

## **ORDINANCE NO. O-29-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA REZONING ±15 ACRES OF REAL PROPERTY GENERALLY LOCATED ON OFF OF THE SOUTHEAST CORNER OF LEONARD C TAYLOR PARKWAY AND US 17, IDENTIFIED AS TAX ID NUMBER 016541-000-00 MORE PARTICULARLY DESCRIBED BY EXHIBIT “A”, FROM C-2, GENERAL BUSINESS TO M-2, HEAVY INDUSTRIAL; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

### **RECITALS**

**WHEREAS**, an application for a large-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 August 22, 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 hearings on September 5, 2023 and September 19, 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 from C-2, General Commercial to M-2, Heavy Industrial on Tax Parcel Number 38-06-26-016541-000-00 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.** 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 5<sup>th</sup> DAY OF SEPTEMBER 2023.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

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Constance Butler, 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 19<sup>TH</sup> DAY OF SEPTEMBER 2023.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

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Constance Butler, 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"

A parcel of land situated in the G.I.F. Clark Grant, Section 38, Township 6 South, Range 26 East, Clay County, Florida, being a part of Lots 3, 4 and 5, Block 1, Gould T. Butler's survey of the Clinch Estate, according to plat thereof, recorded in Plat Book 1 pages 31 through 34 of the public records of said County, together with part of Lots 2, 3, 4 and 5, Block 4, South Green Cove Springs, according to map thereof recorded in Deed Book "Z" page 748 of said public records, and a portion of River Road as shown on said plats, said parcel being more particularly described as follows:

Commence at the intersection of the Easterly right of way line of State Road No. 15 (U.S. Highway No. 17) with the Southerly line of State Road No. 16; thence on said Southerly line, North 79 degrees 05 minutes 46 seconds East, 678.00 feet; thence South 10 degrees 54 minutes 14 seconds East, 370.00 feet to the Point of Beginning; thence continue South 10 degrees 54 minutes 14 seconds East, 398.00 feet; thence North 79 degrees 05 minutes 46 seconds East, 27.00 feet; thence South 10 degrees 54 minutes 14 seconds East, 262.70 feet; thence North 79 degrees 05 minutes 46 seconds East, 918.22 feet; thence North 34 degrees 26 minutes 00 seconds East, 97.16 feet; thence North 10 degrees 54 minutes 14 seconds West, 258.24 feet; thence South 79 degrees 05 minutes 46 seconds West, 86.77 feet; thence North 10 degrees 54 minutes 14 seconds West, 379.17 feet; thence South 79 degrees 05 minutes 46 seconds West, 481.82 feet; thence South 10 degrees 54 minutes 14 seconds East, 45.00 feet; thence South 79 degrees 05 minutes 46 seconds West, 445.74 feet to the point of beginning.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT DESCRIBED AS FOLLOWS:

Easement "A-2"

An easement for ingress, egress and utilities covering a parcel of land consisting of a portion of Block 1, Gould T. Butlers survey of the Clinch Estate, Clay County, Florida, according to plat thereof recorded in Plat Book 1, pages 31 through 34 of the public records of said county, a portion of Block 4, South Green Cove Springs, according to plat thereof recorded in Deed Book "Z", page 748 of said public records, and a portion of River Road as shown on said plats, said parcel being more particularly described as follows:

Commence at the intersection of the Easterly right of way line of State Road No. 15 (U.S. Highway No. 17) with the Southerly R/W line of State Road No. 16; thence on said Southerly R/W line, North 79 degrees 05 minutes 46 seconds East, 1277.20 feet to the Point of Beginning; thence continue on said Southerly R/W line, North 79 degrees 05 minutes 46 seconds East 30.00 feet; thence South 10 degrees 54 minutes 14 seconds East, 325.00 feet; thence South 79 degrees 05 minutes 46 seconds West, 30.00 feet; thence North 10 degrees 54 minutes 14 seconds West, 325.00 feet to the point of beginning.

# EXHIBIT "B"

