

Amended 6/14/05

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2005-580-E**

5 AN ORDINANCE ESTABLISHING THE WYNNFIELD LAKES
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**, Wynnfield Lakes, LLC, a Florida limited liability
16 company, petitioned the City Council to establish by City ordinance
17 a uniform community development district ("CDD") named the
18 Wynnfield Lakes Community Development District on approximately
19 166.38± acres lying wholly within the boundaries of the City
20 pursuant especially to F.S. § 190.005(2) and Chapter 92, Ordinance
21 Code, a copy of which petition is attached as Exhibit 1;

22 **WHEREAS**, if established as proposed in the petition, the
23 Wynnfield Lakes Community Development District would thereafter
24 exist and operate as an independent special district pursuant to
25 its uniform charter set forth in general law at F.S. § 190.006
26 through § 190.048;

27 **WHEREAS**, a decision to grant or deny a petition to establish a
28 CDD is not a development order within the meaning of F.S. Ch. 380,
29 and any matter concerning permitting or planning of the underlying
30 development is not material or relevant to a decision to grant or
31 deny a petition especially given that: a CDD has no power to adopt

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1 a local comprehensive plan, building code or land development code;
2 all governmental planning, environmental, and land development
3 laws, regulations and ordinances apply to all development of the
4 land within a CDD; and, a CDD may take no action inconsistent with
5 applicable comprehensive plans, ordinances or regulations of the
6 applicable local general purpose government;

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

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

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

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

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

25 **Section 1. Name.** A CDD is hereby established within the
26 City to be known hereafter as the Wynnfield Lakes Community
27 Development District.

28 **Section 2. Boundaries.** The boundaries of the Wynnfield
29 Lakes Community Development District established by this ordinance
30 are as set forth in the legal description incorporated herein as
31 part of **Exhibit 1** attached hereto.

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1 **Section 3. Board of Supervisors.** The following five
 2 persons, as set forth in the petition, are designated to be the
 3 initial members of the governing Board of Supervisors ("Board") of
 4 the Wynnfield Lakes Community Development District:


- 5 a. Charles W. Arnold, III
- 6 b. Donald E. Brown
- 7 c. J. Pate Foshee
- 8 d. Robert A. Cromartie
- 9 e. Timothy O'Riley

10 **Section 4. Consent Requests.** After the initial meeting and
 11 swearing in of the Wynnfield Lakes Community Development District
 12 Board, the Board may request that the City consent to the Wynnfield
 13 Lakes Community Development District's exercise of one or more
 14 special powers set forth in F.S. § 190.012(2), by adopting a proper
 15 resolution and submitting same thereafter to the City to be taken
 16 up and considered pursuant to Section 92.15, Ordinance Code.

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

23 **Section 6. Effective Date.** This ordinance shall become
 24 effective upon signature by the Mayor or upon becoming law without
 25 the Mayor's signature.

26 Form Approved:



28 Office of General Counsel

9 Legislation Prepared By: Dylan Reingold

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