

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

1 Parcel containing approximately 116.09 acres, West Parcel containing
2 approximately 291.81 acres, both lying wholly within the boundaries
3 of the City; and

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

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

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

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

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

29 **WHEREAS**, in making its fair and informed determination whether
30 to grant or deny the Amended Petition, the Council has considered the
31 Amended Petition in light of the record developed at the public

1 hearing and in relation to the six factors set forth in Section
2 190.005(1)(e), *Florida Statutes*; now, therefore

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

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

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

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

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

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

31 **Section 5. Amending Section 92.22 (Existing Community**

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

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

6 * * *

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

8 The following CDDs have been established in the City:

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

16 * * *

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

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

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Rita M. Mairs

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