

Ordinance No. 2018-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING THE CLAY COUNTY 2025 COMPREHENSIVE PLAN INITIALLY ADOPTED PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184, FLORIDA STATUTES, UNDER ORDINANCE NO. 09-41, AS SUBSEQUENTLY AMENDED, IN ORDER TO AMEND CONSERVATION ELEMENT POLICY 2.1a. CONTAINED IN THE CONSERVATION ELEMENT WHICH IS EXHIBIT C THERETO, AND COMMUNITY FACILITIES ELEMENT POLICY 8.1 CONTAINED THE COMMUNITY FACILITIES ELEMENT WHICH IS EXHIBIT D THERETO, PROVIDING FOR SEVERABILITY; PROVIDING DIRECTIONS TO THE CLERK OF THE BOARD; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 27, 2009, the Board of County Commissioners of Clay County, Florida (the Board), adopted Ordinance No. 09-41, which adopted the Clay County 2025 Comprehensive Plan (the Plan); and,

WHEREAS, Section 163.3184, Florida Statutes, outlines the process for the adoption of comprehensive plans or amendments thereto; and,

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

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

Section 1. Conservation Policy 2.1 which is contained in Exhibit C of the Plan (Conservation Element) is amended as contained in Attachment A-1.

Section 2. Community Facilities Policy 8.1 which is contained in Exhibit D of the Plan (Community Facilities Element) is amended as described in Attachment "A-2".

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 Clerk of the Board of County Commissioners is authorized and directed within 10 days of the date of adoption of this ordinance to send certified, complete and accurate copies of this ordinance by certified mail, return receipt requested, to the Florida Department of Economic Opportunity, the Caldwell Building, 107 East Madison Street, Tallahassee, Florida 32399-4120, the Northeast Florida Regional Council, 100 Festival Park Avenue, Jacksonville, Florida 32202, and any other agency or local government that provided timely comments as specified in Section 163.3184(4), Florida Statutes.

Section 5. In accordance with Section 163.3184, Florida Statutes, if the Plan amendment provided by this ordinance is not timely challenged, then the effective date of said Plan shall be the 31st day after the date the Department of Economic Opportunity notifies the County that the plan amendment is complete. If the Plan amendment is timely challenged, however, said effective date shall be the date a final order is entered by the Department of Economic Opportunity or the Administrative Commission determining the amendment to be in compliance. No development orders, development permits or land uses dependent on this Plan amendment may be issued or commence before they have become effective.

Duly adopted by the Board of County Commissioners of Clay County, Florida, this 22nd day of May, 2018.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

By: _____
Gavin Rollins, Its Chairman

ATTEST:

S. C. Kopelousos, County Manager and Clerk
of the Board of County Commissioners

Attachment A-1
Conservation Element

Policy 2.1: The County shall regulate future waterfront development (excluding manmade lakes or stormwater facilities). The following criteria shall apply:

- a. All structures shall be set back a minimum of 50 feet landward from the Ordinary High Water Line or Mean High Water Line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. These setbacks shall not apply to structures on lots or parcels ~~within existing platted residential subdivisions~~ permitted under Part IV, Chapter 373, Florida Statutes, and approved by the County as of October 1, 2003, and located landward of existing bulkheads permitted by the St. Johns River Water Management District or Florida Department of Environmental Protection as of October 1, 2003.

These setbacks shall not apply to water-dependent uses and recreational facilities, including boardwalks, docks, and boathouses, when constructed pursuant to permits or authorizations issued by the St Johns River Water Management District, the Florida Department of Environmental Protection, or the Board of Trustees of the Internal Improvement Trust Fund, or constructed pursuant to applicable statutory or rule exemptions.
Remedial Amendment, DOAH No. 07-0453GM, April 2007

- b. All Onsite Sewage Disposal Systems septic tanks and drain fields shall be set back a minimum of 100 feet landward from the appropriate high water line as permitted by state rule or allowed by the applicable permitting agency; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback shall be 150 feet.

All Onsite Sewage Treatment Systems shall be located on the landward side of the primary structure except that infill lots within existing development served by onsite sewage disposal systems shall be exempted when state requirements for the distance between wells and onsite sewage treatment systems cannot be obtained.

- c. A 25-foot buffer zone of native vegetation shall be preserved landward of the Ordinary High Water Line or Mean High Water Line, whichever is applicable, or the historical high in the case of lakes without an established Ordinary High Water Line. Exceptions shall be made to trim vegetation within the buffer in order to maintain water views. Up to 25 linear feet or 20 percent of the buffer (whichever is greater) can be removed for the placement of water-dependent uses including dock walkways, boat ramps, etc. Where the length of shoreline exceeds 250 feet within areas of the county subject to the Manatee Protection Plan, no more than 50 linear feet

of native shoreline vegetation shall be altered (trimmed, cut, removed, killed, or destroyed). *Amendment 07-2, November 2007.*

Waterfront lot widths shall be a minimum of one hundred (100) feet at the Ordinary High Water Line or the Mean High Water Line, whichever is applicable, or the historical high in the case of lakes without an established Ordinary High Water Line.

Attachment A-2
Community Facilities Element

Policy 8.1 All structures shall be set back a minimum of 50 feet landward from the Ordinary High Water Line or Mean High Water Line of any natural water body whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. The requirements and exceptions provided in ~~of~~ Conservation Element Policy 2.1.a shall also apply.