

1 Introduced by the Transportation, Energy and Utilities Committee  
2 pursuant to Section 92.09, *Ordinance Code*:

3  
4  
5 **ORDINANCE 2022-642-E**

6 AN ORDINANCE ESTABLISHING ARBORS COMMUNITY  
7 DEVELOPMENT DISTRICT ("ARBORS CDD"), INCLUDING  
8 THE GRANT OF SPECIAL POWERS; DESCRIBING THE  
9 EXTERNAL BOUNDARIES OF ARBORS CDD; PROVIDING FOR  
10 FUTURE EXPANSION WITH SUFFICIENTLY CONTIGUOUS  
11 LANDS; NAMING ARBORS CDD; NAMING THE INITIAL  
12 ARBORS CDD BOARD OF SUPERVISORS; AMENDING  
13 SECTION 92.22 (EXISTING COMMUNITY DEVELOPMENT  
14 DISTRICTS), CHAPTER 92 (UNIFORM DEVELOPMENT  
15 DISTRICTS), *ORDINANCE CODE*, TO INCLUDE ARBORS  
16 CDD; PROVIDING FOR CONFLICT AND SEVERABILITY;  
17 PROVIDING AN EFFECTIVE DATE.

18  
19 **WHEREAS**, Forestar (USA) Real Estate Group, Inc., a Delaware  
20 limited liability company, petitioned the City Council to establish  
21 a community development district named Arbors Community Development  
22 District (the "Arbors CDD") on approximately 187.33 acres lying wholly  
23 within the boundaries of the City pursuant to Section 190.005(2),  
24 *Florida Statutes*, and Chapter 92, *Ordinance Code*, a copy of the  
25 Amended and Restated Petition to Establish Arbors CDD, dated August  
26 4, 2022, ("Petition") is **On File** with the Legislative Services  
27 Division; and

28 **WHEREAS**, as required by Section 92.07, *Ordinance Code*, the  
29 Office of General Counsel ("Counsel") has reviewed the Petition, and  
30 finding that it was sufficient and complete to permit the fair and  
31 informed consideration of the matter by the Council, has prepared and

1 submitted its Final Report of Counsel, attached hereto as **Exhibit 1**;  
2 and

3 **WHEREAS**, the Planning and Development Department has provided  
4 its report and recommendation regarding the Petition to the  
5 Transportation, Energy and Utilities Committee; and

6 **WHEREAS**, Petitioner acknowledges that nothing about the adoption  
7 of this Ordinance shall in any way waive any of the City's, or any  
8 other governing or regulatory entities' rights to grant or not grant  
9 entitlements for the development to be serviced by Arbors CDD (the  
10 "Development"), or otherwise prejudice the City's, or any other  
11 governing or regulatory entities', ability to govern or regulate the  
12 planning or permitting of the Development; and

13 **WHEREAS**, Counsel has determined the Petition adequately meets  
14 the requirements of Section 190.005, *Florida Statutes*, and Section  
15 92.04, *Ordinance Code*, and is therefore complete and sufficient to  
16 permit fair and informed review thereof; and

17 **WHEREAS**, all notice requirements of Ch. 190, *Florida Statutes*,  
18 Section 92.11, *Ordinance Code*, and other applicable laws were complied  
19 with, complete notice was timely given, and a public hearing held on  
20 the date and time noticed and conducted thereafter in compliance with  
21 Ch. 190, *Florida Statutes*, and all applicable laws; and

22 **WHEREAS**, in making its fair and informed determination whether  
23 to grant or deny the Petition, the Council has considered the petition  
24 in light of the record developed at the public hearing and in relation  
25 to the six factors set forth in Section 190.005(1)(e), *Florida*  
26 *Statutes*, now, therefore

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

28 **Section 1. Name.** A community development district is  
29 hereby established within the City to be known hereafter as Arbors  
30 Community Development District.

1           **Section 2.           Boundaries.** The boundaries of Arbors Community  
2 Development District established by this ordinance are as set forth  
3 in the legal description contained in the Amended and Restated  
4 Petition to Establish Arbors Community Development District  
5 ("Petition") which is **On File** with the Legislative Services Division.  
6 The legal description and boundary sketch found within the Petition  
7 are attached hereto as **Exhibit 2.**

8           **Section 3.           Expansion Parcels.** Consent is hereby granted to  
9 Arbors Community Development District, pursuant to Section  
10 190.046(1)(h), *Florida Statutes*, to add to the boundaries of the  
11 Arbors Community Development District within ten (10) years after the  
12 effective date of the ordinance certain areas of sufficiently  
13 contiguous lands as depicted in **Exhibit 3.**

14           **Section 4.           Board of Supervisors.** The following five  
15 persons, as set forth in the Petition, are designated to be the  
16 initial members of the governing Board of Supervisors ("Board") of  
17 Arbors Community Development District:

- 18           a.     Sarah Wicker
- 19           b.     Heather Allen
- 20           c.     Christopher Williams
- 21           d.     Robert Porter
- 22           e.     James Teagle

23           **Section 5.           Grant of Special Powers.** Consent is hereby  
24 granted to Arbors Community Development District, pursuant to Section  
25 190.012(2)(a), *Florida Statutes*, to exercise the power to plan,  
26 establish, acquire, construct or reconstruct, enlarge or extend,  
27 equip, operate and maintain additional systems and facilities for  
28 parks and facilities for indoor and outdoor recreational, cultural,  
29 and educational uses and security, including but not limited to,  
30 guardhouses, fences and gates, electronic intrusion detection  
31 systems, and patrol cars, all to be exercised only in compliance and

1 consistent with all applicable laws including the City's 2030  
2 Comprehensive Plan and City's land development regulations.

3 **Section 6. Amending Section 92.22 (Existing Community**  
4 **Development Districts), Chapter 92 (Uniform Community Development**  
5 **Districts), Ordinance Code.** Section 92.22, Ordinance Code, is hereby  
6 amended to read as follows:

7 **CHAPTER 92. - UNIFORM COMMUNITY DEVELOPMENT DISTRICTS**

8 \* \* \*

9 **Sec. 92.22. - Existing Community Development Districts.**

10 The following CDDs have been established in the City:

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

18 \* \* \*

- 19 (23) Arbors Community Development District. The Arbors  
20 Community Development District was established in  
21 ordinance 2022- -E and was granted consent to exercise  
22 special powers to plan, establish, acquire, construct or  
23 reconstruct, enlarge or extend, equip, operate and maintain  
24 additional systems and facilities for indoor and outdoor  
25 recreational, cultural, and educational uses and security  
26 including but not limited to, guardhouses, fences and  
27 gates, electronic intrusion detection systems, and patrol  
28 cars.

29 **Section 7. Conflict and Severability.** Any portion of this  
30 ordinance determined finally by a court of competent jurisdiction to  
31 be in conflict with prevailing law shall not be effective to the

1 extent of such conflict and shall be deemed severable and the  
2 remainder shall continue in full force and effect to the extent  
3 legally possible.

4 **Section 8. Effective Date.** This ordinance shall become  
5 effective upon signature by the Mayor or upon becoming law without  
6 the Mayor's signature.

7

8 Form Approved:

9

10           /s/ Mary E. Staffopoulos          

11 Office of General Counsel

12 Legislation Prepared By: Sharon M. Wyskiel

13 GC-#1528429-v1-2022-642-E\_Scriv\_Corr.docx