

ORDINANCE NO. O-09-2022

AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA REZONING ±21.3 ACRES OF PROPERTY, A PORTION OF PARCEL ID # 016515-002-00, MORE PARTICULARLY DESCRIBED BY EXHIBIT “A”, FROM RECREATION TO PLANNED UNIT DEVELOPMENT (PUD); AND AMENDING THE PUD APPROVED IN O-06-2021, FOR PARCEL ID # 016515-008-00, ALSO KNOWN AS THE ROOKERY, TO ADD THIS PORTION OF PARCEL ID # 016515-002-00 INTO THE PUD, REVISE THE LEGAL DESCRIPTION FOR THE PUD PROPERTY AND AMEND THE WRITTEN PUD DESCRIPTION; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City approved a Planned Unit Development known as the Rookery (formerly Ayrshire) under Ordinance O-06-2021; and

WHEREAS, the City has received a request to amend the Future Land Use Map for a portion of parcel 016515-002-00 from Public to Neighborhood; and

WHEREAS, the City approved the Future Land Use Map amendment for the subject property such that it will be designated as Neighborhood on the Future Land Use Map of the City; and

WHEREAS, the City has received a request to rezone said portion of parcel number 016515-002-00 from Recreation to Planned Unit Development (PUD); and

WHEREAS, the PUD approved for the Rookery in O-06-2021 will be replaced by this ordinance; and

WHEREAS, the legal description of the Rookery PUD must be amended to reflect the land swap between the City and the applicant for the Rookery; 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 amendment on March 22, 2022 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 April 19, 2022 and May 3, 2022 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 Recreation to PUD:

A portion of Tax Parcel ID# 38-06-26-016515-002-00, in accordance with the legal description found in Exhibit "A" and map found in Exhibit "B" attached hereto.

Section 2. Rookery PUD Amended. The Rookery PUD, for parcel number 016515-008-00, is hereby revised and replaced.

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. 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 19th DAY OF APRIL 2022.**

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 3RD DAY OF MAY 2022.**

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”

A portion of Tax Parcel Number 38-06-26-016515-002-00

LEGAL DESCRIPTION

A portion of Section 38 of the George I.F. Clarke Grant, Township 6 South, Range 26 East, Clay County, Florida, being a portion of those lands described as Parcel “A” and recorded in Official Records Book 3316, page 1098, of the Public Records of said county, being more particularly described as follows:

For a Point of Reference, commence at the intersection of the Southerly right of way line of Green Cove Avenue, a variable width right of way as presently established, with the Westerly right of way line of CSX Railroad, a 100 foot right of way as presently established; thence South $21^{\circ}54'49''$ East, along said Westerly right of way line, 1424.74 feet to the Point of Beginning.

From said Point of Beginning, thence continue South $21^{\circ}54'49''$ East, along said Westerly right of way line, 1502.39 feet to the Northeast corner of those lands described and recorded in Official Records Book 3855, page 1391, of said Public Records; thence North $77^{\circ}06'26''$ West, departing said Westerly right of way line and along the Northerly line of last said lands and along the Southerly line of said Parcel “A”, 1313.50 feet; thence North $12^{\circ}52'16''$ East, departing said Southerly line, 31.45 feet to the point of curvature of a curve concave Easterly having a radius of 1250.00 feet; thence Northerly along the arc of said curve, through a central angle of $17^{\circ}35'55''$, an arc length of 383.94 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $21^{\circ}40'14''$ East, 382.43 feet; thence Northeasterly along the arc of a non-tangent curve concave Southeasterly having a radius of 1441.24 feet, through a central angle of $05^{\circ}53'59''$, an arc length of 148.41 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $26^{\circ}05'53''$ East, 148.34 feet; thence North $29^{\circ}02'53''$ East, 373.29 feet to the point of curvature of a curve concave Southeasterly having a radius of 517.02 feet; thence Northeasterly along the arc of said curve, through a central angle of $39^{\circ}09'19''$, an arc length of 353.33 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $48^{\circ}37'32''$ East, 346.49 feet; thence North $68^{\circ}05'11''$ East, along a non-tangent line, 70.00 feet to the Point of Beginning.

Containing 21.30 acres, more or less.

EXHIBIT “B”

Map of Rezoning for a portion of 016515-002-00

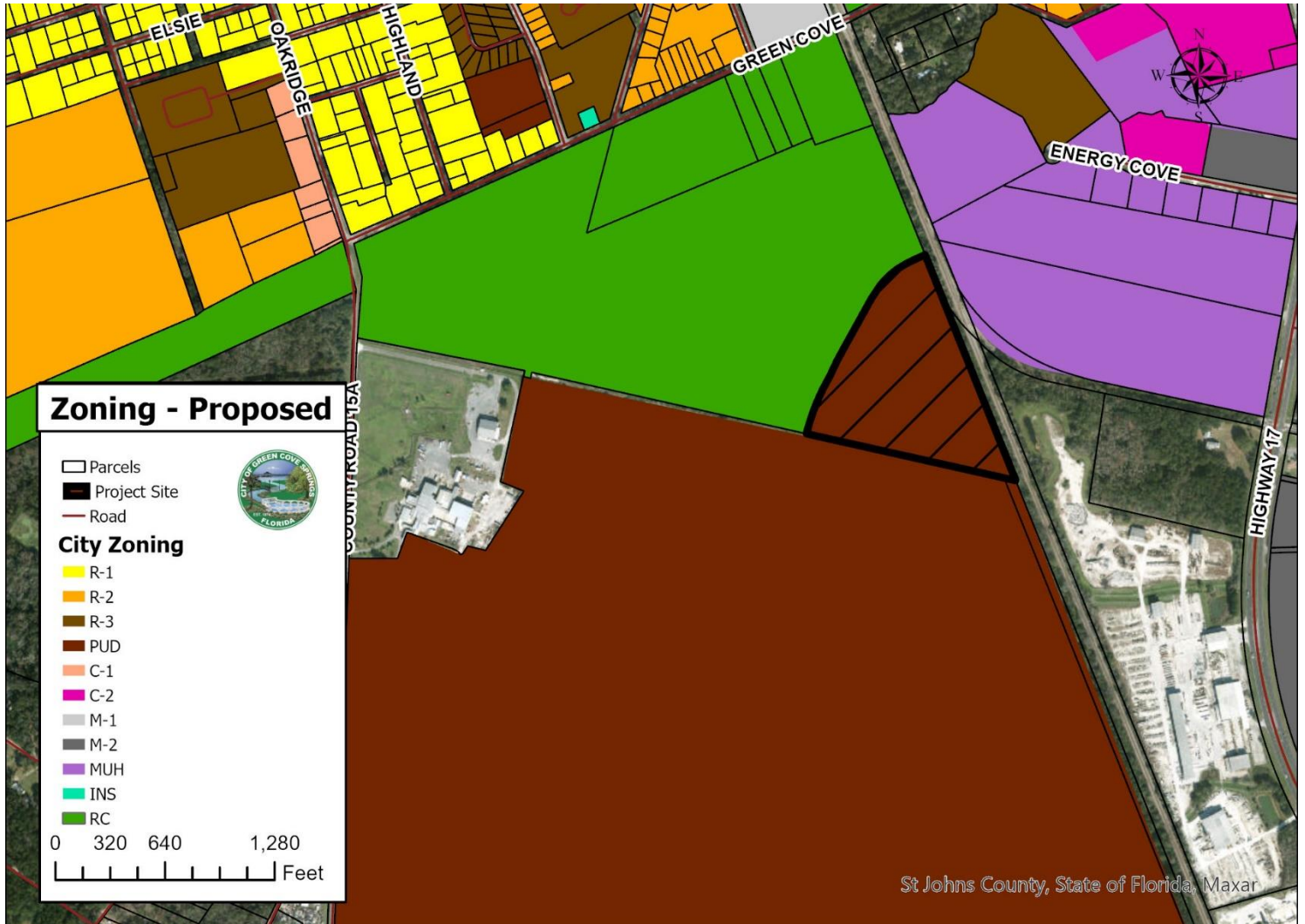


Exhibit “C”

Revised Legal Description for Rookery PUD

Exhibit “D”

Map of PUD amendment for the Rookery, 016515-008-00

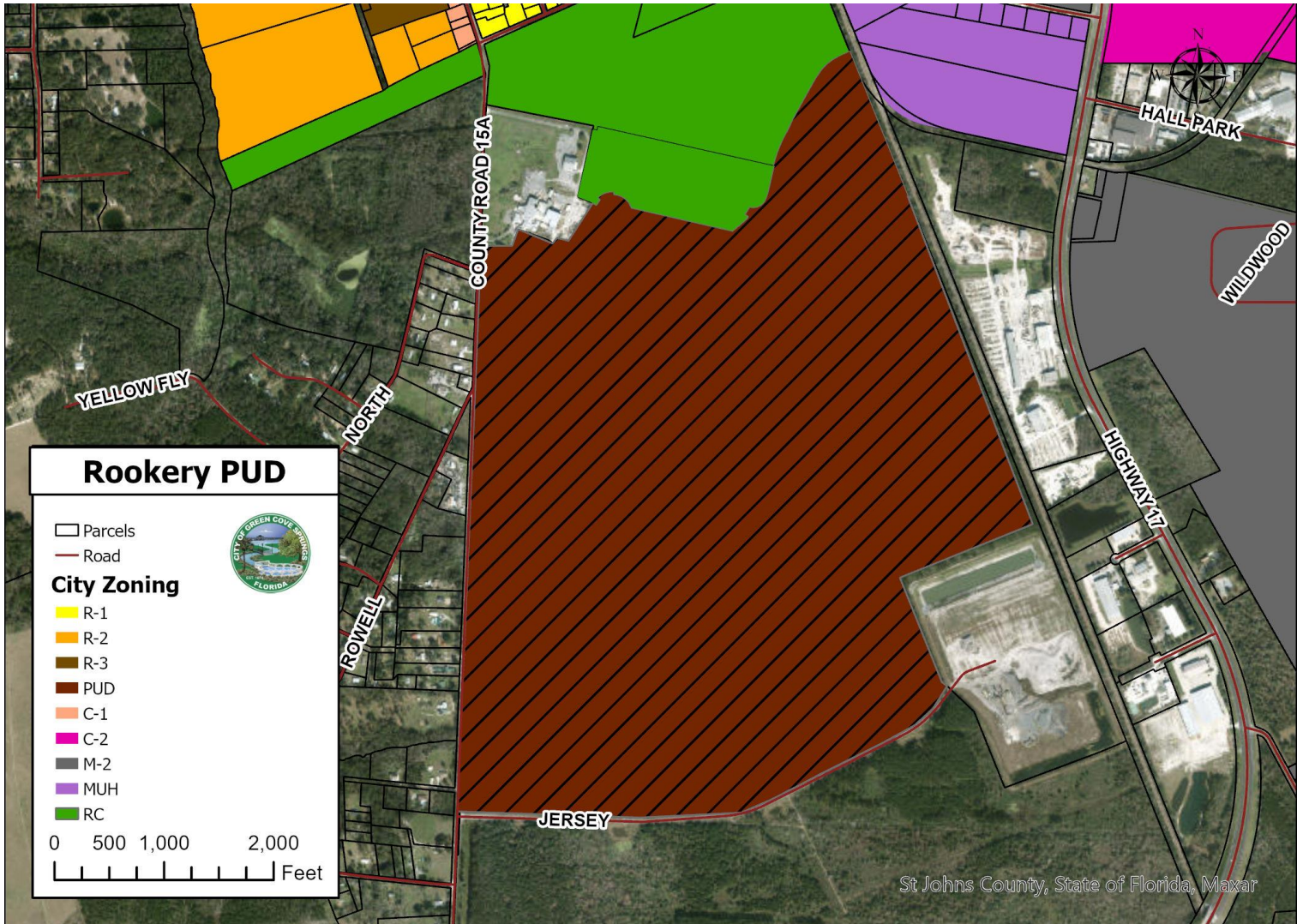


Exhibit “E”

PUD for Rookery Development