

1 **ORDINANCE NO. 2023-_____**

2 AN ORDINANCE OF CITRUS COUNTY, FLORIDA, PERTAINING TO
3 CHAPTER 90 CITRUS SPRINGS MUNICIPAL SERVICE BENEFIT UNIT,
4 AMENDING ARTICLE XVI, SECTION 90-684 ENTITLED
5 "AUTHORIZING SPECIAL ASSESSMENTS ON A PER LOT, PER TRACT
6 OR PER ACRE BASIS"; PROVIDING FOR SEVERABILITY; PROVIDING
7 FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT
8 PUBLIC HEARING; PROVIDING FOR INCLUSION INTO THE CODE;
9 AND PROVIDING FOR AN EFFECTIVE DATE.

10 **WHEREAS**, the Citrus County Board of County Commissioners ("Board") is the legislative
11 and governing body of Citrus County, Florida, a political subdivision of the State of Florida,
12 authorized to exercise governmental powers pursuant to Article VIII of the Constitution of the
13 State of Florida and Section 125.01, Florida Statutes; and

14 **WHEREAS**, the Board adopted Section 90-684 of the Code of Ordinances authorizing
15 special assessment amounts in the Citrus Springs area of Citrus County;

16 **WHEREAS**, In accordance with Section 125.01 (1)(r), Florida Statutes, the County is
17 required to exempt lands classified as agricultural lands pursuant to Section 193.461, Florida
18 Statutes, from the Citrus Springs MSBU, unless such land contains dwelling units and associated
19 curtilage. Accordingly, it is fair and reasonable not to impose Citrus Springs MSBU upon a building
20 of developed property on lands classified as agricultural lands pursuant to Section 193.461,
21 Florida Statutes, unless such building contains a dwelling unit.

22 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
23 **CITRUS COUNTY, FLORIDA, AS FOLLOWS:**

24 **Section 1.** The provisions of Article XVI, Section 90-684 are amended as follows:

25 (a) Law enforcement, recreation services and facilities, street lighting and other essential
26 facilities and municipal services as authorized by this article may be funded by a special
27 assessment on a per lot, per tract or per acre basis, as follows:

28 (1) As to all improved lots located in the Citrus Springs MSBU a maximum of \$35.00 per lot in
29 any given year.

30 (2) As to all partially improved lots in the Citrus Springs MSBU a maximum of \$30.00 per lot
31 in any given year.

32 (3) The board hereby finds and determines that the benefits to be derived by undeveloped
33 lots in the Citrus Springs MSBU is dependent upon the level of development affording
34 reasonable access and use of lots and tracts. Accordingly, no assessment shall be levied
35 upon any undeveloped lot or tract until such time as such undeveloped lot or tract shall
36 have acquired a partially improved status by the construction of a drivable road surface

37 allowing ingress to and egress from such lot or tract and, which road shall abut such lot
38 or tract. Each January 1, the county administrator shall make a determination regarding
39 the development status of undeveloped lots and tracts in the Citrus Springs MSBU, and if
40 any of such undeveloped lots or tracts have acquired a partially improved or improved
41 status, then the maximum assessment for such lots or tracts shall be comparable to those
42 in effect for similar lots or tracts in the subdivision.

43 (4) As to improved or partially improved commercial tracts and golf course tracts located in
44 the Citrus Springs MSBU, the greater of \$35.00 per tract, per year, or \$14.00 for each acre
45 located within a tract; provided, however, that the assessment on any single tract shall
46 not exceed \$350.00 per tract, per year.

47 (5) As to green belt tracts and park tracts a maximum of \$7.00 per tract, per year.

48 (6) As to all other tracts not included in subsections (a)(3), (a)(4) and (a)(5) of this section, a
49 maximum per tract assessment at the same rate per acre as the per lot assessment.

50 (7) No Citrus Springs MSBU shall be imposed against a building of developed property on
51 lands classified as agricultural lands pursuant to Section 193.461, Florida Statutes, unless
52 such building contains a dwelling unit.

53 (a) Any shortfall in the expected Citrus Springs MSBU proceeds due to any reduction or
54 exemption from payment of the Citrus Springs MSBU required by law or authorized by
55 the Board shall be supplemented by any legally available funds, or combination of such
56 funds, and shall not be paid for by proceeds or funds derived from the Citrus Springs
57 MSBU.

58 (b) For the fiscal year beginning on October 1 of each year, the county administrator shall
59 prepare and deliver to the board of county commissioners a written report setting forth
60 recommendations for the rate of a special assessment. Upon receipt of such written report,
61 the board of county commissioners shall establish the rate of special assessment for the fiscal
62 year beginning on October 1 of each year.

63 (c) For the purposes of this section, the term "lot" means a platted lot, and the term "tract"
64 means a platted tract as shown on the plats referred to in section 90-681(1).

65 (d) For the purposes of this section, the terms "improved lot" or "improved tract" means any lot
66 or tract, as defined in subsection (c) of this section, upon which a residential structure or a
67 structure housing a business or commercial enterprise has been erected, as of January 1 of
68 any year. The terms "partially improved lot" or "partially improved tract" means any lot or
69 tract which is vacant land, (devoid of the improvements necessary to make it an improved lot
70 or tract) but is accessible by a drivable road surface which road shall abut such lot or tract, as
71 of January 1 of any year. The terms "undeveloped lot" or "undeveloped tract" means any lot
72 or tract as defined in subsection (c) of this section, for which there is no drivable road surface
73 abutting such lots or tracts as of January 1 of any year.

74 (e) For the purpose of this section, the term "drivable road surface" means the completed
75 construction of a minimum of a soil cement base or other approved base material, leveled
76 and graded to a finish elevation and surface sealed in anticipation of an asphalt covering.

77 **Section 2. Severability.** If any section, sentence, clause, phrase or provision of this Ordinance is
78 held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
79 unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining
80 provisions of this Ordinance.

81 **Section 3. Modification.** The provisions of this Ordinance may be modified as a result of
82 considerations that may arise during public hearings. Such modifications shall be incorporated
83 into the final version of the ordinance adopted by the Board and filed with the Clerk.

84 **Section 4. Codification.** The publisher of the County's Code of Ordinances, the Municipal Code
85 Corporation, is directed to incorporate the amendments to the provisions of Chapter 90 of the
86 Citrus County Code of Ordinances.

87 **Section 5. Effective Date.** This Ordinance shall take effect as provided by law.

88 PASSED AND DULY ADOPTED, in open session, with a quorum present and voting, this ____ day
89 of _____, 2023.

90 BOARD OF COUNTY COMMISSIONERS
91 OF CITRUS COUNTY, FLORIDA

92 ATTEST:

93 _____
94 ANGELA VICK, Clerk

RUTHIE DAVIS SCHLABACH, Chairman

95 APPROVED AS TO FORM FOR THE
96 RELIANCE OF CITRUS COUNTY ONLY:

97 _____
98 DENISE A. DYMOND LYN
99 County Attorney