

ORDINANCE NO. O-17-2024

AN ORDINANCE AMENDING THE ROOKERY PLANNED UNIT DEVELOPMENT TO ALLOW FOR DUPLEXES AS AN ADDITIONAL RESIDENTIAL PRODUCT TYPE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "Council") of the City of Green Cove Springs, Florida (the "City") has approved a planned unit development known as the Rookery (formerly Ayrshire) under Ordinance No. O-06-2021; and

WHEREAS, the City Council (the "Council") of the City of Green Cove Springs, Florida (the "City") has approved to add a portion of Parcel 016515-002-00 to the PUD Ordinance No. O-09-2022; and

WHEREAS, paragraph C thereof allows for single-family and townhome dwelling; and

WHEREAS, the owner is now requesting the addition of duplexes as an additional residential project type; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. AUTHORITY. This resolution is adopted pursuant to the provisions of the Code; Article VIII, Section 2, Florida Constitution; sections 166.021 and 166.041, Florida Statutes, the City Charter of the City of Green Cove Springs; and other applicable provisions of law.

SECTION 3. DEFINITIONS AND INTERPRETATIONS. Unless otherwise defined herein, all capitalized terms in this resolution shall have the meanings set forth in Chapter 70 of the Code.

SECTION 4. APPROVAL OF MITIGATION CREDIT POLICY.

- (A) The Council hereby finds that the Mitigation Credit Policy is fair and reasonable and, therefore, approves the Mitigation Credit Policy attached hereto as Appendix
- (B) The Board recognizes the benefits provided by privately maintained Mitigation Facilities. Properties supporting private Stormwater Mitigation Facilities should be credited for the public benefits they provide. Accordingly, the number of ERUs otherwise attributable to such property shall be adjusted by a Mitigation Credit determined in accordance with the Mitigation Credit Policy.
- (C) In order to receive a Mitigation Credit for which property is eligible, prior to August

15, 2020, and, thereafter, prior to the May 1 preceding the Fiscal Year for which reapplication is required, the property owner shall file a Mitigation Credit application with the City Manager on a form approved by the City. The property owner may be required to provide the City Manager with "as built" drawings of the Stormwater management facility sealed by a Florida registered professional engineer, a certification from a Florida registered professional engineer as to the standards of retention and detention achieved by the facility, evidence of compliance with any exemptions mandated under state law, or such other reasonable requirements as may be necessary to effectuate the purposes of this resolution.

- (D) The City Manager, with the assistance of other members of the administrative staff of the City, shall, within forty-five (45) days after the filing of such application, review the application and such other supporting data that may be filed therewith and make such further investigation as may be reasonably required in order to determine if the applicant is qualified for a Mitigation Credit pursuant to this resolution.
- (E) The City Manager shall furnish his or her written decision to such applicant by United States mail, postage prepaid, addressed to the applicant at the address stated on the application.
- (F) No Mitigation Credit shall be applied for service provided to property by a Mitigation Facility constructed or maintained with City funds. However, a Mitigation Credit shall be applied for service provided to property by a regional Mitigation Facility if the developer of the property provided a capital contribution to the regional facility in lieu of constructing on-site facilities.
- (G) Upon approval, Mitigation Credits shall be valid and applicable for five (5) subsequent Fiscal Years. However, Mitigation Credits previously granted to a property may be revoked at any time by the City upon notice to the property owners and a finding of ineligibility. Upon notification by the City, property owners must reapply in accordance with this resolution.

SECTION 5. EFFECTIVE DATE. Upon its adoption by the City Council, this ordinance shall become effective immediately.

INTRODUCED AND APPROVED AS TO FORM ONLY ON THE FIRST READING BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, IN REGULAR SESSION THIS 6TH DAY OF AUGUST, 2024.

CITY OF GREEN COVE SPRINGS, FLORIDA

Steven R. Kelley, Mayor

ATTEST:

Erin West, City Clerk

APPROVED AS TO FORM ONLY:

L. J. Arnold, III, City Attorney

**PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL OF
THE CITY OF GREEN COVE SPRINGS, FLORIDA, IN REGULAR SESSION
THIS 3rd DAY OF SEPTEMBER, 2024.**

CITY OF GREEN COVE SPRINGS, FLORIDA

Steven R. Kelley, Mayor

ATTEST:

Erin West, City Clerk

APPROVED AS TO FORM ONLY:

L. J. Arnold, III, City Attorney