

1 Introduced by the Transportation, Energy and Utilities Committee
2 pursuant to Section 92.09, *Ordinance Code*, and amended by the
3 Transportation, Energy and Utilities Committee:
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6 **ORDINANCE 2023-301-E**

7 AN ORDINANCE ESTABLISHING THE DARBY COMMUNITY
8 DEVELOPMENT DISTRICT (THE "DARBY CDD"), PURSUANT
9 TO CHAPTER 190, *FLORIDA STATUTES*, AND CHAPTER
10 92, *ORDINANCE CODE*; DESCRIBING THE EXTERNAL
11 BOUNDARIES OF THE DARBY CDD; DESIGNATING THE
12 INITIAL DARBY CDD BOARD OF SUPERVISORS; GRANTING
13 SPECIAL POWERS, PURSUANT TO SECTION 190.012,
14 *FLORIDA STATUTES*; AMENDING SECTION 92.22
15 (EXISTING COMMUNITY DEVELOPMENT DISTRICTS),
16 CHAPTER 92 (UNIFORM COMMUNITY DEVELOPMENT
17 DISTRICTS), *ORDINANCE CODE*, TO INCLUDE THE DARBY
18 CDD; PROVIDING FOR CONFLICT AND SEVERABILITY;
19 PROVIDING AN EFFECTIVE DATE.
20

21 **WHEREAS**, Plummer JV, LLC ("Petitioner"), a Florida limited
22 liability company, petitioned the City Council to establish a
23 community development district named "Darby Community Development
24 District" (the "Darby CDD") on approximately 407.9 acres lying wholly
25 within the boundaries of the City pursuant to Section 190.005(2),
26 *Florida Statutes*, and Chapter 92, *Ordinance Code*. A copy of the
27 Amended Petition to Establish Darby Community Development District
28 ("Amended Petition") is **Revised On File** with the Legislative Services
29 Division; and

30 **WHEREAS**, the land area to be served by the Darby CDD consists
31 of two separate parcels totaling approximately 407.9 acres: East
32 Parcel containing approximately 116.09 acres, West Parcel containing

1 approximately 291.81 acres, both lying wholly within the boundaries
2 of the City; and

3 **WHEREAS**, as required by Section 92.07, *Ordinance Code*, the
4 Office of General Counsel has reviewed the Amended Petition and after
5 finding it sufficient and complete to permit the fair and informed
6 consideration of the matter by the Council, prepared and submitted
7 its Final Report of Counsel, attached hereto as **Exhibit 1**; and

8 **WHEREAS**, the Planning and Development Department provided its
9 report and recommendation regarding the Amended Petition to the
10 Transportation, Energy and Utilities Committee; and

11 **WHEREAS**, Petitioner acknowledges that the adoption of this
12 Ordinance shall not in any way waive any of the City's, or any other
13 governing or regulatory entities' rights to grant or not grant
14 entitlements for the development to be serviced by the Darby CDD (the
15 "Development"), or otherwise prejudice the City's, or any other
16 governing or regulatory entities', ability to govern or regulate the
17 planning or permitting of the Development; and

18 **WHEREAS**, the Amended Petition adequately meets the
19 requirements of Section 190.005, *Florida Statutes*, and Section 92.04,
20 *Ordinance Code*, and is therefore complete and sufficient to permit
21 fair and informed review thereof; and

22 **WHEREAS**, all notice requirements of Chapter 190, *Florida*
23 *Statutes*, Section 92.11, *Ordinance Code*, and other applicable laws
24 were complied with, complete notice was timely given, and a public
25 hearing held on the date and time noticed and conducted thereafter
26 in compliance with Chapter 190, *Florida Statutes*, and all applicable
27 laws; and

28 **WHEREAS**, in making its fair and informed determination whether
29 to grant or deny the Amended Petition, the Council has considered the
30 Amended Petition in light of the record developed at the public
31 hearing and in relation to the six factors set forth in Section

1 190.005(1)(e), *Florida Statutes*; now, therefore

2 **BE IT ORDAINED** by the Council of the City of Jacksonville:

3 **Section 1. Name.** A community development district is
4 hereby established within the City to be known hereafter as the "Darby
5 Community Development District".

6 **Section 2. Boundaries.** The boundaries of the Darby
7 Community Development District established by this Ordinance are as
8 set forth in the legal descriptions contained in the Amended Petition
9 which is **Revised On File** with the Legislative Services Division. The
10 legal descriptions and boundary sketches found within the Amended
11 Petition are attached hereto as **Exhibit 2**.

12 **Section 3. Board of Supervisors.** The following five
13 persons, as set forth in the Amended Petition, are designated to be
14 the initial members of the governing Board of Supervisors ("Board")
15 of the Darby Community Development District:

- 16 a. Andy Allen
17 b. George Leone
18 c. Rick Egger
19 d. Don Wenner
20 e. William English, III

21 **Section 4. Grant of Special Powers.** Consent is hereby
22 granted to the Darby Community Development District, pursuant to
23 Section 190.012(2)(a), *Florida Statutes*, to exercise the power to
24 plan, establish, acquire, construct or reconstruct, enlarge or
25 extend, equip, operate and maintain additional systems and facilities
26 for parks and facilities for indoor and outdoor recreational,
27 cultural, and educational uses, to be exercised only in compliance
28 and consistent with all applicable laws, including the City's 2045
29 *Comprehensive Plan* and the City's land development regulations.

30 **Section 5. Amending Section 92.22 (Existing Community**
31 **Development Districts), Chapter 92 (Uniform Community Development**
32

Districts), *Ordinance Code*. Section 92.22 (Existing Community Development Districts), Chapter 92 (Uniform Community Development Districts), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 92 - UNIFORM COMMUNITY DEVELOPMENT DISTRICTS

* * *

Sec. 92.22. - Existing Community Development Districts.

The following CDDs have been established in the City:

- (1) *Bainebridge Community Development District*. The Bainebridge Community Development District was established in Ordinance 2005-1417-E. The City granted consent to the Bainebridge Community Development District to exercise special powers related to parks and facilities for indoor and outdoor recreational, cultural, and educational uses in Ordinance 2006-592-E.

* * *

- (24) *Darby Community Development District*. The Darby Community Development District was established in Ordinance 2023-301-E and was granted consent to exercise special powers to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses.

Section 6. Conflict and Severability. Any portion of this Ordinance determined by a court of competent jurisdiction to be in conflict with prevailing law shall not be effective to the extent of such conflict and shall be deemed severable and the remainder shall continue in full force and effect to the extent legally possible.

Section 7. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming law without the Mayor's signature.

Form Approved:

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 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Rita M. Mairs

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