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ORDINANCE NO. 92- 07

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AN ORDINANCE OF THE COUNTY COMMISSION OF THE COUNTY OF LIBERTY FLORIDA, AMENDING THE LIBERTY COUNTY/CITY OF BRISTOL COMPREHENSIVE PLAN ORDINANCE WHICH CONTROLS FUTURE LAND USE, GUIDES PUBLIC FACILITIES, AND PROTECTS NATURAL RESOURCES PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT (CHAPTER 163, PART II, FLORIDA STATUTES), AND IN CONFORMANCE WITH A STIPULATED SETTLEMENT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, DOAH CASE NO. 92-0009GM, INCLUDING THE FUTURE LAND USE ELEMENT; HOUSING ELEMENT; SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER, AND NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT; CONSERVATION ELEMENT; AND CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Chapters 163, 125, and 166, Florida Statutes, empowers Liberty County and the City of Bristol to prepare and enforce comprehensive plans for the development of Liberty County and the City of Bristol; and,

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WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires Liberty County and the City of Bristol to (a) plan for the County's/City'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/City; (c) 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,

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WHEREAS, Liberty County Ordinance No. 91-09, and City of Bristol Ordinance No. 91-01, were both enacted on October 17, 1991, to adopt the Liberty County/City of Bristol Comprehensive Plan for the incorporated area of Bristol and for the unincorporated area of Liberty County; and,

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WHEREAS, on or about December 11, 1991, the Department of Community Affairs issued its Statement of Intent to Find the Comprehensive Plan Not in Compliance; and,

1 WHEREAS, pursuant to Section 163.3184, Florida Statutes, Liberty  
2 County/City of Bristol subsequently held public meetings, and public hearings on  
3 proposed amendments to the Comprehensive Plan, with due public notice having been  
4 provided, to obtain public comment, and having considered all written and oral  
5 comments received during said public meetings and public hearings, including a  
6 proposed Settlement Agreement between Liberty County/City of Bristol and the  
7 Department of Community Affairs dated July 9, 1992; and,

8 WHEREAS, on July 31, 1992, Liberty County/City of Bristol and the  
9 Department of Community Affairs entered into a Stipulated Settlement Agreement which  
10 provides that with the remedial action of the County adopting this ordinance, the  
11 Comprehensive Plan will be found to be in compliance with the Florida Statutes and  
12 Florida Administrative Code; and,

13 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Liberty  
14 County Commission further considered all oral and written comments received during  
15 such public hearing; and,

16 FURTHER WHEREAS, in exercise of its authority the Liberty County  
17 Commission/Bristol City Commission have determined it necessary and desirable to  
18 adopt these amendments to the Comprehensive Plan to preserve and enhance present  
19 advantages; encourage the most appropriate use of land, water and resources,  
20 consistent with the public interest; overcome present handicaps; and deal effectively with  
21 future problems that may result from the use and development of land within Liberty  
22 County/City of Bristol, and to bring the Comprehensive Plan into accord with the  
23 Settlement Agreement, and to meet all requirements of law.

24 NOW, THEREFORE, BE IT ORDAINED by the County Commission of  
25 Liberty County, Florida as follows, that:

26 Section 1. Purpose and Intent.

27 This Ordinance is hereby enacted to carry out the purpose and intent of,  
28 and exercise the authority set out in, the Local Government Comprehensive Planning  
29 and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida  
30 Statutes, as amended.

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1                    Section 2. Amendment.

2                    This Ordinance does hereby adopt the text and maps attached hereto as  
3 Exhibit "A", and made a part hereof, as amendments to Liberty County/City of Bristol  
4 Comprehensive Plan, and does hereby amend the "Liberty County/City of Bristol  
5 Comprehensive Plan" in accordance therewith, being amendments to the following Plan  
6 elements:

- 7                    Future Land Use Element
- 8                    Housing Element
- 9                    Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural
- 10                    Groundwater Aquifer Recharge Element
- 11                    Conservation Element
- 12                    Capital Improvements Element

13                   Section 3. Applicability and Effect.

14                   The applicability and effect of these amendments to the Comprehensive  
15 Plan shall be as provided by the Local Government Comprehensive Planning and Land  
16 Development Regulation Act, Section 163.3161 through 163.3215, Florida Statutes, this  
17 Ordinance, and shall apply to all properties under the jurisdiction of Liberty County/City  
18 of Bristol except to the extent that such properties are exempted or vested pursuant to  
19 the vested rights section of the Liberty County/City of Bristol Comprehensive Plan.

20                   Section 4. Conflict with Other Ordinances and Codes.

21                   All ordinances or parts of ordinances of the Code of Ordinances for Liberty  
22 County and the City of Bristol, Florida, in conflict with the provisions of this Ordinance  
23 are hereby repealed to the extent of such conflict.

24                   Section 5. Severability.

25                   If any provision or portion of this Ordinance is declared by any court of  
26 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining  
27 provisions and portions of this Ordinance shall remain in full force and effect.

28                   Section 6. Effective Date.

29                   This Ordinance shall become effective immediately upon its adoption.

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PASSED the County Commission on the 24th day of September,

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*John T. Sanders*  
John T. Sanders, Chairman  
Liberty County Commission

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ATTEST:

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*Duncan Hosford*  
Duncan Hosford, Clerk of Court

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APPROVED AS TO FORM

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James C. Conner, Jr., County Attorney