Introduced by the Land Use and Zoning Committee:

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## ORDINANCE 2004-970-E

ORDINANCE ESTABLISHING THE CEDAR POINTE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE DISTRICT; NAMING THE INITIAL DISTRICT BOARD OF SUPERVISORS; PROVIDING INFORMATION RELATED TO DISTRICT BOARD REQUESTS FOR CONSENT TO EXERCISE SPECIAL POWERS: PROVIDING CONFLICT AND SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

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

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

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

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

- a. Mark Ambach
- b. Andrew Hagan
- c. Cindy Jones
- d. Don Wilford
- e. Maurice Rudolph

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

Section 5. Conflict and Severability. Any portion of this ordinance determined finally 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 6. Effective Date. This ordinance shall become effective upon signature by the Mayor or upon becoming law without the Mayor's signature.

Form Approved:

**9** 25 Off

e of General Counsel

Legislation Prepared By: Tim Franklin

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