



LEVY COUNTY BOARD OF COUNTY COMMISSIONERS COMMISSIONERS
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June 13, 2022

Mounir Bouyounes, PE
Marion County Administrator
601 SE 25th Ave
Ocala, FL 34471

Re: Rainbow Lakes Estates Municipal Service District

Dear Mr. Bouyounes,

As I am sure you are aware, Rainbow Lakes Estates is a large subdivision (platted in the 1960s) with most of its platted "Sections" located in Marion County and one "Section N" located in Levy County. To address issues associated with a cross-jurisdictional subdivision and the provision of municipal services, the Florida Legislature adopted Special Acts that created an Independent Special District known as Rainbow Lakes Estates Municipal Service District (the "District".) The Special Acts were most recently updated, consolidated and re-codified in Chapter Law 2001-293, Laws of Florida (a copy of which is attached).

Chapter Law 2001-293 sets forth the "Charter" for the District, which:

- (1) Establishes the physical boundaries of the District;
- (2) Appoints the Board of County Commissioners of Marion County as the Governing Body of the District;
- (3) Grants the Governing Body broad authority and powers, including (as relevant to this correspondence): (a) the power to provide road maintenance and lighting, maintenance and operation of all public lands and civic and recreational facilities, law enforcement and fire protection services; (b) the power to exercise zoning powers consistent with and for the enforcement of existing deed restrictions and covenants contained in or incorporated in conveyances of lots; (c) the power to levy ad valorem tax, special assessments and to borrow for such purposes; and (d) the obligation to adopt an annual budget for those purposes.
- (4) Authorizes and empowers the Levy County Board of County Commissioners to (by resolution) delegate to and contract with the Board of County Commissioners of Marion County for the administration of the Chapter Law and the furnishing of municipal services within the District.

For a period of at least 20 years (1990-95, 1995-2000 and 2002-2012) by adoption of Resolutions and Interlocal Agreements between the parties, Marion County administered the Chapter Law and furnished municipal services within Levy County. Our records reflect that Marion and Levy County staff last met in February 2019 to discuss the need for an updated interlocal agreement and Marion County staff agreed to prepare and circulate a draft. One item that does not appear to have been discussed or clearly addressed in prior agreements is item (3)(b) above – zoning powers to enforce deed restrictions.

The purpose of this correspondence is two-fold. First, is Marion County still interested in entering into an updated Interlocal Agreement and, if so, will you take the lead on providing that draft as our respective staff last discussed? Second, does the Governing Body of the District currently exercise any zoning powers to enforce deed restrictions? And if not, are you interested in doing so? We ask the second question because Levy County recently adopted a Zoning Map Atlas for the County and County staff is drafting an ordinance to update the Use Regulations for each zoning district. The current Code includes a special zoning district (RR-3C) for Rainbow Lakes Estates and prohibits mobile homes in that District, but the Code allows them in all other residential zoning districts in the County. Staff does not understand the justification for a prohibition in this one district, does not believe the County has the authority to exercise zoning power to enforce deed restrictions and, therefore, staff intends to propose (in the draft ordinance) deleting the mobile home prohibition. Staff anticipates that some residents in Rainbow Lakes Estates will object to this change and we believe one way those objections could be addressed is by the Governing Body of the District exercising the "deed restriction" zoning powers granted to it by the Chapter Law.

If you would like to meet or have a call to discuss, let me know any day(s)/time(s) that work for you and your staff.

Sincerely,



Wilbur Dean
County Coordinator