

1 ALACHUA COUNTY
2 BOARD OF COUNTY COMMISSIONERS
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5 **ORDINANCE NO. 2022-**

6 AN ORDINANCE OF ALACHUA COUNTY AMENDING
7 THE DEFINITION OF SPECIAL ASSESSMENT
8 DISTRICT IN CHAPTER 37 OF THE ALACHUA
9 COUNTY CODE OF ORDINANCES. AMENDING
10 CHAPTER 39 OF THE ALACHUA CODE OF
11 ORDINANCES TO ESTABLISH A PROCESS CREATING
12 MUNICIPAL SERVICES BENEFIT UNITS AS A
13 REQUIREMENT OF THE ACCEPTANCE OF PLATS
14 FOR FUTURE RESIDENTIAL DEVELOPMENTS; TO
15 PROVIDE A FUNDING MECHANISM FOR FUTURE
16 ROAD AND CAPITAL MAINTENANCE AND
17 IMPROVEMENTS WITHIN THE MSBU; AND
18 AMENDING CHAPTER 407 OF THE ALACHUA
19 COUNTY UNIFIED LAND DEVELOPMENT CODE
20 SECTION 407.83 PLAT DOCUMENT REQUIREMENTS;
21 PROVIDING FOR REPEAL OF LAWS IN CONFLICT;
22 PROVIDING FOR MODIFICATION; PROVIDING FOR
23 SEVERABILITY; PROVIDING FOR INCLUSION IN THE
24 CODE OF LAWS AND ORDINANCES AND
25 CORRECTION OF SCRIVENER'S ERRORS; AND
26 PROVIDING FOR AN EFFECTIVE DATE.
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29 **WHEREAS**, developers of subdivisions, business and housing developments will often dedicate
30 their infrastructure, including streets, to the public, thereby transferring the obligation for upkeep to the
31 public; and

32 **WHEREAS**, the addition of the streets to the County public roads inventory results in adding to
33 an already overburdened public need for road repairs and improvements, and

34 **WHEREAS**, Sec. 125.01(1)(q), Fla. Stat. authorizes county governments to establish Municipal
35 Service Benefit Units, commonly referred to as special assessment districts; and

36 **WHEREAS**, the Unified Land Development Code requires that all new developments and/or
37 subdivisions create a Municipal Service Benefit Unit (MSBU) for future general maintenance and capital
38 improvements if the infrastructure is dedicated to the public; and

39 **WHEREAS**, by creating a special improvement district at the time the infrastructure is dedicated
40 to the County and assessing the properties for the cost of ongoing maintenance and the ultimate
41 replacement of the road, the funds will be available and the developments will not have to compete with
42 other developments and areas of the county for road funding, which will benefit the real property and
43 improvement in the long run; and

44 **WHEREAS**, the Board finds that the use of the codified process for the establishment of such
45 MSBU's as set forth in the Alachua County Code is appropriate for these purposes; and

46 **NOW THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners of Alachua
47 County, Florida as follows:

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

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

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55 SECTION 2. Chapter 39.15 –DEVELOPMENT INFRASTRUCTURE ASSESSMENT DISTRICT is
56 created as follows:

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

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

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

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

(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 3. Alachua County Unified Development Code Section 407.83 Plat Document Requirements is amended as follows:

Section 407.83 Plat Document Requirements

...

(d) A copy of the document demonstrating the establishment of a corresponding MSBU, CDD, or other State recognized special district responsible for the maintenance and operation of the dedicated improvements shall be provided. If the MSBU option is selected by the developer, it shall be established to provide maintenance, upkeep and improvements for roads, and related infrastructure and improvements, such as, but not limited to, street lighting, street trees, and sidewalks.

SECTION 4. Repealing Clause. All ordinances or portions thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

90 SECTION 5. Modification. It is the intent of the Board of County Commissioners that the provisions of
91 this ordinance may be modified as a result of considerations that may arise during public hearings. Such
92 modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed
93 by the Clerk to the Board.

94 SECTION 6. Severability. If any word, phrase, clause, paragraph, section, or provision of this ordinance
95 or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding
96 shall not affect the other provisions or applications of the ordinance which can be given effect without the
97 invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are
98 declared severable.

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100 SECTION 7. Inclusion in the Code. It is the intent of the Board of County Commissioners of Alachua
101 County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made
102 a part of the Code of Ordinances of Alachua County, Florida; that the section of this ordinance may be
103 renumbered or re-lettered to accomplish such intent and that the word “ordinance” may be changed to
104 “section”, “article”, or other appropriate
105 designation.

106 SECTION 8. Effective Date. A certified copy of this ordinance shall be filed with the Department of State
107 by the Clerk of the Board within ten (10) days after enactment by the Board and shall take effect upon
108 filing with the Department of State.

DULY ADOPTED in regular session, this _____th day of _____2022.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

ATTEST:

BY: _____
Marihelen Wheeler, Chair

J.K. "Jess" Irby, Esq.
Clerk Board of County Commissioners

APPROVED AS TO FORM

(SEAL)

County Attorney