

LIBERTY COUNTY ORDINANCE NO. 2019-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA, ADOPTING COMPREHENSIVE PLAN AMENDMENTS, AS REQUIRED BY CHAPTER 163, FLORIDA STATUTES, DESIGNED TO UPDATE THE LIBERTY COUNTY COMPREHENSIVE PLAN, UPDATING THE FUTURE LAND USE MAP AND UPDATING THE GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE AND CONSERVATION ELEMENTS; AUTHORIZING THE TRANSMITTAL OF THE AMENDMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Liberty County, Florida:

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of Liberty County to prepare and enforce comprehensive plans for the development of the County; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, Comprehensive Planning Act, empowers and requires the Board of County Commissioners to (a) plan for the County's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county; implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the Board of County Commissioners of Liberty County have designated themselves as the Local Planning Agency for the unincorporated area of Liberty County; and

WHEREAS, supporting data and analysis documentation was prepared as background and justification for the revised comprehensive plan's goals, objectives, and policies and future conditions maps; and

WHEREAS, multiple advertised public workshops and public hearings were conducted allowing for technical advise, citizen input and general public comment on the revisions to the Liberty County Comprehensive Plan's goals, objectives and policies and future conditions maps; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of Liberty County, Florida, held several public workshops, meetings and public hearings on the proposed amendments to the comprehensive plan, with due public notice having been provided, to obtain public comment, and having considered all written and oral comments received, including the data collection and analysis packages and recommendations of the Local Planning Agency, and having approved the proposed amendments for transmittal on June

3,2019, to the Department of Economic Opportunity, the Apalachee Regional Planning Council, the Northwest Florida Water Management District, the Department of Transportation, the Department of Environmental Protection, the Department of Education, the Department of State, the Department of Agriculture and the Department of Fish and Wildlife Conservation Commission, for review and comment; and

WHEREAS, the Department of Economic Opportunity, by letter dated July 12, 2019, transmitted its Objections, Recommendations, and Comments (ORC) on the proposed amends of the Liberty County Comprehensive Plan, stating that the State had no Objections to the amendments; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on September 5, 2019 the Board of County Commissioners of Liberty County, Florida, held an adoption public hearing, with due public notice having been provided, on the amended version of comprehensive plan; and

WHEREAS, the Board of County Commissioners of Liberty County, Florida, further considered all oral and written comments received during the public hearings, including the data collection and analysis packages, the recommendations of Local Planning Agency, and objections, recommendation, and comments of the Department of Economic Opportunity; and

WHEREAS, in exercise of its authority the Board of County Commissioners of Liberty County, Florida, has determined it necessary and desirable to adopt the amended version of the comprehensive plan to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future issues that may result from the use and development of land within Liberty County.

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

**Section 1. Purpose and Intent.**

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended;

**Section 2. Liberty County Future Land Use Map.**

The Future Land Use Map of the Liberty County Comprehensive Plan is hereby adopted to include the Map attached and incorporated herein, changing the land use designation of four parcels of land (parcel numbers: 013-1N-7W-001149-001, 013-1N-7W-001148-001, 012-1N-7W-001148-000 and 012-1N-7W-001148-001) totaling 490.7 acres from Agriculture to Industrial Land Use.

### Section 3. Goals, Objectives and Policies of the Comprehensive Plan.

This Ordinance is enacted to update the Liberty County Comprehensive Plan, updating the Goals, Objectives and Policies of the Future Land use and Conservation Elements.

#### Section 3.A. Liberty County Future Land Use Element.

The Future Land Use Element of the Liberty County Comprehensive Plan is hereby amended and adopted to include the text attached and incorporated herein;

- a) Delete Future Land Use Policy 5-8 as follows:

~~Policy 5.8: No privately owned landfills shall be allowed to locate in Liberty.~~

- b) Amend the Industrial land use category description in the Future Land Use Element Policy 1-2, as follows:

Industrial: Areas devoted exclusively to industrial development, which shall be permitted allowing a mix of light and/or heavy manufacturing, storage, distribution, sawmills, mining, solid waste management, processing and recycling; waste to fuel plants, wastewater treatment facilities, potable water facilities, utilities and other types of infrastructure, or and other typical industrial uses. Smaller-scale, commercial uses, such as gas stations and convenience stores, may be allowed as a secondary use to support existing or planned industrial development and other nearby uses. Timber may be harvested as an adjunct to clearing for land development.

#### Section 3.B. Liberty County Conservation Element.

The Conservation Element of the Liberty County Comprehensive Plan is hereby amended and adopted to include the text attached and incorporated herein;

- a) Amend the Conservation Element Policy 4-1 as follows:

Policy 4-1: The Future Land Use Use Map and Land Development Regulations shall only allow mining only in the Agricultural Land Category and Industrial Land Use Category.

- b) Amend Conservation Element Policy 1-1 as follows:

Policy 1-1: All proposed commercial-industrial development which may impact air quality shall undergo the site plan review process, where the following standards shall be enforced:

1. Any proposed industrial uses will be located in areas deemed to have the least impact on air quality standards.
2. The applicant shall include documentation that ambient air quality in the area will not be lowered significantly.

3. The applicant shall use adequate landscaping to promote air quality and reduce noise and view impacts to adjacent property.

Any commercial-industrial development that has been issued a state permit shall be deemed to satisfy this policy in regard to air quality.

#### Section 4. Applicability and Effect.

The applicability and effect of the Liberty County Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and this Ordinance.

#### Section 5. 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 6. Copy on File.

A certified copy of the enacting ordinance, as well as certified copies of the 2012-2025, Liberty County Comprehensive Plan, as amended, shall be filed with the Clerk of the Circuit Court of Liberty County, Florida, and copies shall be made available to the public for a reasonable publication charge.

#### Section 7. Transmittal to Department of Economic Opportunity.

Pursuant to Section 163.3184, Florida Statutes, the Liberty County Commission hereby authorizes the transmittal of this Ordinance and the adopted version of the Liberty County 2012-2025 Comprehensive Plan, to the Department of Economic Opportunity, for review and determination of Compliance of the Plan with the provisions of Chapter 163, Part II, Florida Statutes.

#### Section 8. Effective Date.

Pursuant to Section 163.3184, Florida Statutes, this Ordinance and the adopted version of the Liberty County 2012-2025 Comprehensive Plan shall not become effective until; the Plan has been determined to be In-Compliance; the 21 day period for affected parties to file a petition has expired, and the Ordinance has been officially filed with the Secretary of State.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Liberty County, Florida, this 5<sup>th</sup> day of September, 2019.

ATTEST:

Kathy Brown  
HONORABLE KATHY BROWN,  
Clerk of Liberty County Court

BOARD OF COUNTY COMMISSIONERS  
OF LIBERTY COUNTY, FLORIDA

By: D. Branch  
HONORABLE DEWAYNE BRANCH,  
Chairman

