ORDINANCE NO. 2026-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY FLORIDA, CREATING A YARD TRASH AND DOMESTIC WASTE RECYCLING FACILITY USE WITHIN THE LAND DEVELOPMENT CODE; AMENDING SECTION 50-1. OF THE LEVY COUNTY LAND DEVELOPMENT CODE RELATED TO DEFINTIONS; AMENDING SECTION 50-700. OF THE LEVY COUNTY LAND DEVELOPMENT CODE RELATED TO PERMITTED USES; AMENDING SECTION 50-762. OF THE LEVY COUNTY LAND DEVELOPMENT CODE RELATED TO USES BY SPECIAL EXCEPTION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intent of Levy County Board of County Commissioners ("Board") to regulate the use and development of land within the County to promote, protect, and improve the public health, safety, and welfare of Levy County's residents, while maximizing economic benefits and minimizing threats to the environment and natural and man-made resources; and

WHEREAS, Section 163.3167(c), *Florida Statutes*, empowers the Board to adopt land development regulations to guide the growth and development of the County; and

WHEREAS, in furtherance of the public health, safety, and welfare, and to facilitate the proper and efficient administration of the County's Land Development Code in a manner that protects and balances the rights and interests of property owners, the general public, and the environmental and natural resources of the County, the Board finds it necessary to define yard trash and domestic waste recycling facility Land Development Code and to add yard trash and domestic waste recycling facility as a use by special exception in certain zoning districts.

NOW, THEREFORE, BE IT ORDAINED by the Levy County Board of County Commissioners as follows:

SECTION 1. AMENDMENT OF ARTICLE I, SECTION 50-1. OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Section 50-1. of the Levy County Land Development Code, entitled "Definitions" is hereby amended as follows:

50-1. DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. In addition, any word used in this chapter that is not defined herein shall be defined by its plain and ordinary meaning:

* * *

Yard trash and domestic waste recycling facility means a Type II biosolids treatment facility receiving Class B biosolids for processing into Class AA biosolids, as defined by 40 CFR Part 503.

* * *

[underline indicates addition; ~~strikethrough~~ indicates deletion; * * * indicates that text following * * * remains unchanged]

SECTION 2. AMENDMENT OF SECTION 50-700. OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Section 50-700. of the Levy County Land Development Code, entitled "Generally; use table" is hereby amended as follows:

50-700. GENERALLY, USE TABLE

* * *

Use (reference to code section that contains SE or CU requirements)	F/RR	A/RR	RR	R-1	R-2	RR-3C	C-1	C-2	C-3	C-4	I	RMU	PF	REC	NR-CON
	In this table, P=Permitted Use; CU=Conditional Use; and SE = Use by Special Exception														
						*	*	*							
Agriculture															
Yard trash and domestic waste recycling facility		SE													

* * *

[underline indicates addition; ~~strikethrough~~ indicates deletion; * * * indicates that text following * * * remains unchanged]

SECTION 3. AMENDMENT OF SECTION 50-762. OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Section 50-762. of the Levy County Land Development Code, entitled "Yard trash and domestic waste recycling facility" is hereby created to read as follows:

50-762. Yard trash and domestic organic waste recycling facility

(1) The parcel is located in an agricultural zoning district.
(2) The minimum parcel size is 50 acres.
(3) No existing platted residential subdivision exists within 1/2 mile of the parcel
(4) If the Florida Department of Environmental Protection (FDEP) or successor agency has issued a final agency action that denies a permit to the applicant prior to consideration of the application for special exception, the applicant must obtain the following state regulatory approvals:

(a) FDEP Yard Trash Recycling Registration where the yard trash is to be processed and used as the amendment/bulking agent in the recycling process; and

(b) FDEP technical permit which authorizes the mixing of the processed yard trash with domestic organic waste using a windrow method to yield a final product used as fertilizer and soil amendment.

(5) Any component of this use that is not regulated by state agencies may be regulated by conditions and limitations imposed in the special exception based on the activities of that particular operation.

SECTION 4. CODIFICATION. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Levy County Land Development Code, and that the sections of this Ordinance may be renumbered to accomplish such intent.

SECTION 5. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

SECTION 6. CONFLICT. All ordinances or parts of ordinances in conflict herewith are, to the extent of such of conflict, hereby repealed.

SECTION 7. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment by the Board and shall take effect as provided by law.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Levy County this _____ day of ____, 202__.

BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA

_____
Tim Hodge, Chair

ATTESTED BY:

_____
Matt Brooks, Clerk of Court

APPROVED AS TO FORM

_____
Ray Poole, County Attorney