

ORDINANCE NO. O-16-2021

AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA REZONING ±9.4 ACRES OF PROPERTY LOCATED AT COOKS LANE, IDENTIFIED AS TAX ID NUMBER 016562-000-00, MORE PARTICULARLY DESCRIBED BY EXHIBIT “A”, FROM MUH, MIXED USE HIGHWAY (M-2/C-2), TO R-3, RESIDENTIAL HIGH DENSITY; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City has received a request to amend the Future Land Use Map for the subject parcel from Residential Medium Density to Residential Professional Office; and

WHEREAS, the City approved the Future Land Use Map amendment for the subject property such that it will be designated as RHD, Residential High Density on the Future Land Use Map of the City, and

WHEREAS, the City has received a request to rezone the subject parcel from Mixed Use Highway, M-2/C-2, to R-3; 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 August 24, 2021 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 September 7, 2021 and September 21, 2021 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 THE CITY OF GREEN COVE SPRINGS, FLORIDA AS FOLLOWS:

Section 1. Zoning Map Amended. The Zoning Map is hereby amended for the following property from Mixed Use Highway M-2/C-2 to R-3:

Tax Parcel ID# 38-06-26-016562-000-00, 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. This Ordinance shall become effective upon passage.

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 7th DAY OF SEPTEMBER 2021.

CITY OF GREEN COVE SPRINGS, FLORIDA

Edward R. Gaw, Mayor

ATTEST:

Erin West, City Clerk

**PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL OF THE CITY
OF GREEN COVE SPRINGS, FLORIDA, THIS 21st DAY OF SEPTEMBER 2021.**

CITY OF GREEN COVE SPRINGS, FLORIDA

Edward R. Gaw, Mayor

ATTEST:

Erin West, City Clerk

APPROVED AS TO FORM:

L. J. Arnold, III, City Attorney

EXHIBIT “A”

Tax Parcel Number 38-06-26-016562-000

LEGAL DESCRIPTION

A parcel of land consisting of a portion of Lot 1, Block 1, Bayard Tract, Clay County, Florida, according to map by Charles F. Smith, recorded in the public records of said county in Deed Book "J", pages 273 and 274, said parcel also being a portion of Section 29, Block 1, according to plat of Bayard Tract recorded in Plat Book 1, page 34 of said public records, said parcel being more particularly described as follows: Commence at the southwest corner of said Lot 1, Block 1, Bayard Tract; thence on the west line thereof, North 24 degrees 21 minutes 05 seconds West, 47.00 feet to the northwesterly line of those lands described in Official Records Book 3006, page 935 of said public records; thence on said northwesterly line, and on a northeasterly extension thereof, North 61 degrees 51 minutes 10 seconds East, 600.54 feet; thence North 28 degrees 08 minutes 50 seconds West, 321.70 feet to the point of beginning; thence South 28 degrees 08 minutes 50 seconds East, 267.48 feet; thence northeasterly, along the arc of a curve concave northwesterly and having a radius of 18.50 feet, an arc distance of 18.81 feet, said arc being subtended by a chord bearing and distance of North 32 degrees 39 minutes 00 seconds East, 18.01 feet; thence easterly, along the arc of a curve concave southerly and having a radius of 61.50 feet, an arc distance of 152.93 feet, said arc being subtended by a chord bearing and distance of North 74 degrees 45 minutes 35 seconds East, 116.46 feet; thence southeasterly, along the arc of a curve concave northeasterly and having a radius of 25.00 feet, an arc distance of 22.89 feet, said arc being subtended by a chord bearing and distance of South 60 degrees 13 minutes 41 seconds East, 22.10 feet; thence South 86 degrees 27 minutes 15 seconds East, 34.78 feet to the northwesterly line of those lands described in Official Records Book 3015, page 1253 of said public records; thence on said northwesterly line, North 61 degrees 51 minutes 10 seconds East, 328.23 feet; thence North 37 degrees 05 minutes 14 seconds West, 681.80 feet to the southwesterly line of Cooks Lane as per survey by Eiland & Associates for Alternate Energy Technologies, dated December 31, 2009; thence northwesterly, along said southwesterly line and along the arc of a curve concave northeasterly and having a radius of 210.00 feet, an arc distance of 29.21 feet, said arc being subtended by a chord bearing and distance of North 71 degrees 47 minutes 46 seconds West, 29.19 feet; thence continue along said southwesterly line, North 67 degrees 48 minutes 41 seconds West, 355 feet, more or less, to the centerline of Coventry Branch; thence southwesterly, along said centerline, 494 feet, more or less, to a point that bears North 61 degrees 09 minutes 18 seconds West, 407 feet, more or less, from the point of beginning; thence South 61 degrees 09 minutes 18 seconds East, 407 feet, more or less, to the point of beginning; being 9.4 acres, more or less, in area.

EXHIBIT "B"

