

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING THE CLAY COUNTY 2040 COMPREHENSIVE PLAN INITIALLY ADOPTED PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184, FLORIDA STATUTES, UNDER ORDINANCE NO. 2018-31, AS SUBSEQUENTLY AMENDED, IN ORDER TO AMEND THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF TWO PARCELS (TAX PARCEL IDENTIFICATION NUMBERS 33-05-26-014471-002-00 AND 39-05-26-015162-000-00), COMPRISING 6.67 ACRES, FROM RR (RURAL RESIDENTIAL) TO COM (COMMERCIAL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 26, 2018, the Board of County Commissioners of Clay County, Florida (the “Board”), adopted Ordinance No. 2018-31, which adopted the Clay County 2040 Comprehensive Plan (the “Plan”); and,

WHEREAS, Section 163.3184, Florida Statutes, outlines the process for the adoption of comprehensive plans or amendments thereto and provides that Section 163.3187, Florida Statutes, may be followed for plan amendments qualifying as small-scale development; and,

WHEREAS, Application COMP 0323-00002, requests an amendment to the Plan; and,

WHEREAS, the Board desires to amend the Plan as provided for below.

Be It Ordained by the Board of County Commissioners of Clay County:

**Section 1.** Clay County Ordinance No. 2018-31, as amended, is amended as provided in Section 2 hereof.

**Section 2.** The adopted Future Land Use Map of the Plan is hereby amended such that the land use designation of Parcel No. 33-05-26-014471-002-00 and Parcel No. 39-05-26-015162-000-00 described in Attachment “A” and depicted in Attachment “B” is hereby changed from RR (Rural Residential) to COM (Commercial) .

**Section 3.** 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 4.** The effective date of this Plan amendment shall be 31 days after adoption unless the amendment is challenged pursuant to 163.3187, Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity or the Administration Commission finding the amendment in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

**DULY ADOPTED** by the Board of County Commissioners of Clay County, Florida, this \_\_\_\_day of May\_\_\_\_, 2023.

BOARD OF COUNTY COMMISSIONERS  
OF CLAY COUNTY, FLORIDA

By: \_\_\_\_\_  
Betsy Condon, Its Chairman

ATTEST:

By: \_\_\_\_\_  
Tara S. Green,  
Clay County Clerk of Court and Comptroller  
Ex Officio Clerk to the Board

## Attachment "A"

A parcel of land being a portion of Government Lot 3, Section 33, together with a parcel of land situated in the Travers Grant, Section 39, both in Township 5 South, Range 26 East, Clay County, Florida, also together with a portion of former Duval Avenue according to plat of FELLOWSHIP PARK PART 4, as recorded in Plat Book 3, page 2, of the Public Records of said County (said road vacated per resolution recorded in Official Records Book 354, page 252, of said Public Records), said portion of former Duval Avenue lying Southerly of County Road C-315 (an 80' right-of-way as now established per State Road Department right-of-way map Section 71507-2601) and Northeasterly of CSX Transportation Railroad, (a 100' right-of-way as now established per Valuation Map V.3Fla, SL. 7), said parcels and portion being more particularly described as follows:

BEGIN at the intersection of the West line of said Section 39 (also being the Easterly right-of-way line of said former Duval Avenue) with the Southerly right-of-way line of said County Road C-315; thence on said Southerly right-of-way line, N89°27'23"E, 231.86 feet to the Easterly line of lands described in Official Records Book 4187, page 1285, of said Public Records; thence along said line, run the following 2 courses: 1) S05°36'57"E, 635.51 feet; 2) S05°36'57"E, 383.11 feet to the Northeasterly right-of-way line of said CSX Transportation Railroad; thence along said Northeasterly right-of-way line, N42°26'43"W, 731.40 feet to the Westerly line of lands described in Official Records Book 1117, page 698, of said Public Records; thence along said line, N05°35'11"W, 472.09 feet to said Southerly right-of-way line of County Road C-315; thence along said Southerly right-of-way line, N89°27'23"E, 208.05 feet to the POINT OF BEGINNING of the parcels and portion herein described.

Containing 7.50 acres, more or less.

Said lands situated, lying and being in Clay County, Florida.

Being the same lands as those described in Official Records Book 4187, page 1285 and Official Records Book 4187, page 1285, of said Public Records, together with said portion of former Duval Avenue.

Attachment "B"

