

ORDINANCE NO. 2016-03

AN ORDINANCE OF LIBERTY COUNTY, FLORIDA, TO BE ENTITLED: AN ORDINANCE ADOPTING NEW REVISED CONDITIONAL USE SITING REGULATIONS; ESTABLISHING A PURPOSE AND INTENT; DESCRIBING SAID CONDITIONAL USE FACILITIES AND ESTABLISHING SAID CONDITIONAL USE FACILITIES SITING REGULATIONS; PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A COPY ON FILE.

WHEREAS, Chapter 163, Florida Statutes empowers the County Commission of Liberty, Florida to prepare and enforce Comprehensive Plans and Land Development Regulations for the development of the County; and

WHEREAS, Chapter 125, Florida Statutes empowers the County to adopt formal policy-making ordinances; and

WHEREAS, pursuant to Chapter 125, Florida Statutes, Liberty County held the required public hearings, with due public notice having been provided, to obtain public comment, and having considered all written and oral comments received; and

WHEREAS, in exercise of its authority the Board of Commission for Liberty County, Florida, has determined it necessary and desirable to revise and update and adopt revisions to the Liberty County Land Development Code, named the Conditional Use Siting Regulations, 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 County Commission of Liberty County, Florida, as follows:

Section 1. Purpose and Intent.

The purpose of the Liberty County Conditional Use Siting regulation is to establish fair and efficient procedures and processes that Liberty County will utilize to assure that placement, construction or modification of Conditional Uses are consistent with the County's Comprehensive Plan and that development orders and permits, when issued, shall protect environmental resources, ensure land use compatibility and protect the health safety and welfare of the community.

Section 2. Conditional Use Siting Regulations.

The Following, Siting Regulations for Conditional Uses are hereby adopted to include the text (highlighted) attached and incorporated herein:

Section 4.3 Development Uses Allowed in Land Use Category Districts

Section 4.3-1 Generally

This section defines and prescribes the specific development uses allowed within each land use category district described in the Liberty County/City of Bristol Comprehensive Plan and this Code.

4.3.1.1 Conditional or Special Exception Uses

Conditional Use or Special Exception

A use that would not be appropriate generally or without restriction throughout any land use division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote, the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare.

Conditional uses or Special Exceptions include all uses that are not listed as permitted uses, accessory uses or restricted uses in these Land Development Regulations. The following uses shall always be Conditional Uses.

Commercial Establishments that sell Alcoholic Beverages, Cocktail Lounges, Bars, Pubs.

Junkyards

Communications Towers

Night clubs, Social clubs which include adult entertainment and/or which sell adult materials

Retail establishments that sell adult materials

A. The Liberty County Commission shall hear and decide those applications for Conditional Uses as identified in these Land Use regulations. The Liberty County Commission shall decide such questions as are pertinent and necessary when determining whether restricted use exceptions shall be granted, determining appropriate conditions and safeguards or denying special exceptions when not in harmony with the purpose and intent of these Land Development Regulations and/or when not a benefit to the health, safety and welfare of the Community as a whole.

Procedure

An Applicant for a Conditional Use Permit shall file a application with the Clerk and/or the Building Department and shall pay a non-refundable fee of \$250.00 to the County. In addition, the Applicant shall be responsible for the cost of mailing notice to adjacent property owners and for the cost of advertising the Public Hearing.

- fee

Upon receipt of an application for a Conditional use, the Office of the Clerk and/or the Building Department shall examine such application and make a recommendation thereon together with all supporting documentation, and shall transmit a copy of the application, together with supporting and explanatory information, to the Liberty County Commission.

B. Decision

Prior to rendering a decision on an application for a conditional use, the Liberty County Commission shall hold a public hearing on the application. The Liberty County Commission shall fix a reasonable time of day for the hearing and give public notice thereof as well as due notice to the parties involved. The hearing shall be advertised 7 to 10 days prior to the meeting, in a newspaper of general circulation. Certified letters shall be sent to all property owners within 500 feet of the application site, informing them of the date, time and purpose of the hearing.

C. Conditions

The Liberty County Commission may require appropriate conditions and safeguards in conformity with these Land Development Regulations.

D. Specific Conditions

1. Retail Alcohol sales establishments. Only retail package sells of alcohol products shall be allowed in Liberty County, except for the sale of beer and wine for consumption on the premises, at restaurant establishments that are permitted by the State to prepare and serve complete meals on site. Businesses that sell alcohol products are only allowed in Town Center, Rural Village, Commercial and Mixed Use Rural Residential Land Use areas designated on the adopted Liberty County Future Land Use Map consistent with the following conditions:

(a) Retail Package Liquors, Wine and/or Beer sales establishments must be at least 1000 feet from the nearest property line of an established residential use or district, church, school or public playground and the nearest property line of the establishment.

(b) Restaurant establishments, as defined and governed by the State, that are permitted by the State to prepare and serve complete meals on site, which sell beer and/or wine for consumption on the premises, must be at least 1000 feet from the nearest property line of an established residential use or district, church, school or public playground and the nearest property line of the establishment. The sale of beer and/or wine for consumption on the premises is prohibited from 12:00 A.M. (mid-night) until 10:00 A.M. the next morning.

2. Junkyards, Mechanical and Chemical Waste collection and recycling facilities and any Hazardous Materials collection and recycling facilities are only allowed in the Industrial District and must be at least 1000 feet from the nearest property line of an established residential use or district, church, school or public playground and the nearest property line of the establishment.

3. Communications Towers are allowed in all Land Use Districts, except Conservation areas and must have an engineered design fall zone that does not include any existing residential structures consistent with the Tower Siting provisions of this Code.

4. Night clubs, Social clubs which include adult entertainment and/or which sell adult materials are only allowed in the Industrial District and must be at least 1000 feet from the nearest property line of an established residential district, church, school or public playground and the nearest property line of the establishment.

5. Gambling and/or Gaming Establishments that provide onsite and/or electronic services, systems and/or products which include games of chance for public use, are only allowed in the Industrial District and must be at least 1000 feet from the nearest property line of an established residential district, church, school or public playground and the nearest property line of the establishment.

Section 4.3-2 Types of Uses

Section 3. Applicability and Effective Date.

The applicability and effect of this Ordinance and the amended version of the Liberty County Development Code, Conditional Use Siting Regulations shall become effective upon passage and filing with the Secretary of State.

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 6. Copy on File.

A certified copy of the enacting ordinance, as well as certified copies of the Liberty County Development Code as amended shall be filed with the Clerk of Liberty County, Florida, and copies shall be made available to the public for a reasonable publication charge.

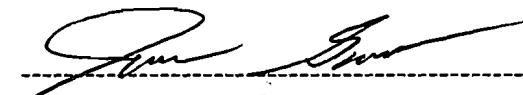
PASSED AND DULY ADOPTED, with a quorum present and voting, by the County Commission of Liberty County, Florida, this 7th day of July, 2016.

ATTEST:

LIBERTY COUNTY, FLORIDA

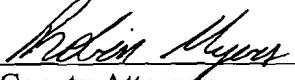


HONORABLE KATHY BROWN
County Clerk



HONORABLE DEXTER BARBER *James Sanders*
Chair, Liberty County Commission

APPROVED AS TO FORM:



County Attorney