

LIBERTY COUNTY ORDINANCE NO. 2022- 4

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA, ADOPTING A COMPREHENSIVE PLAN AMENDMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, AMENDING AND UPDATING THE 2012-2025 COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE AND INTENT, PROVIDING FOR APPLICABILITY AND EFFECT, AND SEVERABILITY, AND A COPY ON FILE, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by Liberty County, Florida:

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act, empowers and requires the County Commission to (a) plan for 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; and

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the County Commission has designated themselves as the Local Planning Agency; and

WHEREAS, the State of Florida enacted law which requires local governments to adopt a property rights element to their comprehensive plans and supporting data and analysis documentation was prepared as background and justification for the revised comprehensive plan's Future Land Use Map amendment; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, Liberty County Florida, held a public hearing on May 5, 2022, at 6:30 p.m. on the amendment, 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 property rights amendment; and

WHEREAS, in exercise of its authority the County Commission of Liberty County, Florida, has determined it necessary and desirable to adopt the amended Future Land Use Map 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 the County.

NOW, THEREFORE, BE IT ORDAINED by the Liberty County Commission 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 Community Planning Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes;

Section 2. Liberty County Property Rights Element Amendment.

The Liberty County Comprehensive Plan is hereby amended to include the text attached and incorporated herein. The amendment includes the following text changes:

Liberty County Property Rights Element

The Following rights shall be considered in local decision making:

1. **The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.**
2. **The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.**
3. **The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.**
4. **The right of a property owner to dispose of his or her property through sale or gift.**

Section 3. Applicability and Effect.

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

Section 4. 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 5. Copy on File.

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

Section 6. Effective Date.

Pursuant to Section 163.3184, Florida Statutes, this Ordinance and the amended version of the Liberty County 2012-2025 Comprehensive Plan shall not become effective until; the 30 day period for affected parties to file a petition has expired.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Liberty County, Florida County Commission, this 9 day of June, 2022.

ATTEST: LIBERTY CLERK,

LIBERTY COUNTY COMMISSION

By: Daniel Stanley
Daniel Stanley, Clerk

By: Hannah Cousseaux
Hannah Cousseaux, Chairman

ATTEST: Jennifer Shuler
County Attorney