

LIBERTY COUNTY ORDINANCE NO. 2023- 03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA, ADOPTING COMPREHENSIVE PLAN AMENDMENTS, 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 with requires local governments to adopt amendments to their comprehensive plans and supporting data and analysis documentation was prepared as background and justification for the revised comprehensive plan amendments; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, Liberty County Florida, held a public hearing on May 4, 2023, at 6:30 p.m. on the amendments, 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 and adopted the amendments; 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 Amendments.

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

Policy 5-8: No privately owned landfills shall be allowed to locate in Liberty County. No Leachate, sludge or other discharge from solid waste facilities may be transported into Liberty County for disposal, storage or treatment.

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

Industrial: Areas devoted exclusively to industrial development, which shall be permitted as light and 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, 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. 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 be effective 31 days after the state land planning agency notifies Liberty County that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Liberty County, Florida County Commission, this 4 day of May, 2023.

ATTEST: LIBERTY CLERK,

LIBERTY COUNTY COMMISSION

By: *Daniel Stanley*
Daniel Stanley, Clerk

By: *Hannah Causseaux*
Hannah Causseaux, Chairman

ATTEST: *Jennifer W. Shuler*
County Attorney