

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2022-

AN ORDINANCE OF ALACHUA COUNTY AMENDING THE DEFINITION OF SPECIAL ASSESSMENT DISTRICT IN CHAPTER 37 OF THE ALACHUA COUNTY CODE OF ORDINANCES. AMENDING CHAPTER 39 OF THE ALACHUA CODE OF ORDINANCES TO ESTABLISH A PROCESS CREATING MUNICIPAL SERVICES BENEFIT UNITS AS A REQUIREMENT OF THE ACCEPTANCE OF PLATS FOR FUTURE RESIDENTIAL DEVELOPMENTS; TO PROVIDE A FUNDING MECHANISM FOR FUTURE ROAD AND CAPTIAL MAINTENANCE AND IMPROVEMENTS WITHIN THE MSBU; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR MODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, developers of subdivisions, business and housing developments will often dedicate their

infrastructure, including streets, to the public, thereby transferring the obligation for upkeep to the public; and

WHEREAS, the addition of the streets to the County public roads inventory results in adding to an already

overburdened public need for road repairs and improvements, and

WHEREAS, Sec. 125.01(1)(q), Fla. Stat. authorizes county governments to establish Municipal Service

Benefit Units, commonly referred to as special assessment districts; and

WHEREAS, the Land Development Code requires that all new developments and/or subdivisions create a

Municipal Service Benefit Unit (MSBU) for future general maintenance and capital improvements if the

infrastructure is dedicated to the public; and

WHEREAS, by creating a special improvement district at the time the infrastructure is dedicated to the

County and assessing the properties for the cost of ongoing maintenance and the ultimate replacement of the road,

the funds will be available and the developments will not have to compete with other developments and areas of the

county for road funding, which will benefit the real property and improvement in the long run; and

WHEREAS, the Board finds that the use of the codified process for the establishment of such MSBU's as

set forth in the Alachua County Code is appropriate for these purposes; and

39 **NOW THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners of Alachua County,

40 Florida as follows:

41 **SECTION 1. Sec. 37.01 – Definitions is amended as follows:**

42 *Special assessment district* means a district especially created for the purpose of repaying to the county all
43 or a portion of the cost of an improvement which specially benefits the property within the district. The term
44 "special assessment district" shall be deemed coextensive with the definition of "special tax service district"
45 contained in Laws of Fla., ch. 65-1234, § 1(1), as amended. The term Special Improvement District as used in
46 Chapter 39 is included in this definition.

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48 SECTION 24. Chapter 39.16 –DEVELOPMENT INFRASTRUCTURE ASSESSMENT DISTRICT is created as
49 follows:

50 (1) Pursuant to Chapter 37, of the Alachua County Code, the Board of County Commissioners is
51 authorized to establish special improvement districts for various purposes within the unincorporated
52 territory of Alachua County.

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54 (2) At the time infrastructure is dedicated to the public, there shall be a special improvement district
55 established for that infrastructure.

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57 (3) The resolution adopting the special improvement district shall set forth the improvements covered by
58 the assessment, the projected cost of the improvements, the estimated functional life of the
59 improvements. time frame the collection shall cover, the area the district shall encompass, and an
60 assessment methodology.

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62 (4) In establishing the special improvement district, the boundaries of the district shall include all parcels
63 determined to the Board finds benefit from the infrastructure being dedicated to the public and that will
64 benefit from the infrastructure's maintenance and improvement.

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(5) Other than the provisions set forth herein, Chapter 37 shall govern the process of the initial adoption of the district and the annual assessment process.

SECTION 32. Repealing Clause. All ordinances or portions thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 43. Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

SECTION 54. Severability. If any word, phrase, clause, paragraph, section, or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 65. Inclusion in the Code. It is the intent of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alachua County, Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such intent and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 76. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and shall take effect upon filing with the Department of State.

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