

## **ORDINANCE NO. O-09-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA REZONING ±39.23 ACRES OF REAL PROPERTY GENERALLY LOCATED ON CR 209, IDENTIFIED AS OF A PORTION TAX ID NUMBER 016513-013-00, MORE PARTICULARLY DESCRIBED BY EXHIBIT "A", FROM HEAVY INDUSTRIAL (COUNTY DESIGNATION) TO C-2, GENERAL COMMERCIAL; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

### **RECITALS**

**WHEREAS**, the City has received a request to amend the Future Land Use Map for the subject parcel from Industrial (County) to Mixed Use; and

**WHEREAS**, if the City approved the Future Land Use Map amendment for the subject property it will be designated as Mixed Use on the Future Land Use Map of the City, and

**WHEREAS**, the City has received a request to rezone the subject parcel from Light Industrial (County) Corridor Commercial to Planned Unit Development (PUD); and

**WHEREAS**, the City has the authority pursuant to its home rule and other statutory powers to rezone properties within the City; and

**WHEREAS**, a duly advertised public hearing was conducted on the proposed rezoning on February 28, 2023 by the Planning and Zoning Board, sitting as the Local Planning Agency (LPA) and the LPA reviewed and considered comments received during the public hearing concerning the application and made its recommendation for approval to the City Council; and,

**WHEREAS**, the City Council considered the recommendations of the LPA at a duly advertised public hearing on March 7, 2023 and March 21, 2023 and provided for and received public participation; and,

**WHEREAS**, the City Council has determined and found said application for the amendment, to be consistent with the City of Green Cove Springs Comprehensive Plan and Land Development Regulations; and,

**WHEREAS**, for reasons set forth in this Ordinance that is hereby adopted and incorporated as findings of fact, that the Green Cove Springs City Council finds and declares that the enactment of this amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

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

**Section 1. Zoning Map Amended.** The Zoning Map is hereby amended for the following property from Light Industrial (County) to Planned Unit Development (PUD).

A portion of Tax Parcel Number 38-06-26-016499-007-00 in accordance with the legal description found in Exhibit "A" and map found in Exhibit "B" attached hereto.

**Section 2. Ordinance to be Construed Liberally.** This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety and welfare of the citizens and residents of Green Cove Springs, Florida.

**Section 3. Repealing Clause.** All ordinance or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

**Section 4. Severability.** It is the declared intent of the City Council of the City of Green Cove Springs that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

**Section 5. Effective Date.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the City that the plan amendment package is complete in accordance with Chapter 163.3184 F.S. If timely challenged, this amendment shall become effective on the date the state land planning agency, or the Administrative Council enters a final order determining this adopted amendment to be in compliance in accordance with Chapter 163.3184 F.S. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective.

**INTRODUCED AND APPROVED AS TO FORM ONLY ON THE FIRST READING BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, ON THIS 7<sup>th</sup> DAY OF MARCH 2023.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

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Daniel M Johnson, Mayor

ATTEST:

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Erin West, City Clerk

**PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, THIS 21<sup>ST</sup> DAY OF MARCH 2023.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

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Daniel M Johnson, Mayor

ATTEST:

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Erin West, City Clerk

APPROVED AS TO FORM:

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L. J. Arnold, III, City Attorney

## EXHIBIT A

Attachment 3  
Legal Descriptions

### **Parcel "A"**

A parcel of land situated in Block 21, Gould T. Butler's survey of the Clinch Estate, Clay County, Florida, according to plat thereof recorded in Plat Book 1, pages 31, 32, 33 and 34 of the public records of said county, said parcel being more particularly described as follows:

Begin at the intersection of the easterly line of the CSX Transportation Railroad with the southeasterly line of State Road No. 15 (U.S. Highway No. 17); thence run South 50 degrees 43 minutes 14 seconds East, 58.07 feet; thence North 70 degrees 59 minutes 11 seconds East, 211.35 feet; thence North 89 degrees 05 minutes 29 seconds East, 195.17 feet; thence South 26 degrees 43 minutes 04 seconds East, 109.18 feet; thence South 02 degrees 35 minutes 13 seconds West, 142.81 feet; thence southwesterly on the arc of a curve concave northwesterly and having a radius of 25.00 feet an arc distance of 31.80 feet, said arc being subtended by a chord bearing and distance of South 39 degrees 02 minutes 05 seconds West, 29.70 feet; thence southwesterly on the arc of a curve concave southeasterly and having a radius of 60.00 feet, an arc distance of 31.09 feet, said arc being subtended by a chord bearing and distance of South 60 degrees 38 minutes 20 seconds West, 30.74 feet; thence North 84 degrees 28 minutes 49 seconds West, 134.91 feet; thence South 80 degrees 28 minutes 17 seconds West, 199.65 feet to said easterly line of the CSX Transportation Railroad; thence on said easterly line, North 21 degrees 54 minutes 47 seconds West, 283.71 feet to the point of beginning; being 2.53 acres, more or less, in area.

**Parcel "C"**

A parcel of land consisting of a portion of Blocks 14 and 21, Gould T. Butler's survey of the Clinch Estate, Clay County, Florida, according to plat thereof recorded in Plat Book 1, pages 31, 32, 33 and 34 of the public records of said county, said parcel being more particularly described as follows:

Commence at the intersection of the easterly line of the CSX Transportation Railroad with the easterly line of State Road No. 15 (U.S. Highway No. 17); thence on last said line, run the following 3 courses: 1) northerly, along the arc of a curve concave westerly and having a radius of 3029.79 feet, an arc distance of 991.46 feet, said arc being subtended by a chord bearing and distance of North 20 degrees 16 minutes 52 seconds East, 987.04 feet; 2) North 04 degrees 52 minutes 27 seconds East, 421.91 feet; 3) northerly, along the arc of a curve concave westerly and having a radius of 3,014.79 feet, an arc distance of 420.94 feet, said arc being subtended by a chord bearing and distance of North 01 degree 05 minutes 56 seconds West, 420.59 feet; thence North 88 degrees 35 minutes 40 seconds East, 42.34 feet to the westerly line of County Road No. 209; thence on said westerly line, South 35 degrees 13 minutes 29 seconds East, 123.97 feet; thence continue on said westerly line, South 28 degrees 14 minutes 50 seconds East, 1,431.58 feet to the point of beginning; thence continue on said westerly line, South 28 degrees 14 minutes 50 seconds East, 580.78 feet to a northerly line of State Road No. 23, as described in Official Records Book 4020, page 1844, Parcel 191, Part "C"; thence on the northerly line of said State Road 23 run the following 5 courses: 1) South 61 degrees 45 minutes 11 seconds West, 202.83 feet; 2) South 02 degrees 51 minutes 36 seconds East, 542.19 feet; 3) South 60 degrees 43 minutes 05 seconds West, 196.20 feet; 4) southwesterly on the arc of a curve concave northwesterly and having a radius of 4,576.00 feet an arc distance of 333.53 feet, said arc being subtended by a chord bearing and distance of South 62 degrees 20 minutes 54 seconds West, 333.53 feet; 5) Southwesterly, on the arc of a curve concave northwesterly and having a radius of 2,771.00 feet, an arc distance of 146.01 feet, said arc being subtended by a chord bearing and distance of South 65 degrees 56 minutes 47 seconds West, 146.00 feet; thence North 30 degrees 03 minutes 02 seconds West, 114.01 feet; thence North 09 degrees 09 minutes 07 seconds West, 225.92 feet; thence North 78 degrees 03 minutes 34 seconds East, 60.10 feet; thence easterly, along the arc of a curve concave southerly and having a radius of 20.00 feet, an arc distance of 42.21 feet, said arc being subtended by a chord bearing and distance of North 86 degrees 31 minutes 49 seconds East, 34.80 feet; thence South 29 degrees 57 minutes 49 seconds East, 47.60 feet; thence South 23 degrees 28 minutes 05 seconds East, 28.14 feet; thence South 57 degrees 51 minutes 19 seconds East, 17.06 feet; thence North 42 degrees 55 minutes 00 seconds East, 73.43 feet; thence North 07 degrees 25 minutes 45 seconds West, 60.07 feet; thence North 51 degrees 50 minutes 27 seconds West, 39.03 feet; thence North 39 degrees 56 minutes 10 seconds East, 37.28 feet; thence North 08 degrees 59 minutes 48 seconds East, 54.41 feet; thence North 33 degrees 56 minutes 56 seconds East, 27.20 feet; thence North 07 degrees 02 minutes 24 seconds West, 36.21 feet; thence North 45 degrees 17 minutes 54 seconds West, 169.48 feet; thence North 53 degrees 21 minutes 28 seconds West, 32.13 feet; thence South 70 degrees 59 minutes 30 seconds West, 84.92 feet; thence North 32 degrees 09 minutes 22 seconds West, 63.90 feet; thence North 08 degrees 22 minutes 05 seconds West, 27.38 feet; thence northerly on the arc of a curve concave westerly and having a radius of 60.00 feet, an arc distance of 37.65 feet, said arc being subtended by a

chord bearing and distance of North 20 degrees 34 minutes 05 seconds East, 37.04 feet; thence North 02 degrees 35 minutes 13 seconds East, 256.81 feet; thence northerly on the arc of a curve concave easterly and having a radius of 700.00 feet an arc distance of 179.34 feet, said arc being subtended by a chord bearing and distance of North 09 degrees 55 minutes 36 seconds East, 178.85 feet; thence North 86 degrees 31 minutes 04 seconds East, 225.31 feet; thence North 30 degrees 53 minutes 05 seconds East, 140.60 feet; thence North 57 degrees 00 minutes 46 seconds East, 193.01 feet; thence North 79 degrees 41 minutes 16 seconds East, 124.10 feet to the point of beginning; being 18.40 acres, more or less, in area.

**Parcel "D"**

A parcel of land consisting of a portion of Blocks 14 and 21, Gould T. Butler's survey of the Clinch Estate, Clay County, Florida, according to plat thereof recorded in Plat Book 1, pages 31, 32, 33 and 34 of the public records of said county, said parcel being more particularly described as follows:

Commence at the intersection of the southeasterly right-of-way line of State Road No. 15 (U.S. Highway No. 17) with the easterly line of the CSX Transportation Railroad; thence on said easterly line, South 21 degrees 54 minutes 47 seconds East, 1584.22 feet to the southeasterly line of State Road No. 23 and the point of beginning; thence north-easterly, on said southeasterly line and along the arc of a curve concave northwesterly and having a radius of 4924.00 feet, an arc distance of 356.72 feet, said arc being subtended by a chord bearing and distance of North 67 degrees 08 minutes 02 seconds East, 356.65 feet; thence continue on said southeasterly line and along the arc of a curve concave northeasterly and having a radius of 4924.00 feet, an arc distance of 305.89 feet, said arc being subtended by a chord bearing and distance of North 61 degrees 01 minute 50 seconds East, 305.84 feet; thence continue on said southeasterly line and along the arc of a curve concave northwesterly and having a radius of 4912.00 feet, an arc distance of 670.01 feet to the westerly line of County Road No. 209, said arc being subtended by a chord bearing and distance of North 57 degrees 35 minutes 24 seconds East, 669.49 feet; thence southerly, on said westerly line and along the arc of a curve concave westerly and having a radius of 2824.79 feet, an arc distance of 158.31 feet to the northerly line of those lands described in Official Records Book 4568, page 1005 of said public records, said arc being subtended by a chord bearing and distance of South 14 degrees 42 minutes 22 seconds East, 158.29 feet; thence on the boundaries of last said lands and on the boundaries of those lands described in Official Records Book 4230, page 1656 and Official Records Book 4211, page 30 of said public records, run the following 12 courses: 1) South 80 degrees 40 minutes 08 seconds West, 152.92 feet; 2) South 48 degrees 47 minutes 12 seconds West, 28.84 feet; 3) South 80 degrees 32 minutes 10 seconds West, 80.85 feet; 4) South 09 degrees 27 minutes 50 seconds East, 46.82 feet; 5) North 80 degrees 59 minutes 45 seconds East, 13.99 feet; 6) South 09 degrees 27 minutes 50 seconds East, 257.89 feet; 7) South 05 degrees 32 minutes 10 seconds West, 46.36 feet; 8) South 09 degrees 27 minutes 50 seconds East, 263.97 feet; 9) South 18 degrees 22 minutes 44 seconds West, 56.57 feet; 10) South 40 degrees 50 minutes 25 seconds West, 146.84 feet; 11) South 80 degrees 51 minutes 00 seconds West, 102.26 feet; 12) South 09 degrees 27 minutes 50 seconds East, 95.00 feet to the northwest corner of those lands described in Official Records Book 2831, page 255 of said public records; thence South 58 degrees 58 minutes 36 seconds West, 188.04 feet; thence South 09 degrees 23 minutes 24 seconds West, 91.25 feet; thence South 59 degrees 00 minutes 11 seconds West, 59.59 feet; thence South 82 degrees 51 minutes 52 seconds West, 32.89 feet; thence South 65 degrees 12 minutes 52 seconds West, 130.73 feet; thence South 25 degrees 12 minutes 06 seconds West, 124.54 feet; thence South 70 degrees 07 minutes 58 seconds West, 79.98 feet to said easterly line of the CSX Transportation Railroad; thence on said easterly line, North 21 degrees 54 minutes 47 seconds West, 927.69 feet to the point of beginning; being 18.30 acres, more or less, in area.

# City Zoning

- R-1
- R-2
- R-3
- RRF
- PUD
- RPO
- C-1
- C-2
- CBD
- GCR
- GCN
- GCC
- INS
- REC
- M-1
- M-2
- MUH
- <all other values>

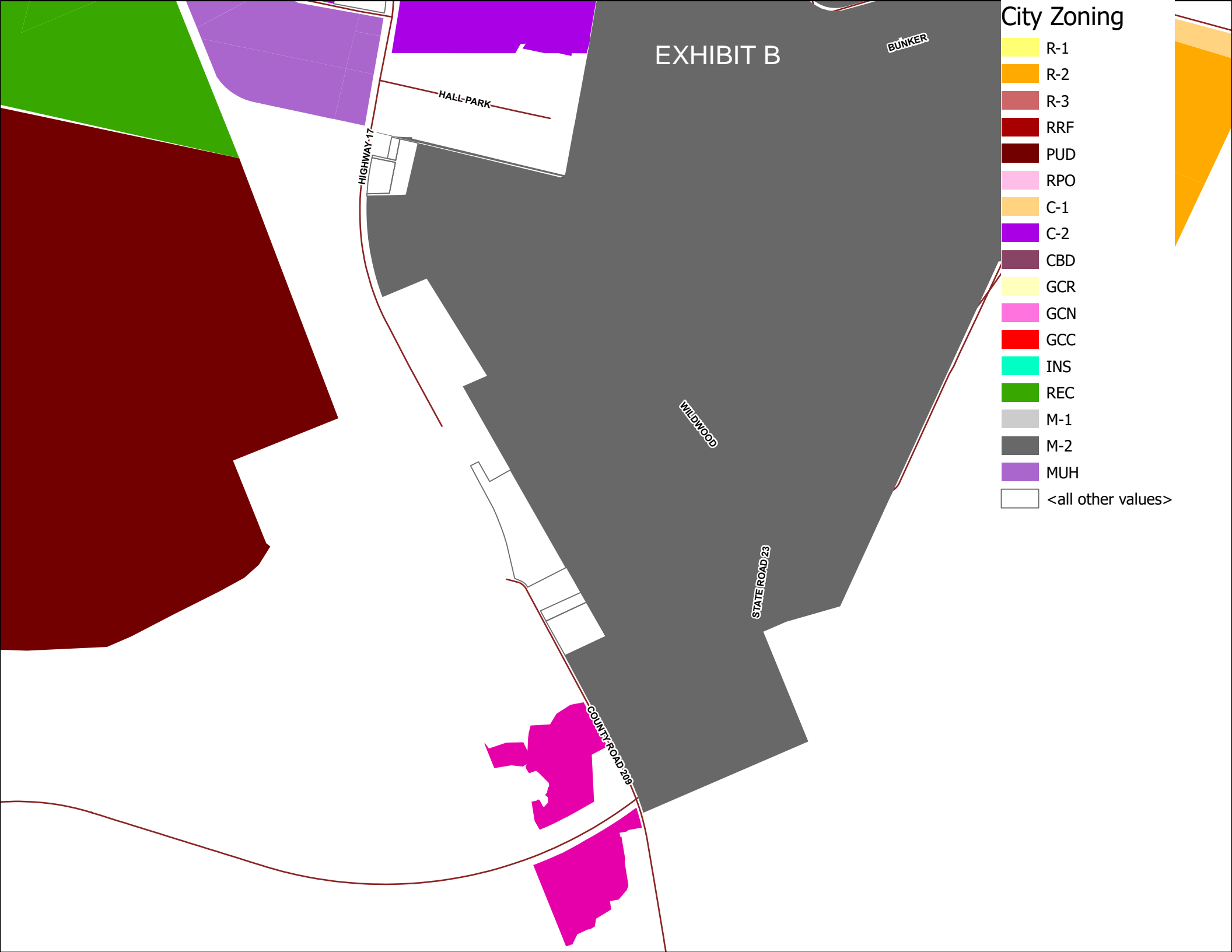


EXHIBIT B

BUNKER

HALL PARK

HIGHWAY 17

WILDWOOD

STATE ROAD 23

COUNTY ROAD 208