

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2004-970-E**

5 AN ORDINANCE ESTABLISHING THE CEDAR POINTE
6 COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE
7 EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING
8 THE DISTRICT; NAMING THE INITIAL DISTRICT
9 BOARD OF SUPERVISORS; PROVIDING INFORMATION
10 RELATED TO DISTRICT BOARD REQUESTS FOR CONSENT
11 TO EXERCISE SPECIAL POWERS; PROVIDING FOR
12 CONFLICT AND SEVERABILITY; PROVIDING AN
13 EFFECTIVE DATE.
14

15 **WHEREAS**, the Cedar Pointe Enterprise, LLC, petitioned the City
16 Council to establish by City ordinance a uniform community
17 development district ("CDD") named the Cedar Pointe CDD on
18 approximately 211.60 acres lying wholly within the boundaries of
19 the City pursuant especially to F.S. § 190.005(2) and Chapter 92,
20 *Ordinance Code*, a copy of which petition is attached as **Exhibit 1**;

21 **WHEREAS**, if established as proposed in the petition, the Cedar
22 Pointe CDD would thereafter exist and operate as an independent
23 special district pursuant to its uniform charter set forth in
24 general law at F.S. § 190.006 through § 190.041;

25 **WHEREAS**, a decision to grant or deny a petition to establish a
26 CDD is not a development order within the meaning of F.S. Ch. 380,
27 and any matter concerning permitting or planning of the underlying
28 development is not material or relevant to a decision to grant or
29 deny a petition especially given that: a CDD has no power to adopt
30 a local comprehensive plan, building code or land development code;
31 all governmental planning, environmental, and land development
32 laws, regulations and ordinances apply to all development of the

1 land within a CDD; and, a CDD may take no action inconsistent with
2 applicable comprehensive plans, ordinances or regulations of the
3 applicable local general purpose government;

4 **WHEREAS**, the Office of General Counsel and the Planning and
5 Development Department have each reviewed the petition and have
6 submitted reports thereon to the Council, which reports are
7 attached hereto as **Exhibit 2** and **Revised Exhibit 3** respectively;

8 **WHEREAS**, the Council has determined the petition adequately
9 meets the requirements of F.S. § 190.005(1) and is therefore
10 complete and sufficient to permit fair and informed review thereof;

11 **WHEREAS**, all notice requirements of F.S. Ch. 190 and other
12 applicable law were complied with, and complete notice was timely
13 given, and a public hearing held on the date and time noticed and
14 conducted thereafter in compliance with F.S. Ch. 190 and all
15 applicable law; and,

16 **WHEREAS**, in making its fair and informed determination whether
17 to grant or deny the petition, the Council has considered the
18 petition in light of the record developed at the public hearing and
19 in relation to the six factors set forth at F.S. § 190.005(1)(e),
20 now, therefore

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

22 **Section 1. Name.** A CDD is hereby established within the
23 City to be known hereafter as the Cedar Pointe CDD.

24 **Section 2. Boundaries.** The boundaries of the Cedar
25 Pointe CDD established by this ordinance are as set forth in the
26 legal description incorporated herein as part of **Exhibit 1** attached
27 hereto.

28 **Section 3. Board of Supervisors.** The following five
29 persons, as set forth in the petition, are designated to be the
30 initial members of the governing Board of Supervisors ("Board") of
31 the Cedar Pointe CDD:

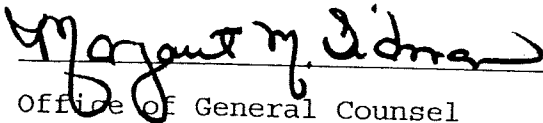
- 1 a. Mark Ambach
- 2 b. Andrew Hagan
- 3 c. Cindy Jones
- 4 d. Don Wilford
- 5 e. Maurice Rudolph

6 **Section 4. Consent Requests.** After the initial meeting and
7 swearing in of the Cedar Pointe CDD Board, the Board may request
8 that the City consent to the CDD's exercise of one or more special
9 powers set forth in F.S. § 190.012(2), by adopting a proper
10 resolution and submitting same thereafter to the City to be taken
11 up and considered pursuant to Section 92.15, *Ordinance Code*.

12 **Section 5. Conflict and Severability.** Any portion of this
13 ordinance determined finally by a court of competent jurisdiction
14 to be in conflict with prevailing law shall not be effective to the
15 extent of such conflict, and shall be deemed severable and the
16 remainder shall continue in full force and effect to the extent
17 legally possible.

18 **Section 6. Effective Date.** This ordinance shall become
19 effective upon signature by the Mayor or upon becoming law without
20 the Mayor's signature.

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22 Form Approved:

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25 Office of General Counsel

26 Legislation Prepared By: Tim Franklin

27 11/8/2004 G:\shared\LEGIS.CC\2004\ord\CedarPointeCDD.EstablishOrd.tsf.082304.doc
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