

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

3  
4  
5 **ORDINANCE 2023-301**

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

19  
20 **WHEREAS**, Plummer JV, LLC ("Petitioner"), a Florida limited  
21 liability company, petitioned the City Council to establish a  
22 community development district named "Darby Community Development  
23 District" (the "Darby CDD") on approximately 407.9 acres lying wholly  
24 within the boundaries of the City pursuant to Section 190.005(2),  
25 *Florida Statutes*, and Chapter 92, *Ordinance Code*. A copy of the  
26 Petition to Establish Darby Community Development District  
27 ("Petition") is **On File** with the Legislative Services Division; and

28 **WHEREAS**, the land area to be served by the Darby CDD consists  
29 of two separate parcels totaling approximately 407.9 acres: East  
30 Parcel containing approximately 116.09 acres, West Parcel containing  
31 approximately 291.81 acres, both lying wholly within the boundaries

1 of the City; and

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

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

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

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

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

27       **WHEREAS**, in making its fair and informed determination whether  
28 to grant or deny the Petition, the Council has considered the Petition  
29 in light of the record developed at the public hearing and in relation  
30 to the six factors set forth in Section 190.005(1)(e), *Florida*  
31 *Statutes*; now, therefore

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

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

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

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

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

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

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

1 Development Districts), Chapter 92 (Uniform Community Development  
2 Districts), *Ordinance Code*, is hereby amended to read as follows:

3 **CHAPTER 92 - UNIFORM COMMUNITY DEVELOPMENT DISTRICTS**

4 \* \* \*

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

6 The following CDDs have been established in the City:

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

14 \* \* \*

15 (24) *Darby Community Development District*. The Darby Community  
16 Development District was established in Ordinance 2023-  
17 301-E and was granted consent to exercise special powers  
18 to plan, establish, acquire, construct or reconstruct,  
19 enlarge or extend, equip, operate and maintain additional  
20 systems and facilities for parks and facilities for indoor  
21 and outdoor recreational, cultural, and educational uses.

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

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

1 Form Approved:

2

3           /s/ Rita M. Mairs          

4 Office of General Counsel

5 Legislation Prepared By: Rita M. Mairs

6 GC-#1564171-v1A-Petition\_to\_Establish\_Darby\_CDD\_(2023-301).docx