

SUBJECT:**ORIGINATING DEPARTMENT:**

Permanent Reassignment of Development Rights for Residential Properties Within Municipal Service Benefit Units for Installation of Water and Wastewater Systems

**Department:
Public Works**

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POLICY:

The Board of County Commissioners (Board) has the ability to establish distinct Municipal Service Benefit Unit (MSBU) Districts to fund public improvements including infrastructure which benefits property within the district.

There are instances where a property owner may own more than one lot of record, but utilizes the adjoining lot or multiple lots as a single property. It is the intent of the Board to recognize such properties at a reduced number of assessment units (AU's) provided there are sufficient safeguards to assure that the properties will not be separated at a future date into their individual components and further developed into additional building lots.

This Administrative Regulation establishes a procedure by which a property owner of multiple adjoining lots of record can permanently surrender future development rights and be recognized for a reduced number of AU's through a formal assignment of development rights to the County. Development rights shall mean the ability to construct or install a new residential structure or establish a non-residential use on the property(ies) described in Exhibit "B" of an executed assignment agreement. This procedure is not designed for the removal of single lots of record as a means of avoiding special assessments within a MSBU district. Requests pertaining to non-residential and other unique lots of record will be reviewed on a case-by-case basis by the Department Director or designee with final authorization to proceed from the Director of Planning & Development or designee.

PROCEDURE:

- A. This procedure is optional and must be initiated by written request of the property owner.
- B. Eligible lots of record must be under the same ownership and adjoining.
- C. A properly completed application, with all required documentation and a non-refundable fee to cover processing costs shall be submitted to Citrus County. Applications shall be submitted to County staff no later than 90 calendar days prior to the Board setting a public hearing to finalize the MSBU assessment roll.
- D. Upon receipt of an application, County staff shall confirm ownership, total number of lots of record, improvements located on the property, that the subject properties share common boundaries, and provide an assignment agreement to the property owner by hand delivery, regular first class mail, fax or email.

- E. The property owner(s) shall execute the assignment agreement in the presence of a Notary public and two separate witnesses and return the original document to the County by the date specified to fulfill the requirements of Section J below. A properly completed assignment agreement will be acted upon at the next available regular meeting of the Board. Failure to submit a properly executed assignment agreement by the date specified may terminate this process.
- F. The Board shall review the assignment agreement and upon approval by majority vote, authorize the Chairperson to execute the agreement on behalf of the County.
- G. Upon approval by the Board and execution by the Chairperson, the assignment agreement shall be recorded in the Public Records of Citrus County, Florida. County staff shall send a copy of the agreement to the Department of Planning & Development to annotate the affected lot(s) of record indicating the "IRREVOCABLE / NON DEVELOPMENT" lot status. The Department of Planning & Development shall notify the Citrus County Property Appraiser's Office.
- H. The assignment agreement is irrevocable and shall constitute a covenant which shall run with the land and is binding upon all successors in interest.
- I. The assignment agreement prevents the development of a new residential structure or establishment of a non-residential use on the property(ies) described in Exhibit "B" of an executed assignment agreement. However, it does not prevent the permitting or construction of accessory amenities including fences, sheds, swimming pools or replacement/expansion/remodeling of the existing structure on the affected properties.
- J. The assignment agreement must be recorded in the Public Records of Citrus County, Florida by County Staff prior to the Board setting a final public hearing date to finalize the MSBU assessment roll.

FOOTNOTES & REFERENCES TO RELATED AR's: Supersedes AR 11.10 dated May 27, 2003.