropriately planted to prevent erosion and promote the future land use of the restored area.

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.

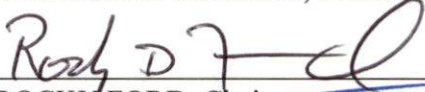
Pursuant to Section 125.66, Florida Statutes, as amended, a certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective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

Section 5. Authority.

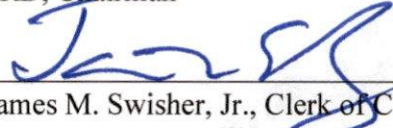
This ordinance is adopted pursuant to the authority granted by Section 125.01, Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

PASSED AND DULY ADOPTED, in regular session with a quorum present and voting, by the Board of County Commissioners this 23rd day of March 2023.

**BOARD OF COUNTY COMMISSIONERS OF
COLUMBIA COUNTY, FLORIDA**



ROCKY FORD, Chairman

ATTEST: 

James M. Swisher, Jr., Clerk of Court

APPROVED AS TO FORM:



Joel Foreman, County Attorney

