

## **ORDINANCE NO. O-16-2024**

**AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA REZONING ±24.22 ACRES OF REAL PROPERTY GENERALLY LOCATED ON US HIGHWAY 17 S, IDENTIFIED AS OF A PORTION TAX ID NUMBER 016579-000-00, MORE PARTICULARLY DESCRIBED BY EXHIBIT “A”, FROM MUH, MIXED USE HIGHWAY TO C-2, COMMERCIAL HIGH INTENSITY; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

### **RECITALS**

**WHEREAS**, the City has received a request to rezone the subject parcel from Mixed Use Highway (MUH) to Commercial High Intensity (C-2); 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 June 23, 2024 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 August 6, 2024 and September 3, 2024 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 Mixed Use Highway to Commercial High Intensity (C-2). A portion of Tax Parcel Number 38-06-26-016579-000-00 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 6<sup>th</sup> DAY OF AUGUST 2024.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

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Steven R. Kelley, 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 3<sup>rd</sup> DAY OF SEPTEMBER 2024.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

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Steven R. Kelley, Mayor

ATTEST:

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Erin West, City Clerk

APPROVED AS TO FORM:

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L. J. Arnold, III, City Attorney

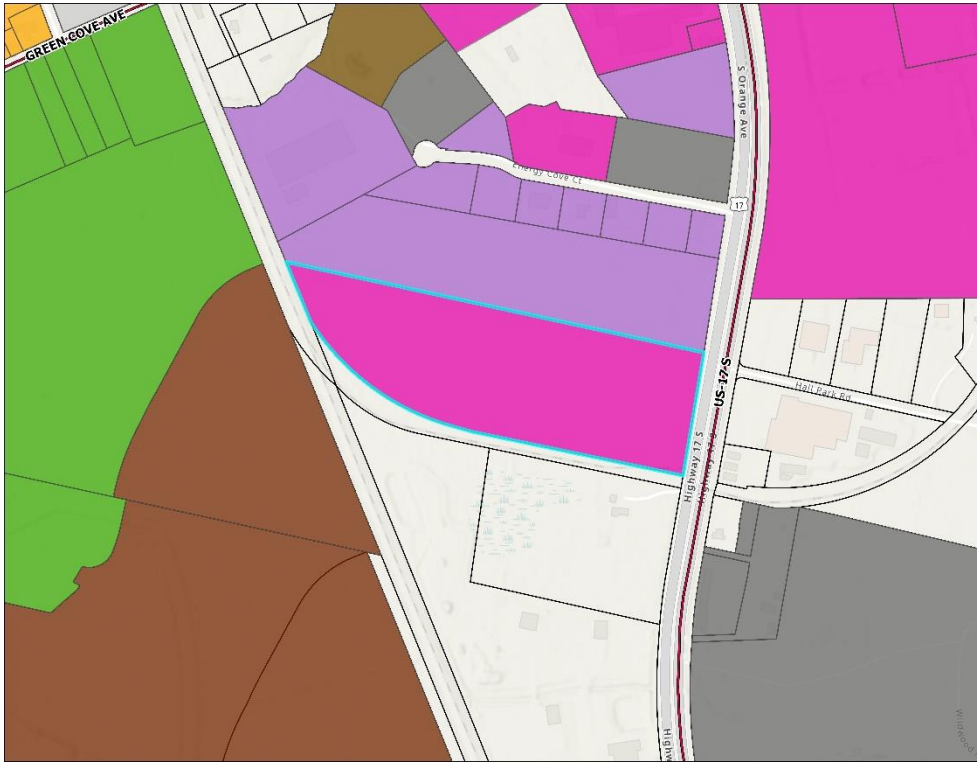
# **EXHIBIT “A”**

Tax Parcel Number 38-06-26-016579-000-00

## **LEGAL DESCRIPTION**

A parcel of land consisting of a portion of Lot 3, Block 37, 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, together with a portion of Lots 17,18,19 and 20, Block 1, South Green Cove Springs, according to map recorded in Deed Book "Z", page 748 of said public records, all in the G.I.F. Clark Grant, Section 38, Township 6 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows: Commence at the southwest corner of Lot 1, Block 1, said Bayard Tract; thence on the west line thereof, North 24 degrees 21 minutes 05 seconds West, 47.00 feet; thence South 61 degrees 51 minutes 10 seconds West, 136.06 feet to the northeasterly line of the CSX Transportation Railroad; thence on said northeasterly line, South 23 degrees 22 minutes 55 seconds East, 142.94 feet to the point of beginning; thence South 77 degrees 29 minutes 59 seconds East, 2,046.21 feet to the westerly line of State Road No. 15 (U.S. Highway No. 17); thence on said westerly line, South 09 degrees 09 minutes 52 seconds West, 576.61 feet to the northerly line of Spring Street (also being the northerly line of a railroad spur as per Judgment Lien Book No. 1, page 30 of said public records; thence on said northerly line, North 78 degrees 47 minutes 45 seconds West, 1050.24 feet; thence northwesterly along the arc of a curve concave northeasterly and having a radius of 1175.0 feet, an arc distance of 893.71 feet to the northeasterly line of said CSX Transportation Railroad, said arc being subtended by a chord bearing and distance of North 57 degrees 00 minutes 32 seconds West, 872.21 feet; thence on said northeasterly line, North 23 degrees 22 minutes 55 seconds West, 362.84 feet to the point of beginning.

# EXHIBIT "B"



Legend	
	Target Parcel
ZONING	
	R1
	R1A
	R2
	R3
	RRF
	PUD
	RPO
	C1
	C2
	FBC
	FBC - Downtown Core
	FBC - Primary Corridor
	FBC - Secondary Corridor
	FBC - Transition
	FBC - Civic
	GCC
	GCN
	GCR
	M-2
	M-1
	MUH
	INS
	RC

0 237.5 475 950 US Feet