

## **ORDINANCE NO. O-02-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA AMENDING THE FUTURE LAND USE MAP FOR ±3.44 ACRES OF REAL PROPERTY GENERALLY LOCATED ON CR 209, IDENTIFIED AS OF A PORTION OF TAX ID NUMBER 016499-007-00, MORE PARTICULARLY DESCRIBED BY EXHIBIT “A”, FROM INDUSTRIAL (COUNTY DESIGNATION), TO MIXED-USE; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

### **RECITALS**

**WHEREAS**, an application for a small-scale comprehensive plan amendment, as described below, to the Comprehensive Plan Future Land Use Map has been filed with the City; and

**WHEREAS**, a duly advertised public hearing was conducted on the proposed amendment 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. Findings of Fact and Conclusions of Law.**

1. The above recitals are true and correct and incorporated herein by reference.
2. The proposed Future Land Use Map amendment is consistent with the Comprehensive Plan.

3. The amendment will not cause a reduction in the adopted level of service standards for transportation, potable water, sanitary sewer, solid waste, stormwater, recreation, or public schools.

**Section 2. Comprehensive Plan Future Land Use Map Amended.** The Comprehensive Plan Future Land Use Map is hereby amended from Industrial (County) to Mixed Use on 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 3. 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 4. Repealing Clause.** All ordinance or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

**Section 5. 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 6. 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 21<sup>st</sup> DAY OF FEBRUARY 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 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

APPROVED AS TO FORM:

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L. J. Arnold, III, City Attorney

## Exhibit "A"

### Attachment 3

#### Legal Description

A PARCEL OF LAND CONSISTING OF A PORTION OF LOT 5, BLOCK 13, CLINCH ESTATE, ACCORDING TO PLAT BOOK 1, PAGES 31 THROUGH 34, AND ALSO BEING A PORTION OF THAT SUCCESSORS CO-TRUSTEES' DISTRIBUTIVE DEED RECORDED IN OFFICIAL RECORDS BOOK 2152, PAGE 1394, ALL IN THE PUBLIC RECORDS OF CLAY COUNTY FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE ON THE NORTH LINE THEREOF, SOUTH 68°04'14" WEST, A DISTANCE OF 304.53 FEET, TO THE MOST NORTHWESTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 718, PAGE 126 OF THE PUBLIC RECORDS OF SAID CLAY COUNTY, FLORIDA; RUN THENCE SOUTH 28°13'15" EAST, ALONG THE WESTERLY LINE OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 718, PAGE 126, OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA. A DISTANCE OF 2,441.71 FEET, TO A POINT, ON THE NORTHERLY BOUNDARY OF THAT NON-EXCLUSIVE EASEMENT TO TECO PEOPLES GAS, (PERMANENT EASEMENT), AS PER OFFICIAL RECORDS BOOK 3167, PAGE 1557, OF THE PUBLIC RECORDS OF SAID CLAY COUNTY, AND THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, CONTINUE SOUTH 28°13'15" EAST, ALONG THE AFORESAID WESTERLY LINE OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 718, PAGE 126, OF THE PUBLIC RECORDS OF SAID CLAY COUNTY, FLORIDA, A DISTANCE OF 303.96 FEET, TO THE MOST SOUTHEASTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN THAT SUCCESSOR CO-TRUSTEES' DISTRIBUTIVE DEED, RECORDED IN OFFICIAL RECORDS BOOK 2152, PAGE 1394 OF THE PUBLIC RECORDS OF SAID CLAY COUNTY, FLORIDA, (AND ALSO BEING THE MOST NORTHEASTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3702, PAGE 1646 OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA); RUN THENCE, SOUTH 68°04'35" WEST, ALONG THE COMMON BOUNDARY LINE OF LAST SAID LANDS, A DISTANCE OF 486.41 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF "COUNTY ROAD No. 209", (AN 80 FOOT PUBLIC ROAD RIGHT-OF-WAY, AS CURRENTLY ESTABLISHED); RUN THENCE, ALONG THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF "COUNTY ROAD No. 209", THE FOLLOWING TWO (2) COURSES AND DISTANCES:

COURSE No. 1: RUN THENCE, NORTH 28°13'44" WEST, A DISTANCE OF 191.56 FEET, TO A POINT OF INTERSECTION IN SAID RIGHT-OF-WAY;

COURSE No. 2: RUN THENCE, NORTH 23°43'25" WEST, A DISTANCE OF 124.92 FEET, TO A POINT, BEING THE AFORESAID NORTHERLY BOUNDARY OF THAT NON-EXCLUSIVE EASEMENT TO TECO PEOPLES GAS, (PERMANENT EASEMENT), AS PER OFFICIAL RECORDS BOOK 3167, PAGE 1557, OF THE PUBLIC RECORDS OF SAID CLAY COUNTY; RUN THENCE, NORTH 69°38'54" EAST, ALONG THE NORTHERLY BOUNDARY OF LAST SAID EASEMENT, A DISTANCE OF 478.21 FEET, TO THE POINT OF BEGINNING.

THE LANDS THUS DESCRIBED CONTAINS 149,609 SQUARE FEET, OR 3.44 ACRES, MORE OR LESS, IN AREA.

# EXHIBIT "B"

