

ORDINANCE 2021- 2

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON APPLICATIONS FOR SOLID WASTE MANAGEMENT, PROCESSING, RECYCLING, AND WASTE TO FUEL FACILITIES AND DIRECTING COUNTY STAFF TO STUDY AND DEVELOP PROPOSED LAND DEVELOPMENT CODE REGULATIONS FOR SAME.

WHEREAS, on September 5, 2019, Liberty County adopted a Comprehensive Plan Amendment that amended the Industrial land use category description in the Future Land Use Element Policy 1-2 to allow for additional uses to include, “sawmills, mining, solid waste management, processing and recycling; waste to fuel plants, wastewater treatment facilities, potable water facilities, utilities and other types of infrastructure;” and

WHEREAS, although Liberty County amended its Comprehensive Plan to contemplate solid waste management, processing, recycling and waste to fuel facilities (“Solid Waste Facilities”), it has not yet developed any corresponding land development code regulations to properly implement such uses; and

WHEREAS, the County needs time to study planning issues associated with Solid Waste Facilities and to develop a plan, and adopt any proposed regulations to implement such plan or study; and

WHEREAS to protect, preserve and effectuate the public safety, welfare, aesthetics, and economic order of the County, the Board of County Commissioners finds that a moratorium on the receipt of applications for and the issuance of certain requests for site plans, development orders, permits, or building permits for Solid Waste Facilities is required for a limited duration

and until the County studies, plans, develops and adopts any regulations to implement such plans or studies; and

WHEREAS, the Commission determines that the need and justification for this moratorium is to promote orderly development that will protect and enhance the future use of land, as well as the viability of private enterprise within the Liberty County; and

WHEREAS, the Commission finds that based on the foregoing reasons for the moratorium, this Ordinance will promote the public health, welfare, safety, aesthetics, and economic order of the County; and

WHEREAS, the Commission has determined that a moratorium of 240 days in duration is the minimum reasonable period of time needed to study, plan and develop and adopt any implementing regulations; and

WHEREAS, specific authority for this Ordinance includes, but is not limited to, Chapters 163 and 125 Florida Statutes.

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

Section 1. Findings of fact.

The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Moratorium Imposed. A moratorium is imposed, adopted and effectuated by this Ordinance, in the area, for the activities set forth herein.

a. Area of Moratorium. The moratorium imposed by this Ordinance will be effective on all parcels of land located within the unincorporated area of Liberty County, Florida.

b. Applications subject to Moratorium. No application or petition for site plan approval, development order, permit, or building permit shall be accepted, processed, or considered by the County for the construction, erection or development of any Solid Waste Facilities during the

time period that this moratorium is in effect. This moratorium shall apply to any pending applications that have not yet received final approval.

Section 3. Limited Duration of Moratorium. Beginning on the effective date of this Ordinance, and continuing for a period of 240 days, the moratorium shall be in effect unless terminated earlier by adoption by the Commission of ordinance(s) repealing this moratorium, or upon the adoption of an ordinance revising the Land Development Code with regard to the permitting of Solid Waste Facilities within the area described in Section 2 of this Ordinance, whichever event shall first occur.

Section 4. Study and Recommendations.

During the moratorium period described in Section 3 of this Ordinance, the County staff, including Planning & Legal, is hereby directed to study Solid Waste Facilities and their impact on the health, safety, and welfare of residents and businesses located within the County, and to develop and recommend land development regulations for Solid Waste Facilities in the unincorporated areas of the County, and any other relevant regulations and recommendations, with such recommendations and proposed regulations being delivered to the Board of County Commissioners within a reasonable time before the expiration of this moratorium.

Section 5. Penalties.

Any person or entity who violates any provision of this ordinance, or who fails to comply therewith, shall be subject to a fine not to exceed \$500 or by imprisonment in the county jail not to exceed 60 days or both such fine and imprisonment. The County shall prosecute such violation in accordance with Fla. Stat. 125.69.

Section 6. Severability.

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 7. Effective Date.

This Ordinance shall take effect immediately. A certified copy of this Ordinance as enacted shall be filed by the Clerk of the Board with the office of the Secretary of State of the State of Florida in accordance with Section 125.66, Florida Statutes.

DULY ADOPTED on this 22nd day of July, 2021.

ATTEST:


Daniel Stanley, Clerk

**BOARD OF COUNTY COMMISSIONERS
LIBERTY COUNTY FLORIDA**


Dewayne Branch, Chairman

Approved as to Form:


Office of the County Attorney