

1 reviewed by the County Planning Commission for consistency with the Comprehensive
2 Plan and the Planning Commission recommendation has been forwarded to the Board;
3

4 **WHEREAS**, the draft Ordinance was advertised for and placed on the August 6,
5 2024 Regular Meeting agenda, and the Board tabled the Ordinance and scheduled a
6 Workshop on August 13 to further discuss the Ordinance;
7

8 **WHEREAS**, on August 13, 2024, the Board held the Workshop, discussed the draft
9 Ordinance, heard from interested persons and directed staff to re-notice and agenda the
10 draft Ordinance for adoption; and
11

12 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a
13 newspaper of general circulation notifying the public of this proposed ordinance and of a
14 public hearing in the Levy County Government Center in Bronson, Florida.
15

16 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners
17 of Levy County, Florida, that:
18

19 **Section 1.** Sec. 50-600 titled "General Requirements" is amended as set forth below.
20

21 **Chapter 50. Land Development Code**
22 **Article XI. Subdivisions and Lot Splits**
23 **Division 4. – Lot Splits**
24

25 **Sec. 50-600. General Requirements.**

26 The division of land by lot split does not require platting; but must comply with the
27 requirements set forth in this division.
28

29 (a) *General requirements.* Each lot split must:
30

31 (1) Comply with the specific requirements in sec. 50-601 applicable to the type of
32 split requested;
33

34 (2) Provide legal access to the new lot and the remnant lot by: (a) direct connection
35 to an existing public road, or (b) direct connection to a recorded private road or
36 recorded easement that connects directly to an existing public road. The recorded
37 private road or recorded easement ~~must be located outside of a flood hazard area~~
38 ~~and~~ must be a minimum of 30 feet in width to serve no more than two lots, or a
39 minimum of 60 feet in width if it serves more than two lots. , at least 18 feet of which
40 ~~must be cleared and stabilized sufficiently to provide a firm and unyielding surface~~
41 ~~that is passable during inclement weather conditions by its anticipated users, all as~~

Note: deletions shown ~~stricken~~, additions shown underlined.

1 ~~reviewed by the development review committee and approved by the zoning official.~~
2 ~~The development review committee may require additional width based on site~~
3 ~~specific conditions. Prior to issuance of a certificate of occupancy or a certificate of~~
4 ~~completion for a structure intended for occupancy, the private road or easement must~~
5 ~~be improved to meet the standards for a Fire Apparatus Access Road contained in~~
6 ~~the then current version of the Florida Fire Code.~~ The county may require that the
7 legal access be conveyed to the county for public right-of-way. Any required driveway
8 connection to a public road must be approved by the appropriate jurisdiction;

9
10 (3) Identify whether the remnant lot meets all lot requirements, such as minimum lot
11 size, width, depth and setbacks and lot coverage (as to any existing improvements)
12 and will therefore be deemed a legal lot of record; or does not meet all such lot
13 requirements and will therefore be deemed an unlawful lot of record; and

14
15 (4) Comply with other applicable requirements in this code.

16
17 (b) *Process.*

18 (1) *First Step Meeting.* Prior to submitting an application, the applicant or its agent
19 must first meet with the zoning official or designee to discuss the proposed lot split
20 and the process.

21 (2) *Written application.* A request for a lot split must be made on the application
22 form provided by the county and accompanied by the applicable fee in Appendix
23 B. The application must include, but is not limited to, the following:

24 a. *Proof of ownership.* ~~— A current (dated within 1 month of the date the~~
25 ~~application is submitted) ownership and encumbrance report prepared by a~~
26 ~~title company or attorney for~~ Copy of deed(s) that prove current ownership
27 of the lot being split (the original lot) and document(s) that prove the right to
28 use the legal access (if provided by private road or easement). ~~The property~~
29 ~~owner, outstanding mortgagees and holders of other interests in the lot or~~
30 ~~legal access must join or consent to the application.~~

31 b. *Sketch or Boundary Survey and Legal Descriptions.* A sketch (if the land
32 is vacant) or boundary and location survey (if the land has improvements
33 that appear to be located near required setbacks) prepared by a Florida
34 licensed surveyor that depicts: the original lot, the proposed split (the new
35 lot and the remnant of the original lot), existing and/or proposed access,
36 above ground utilities, existing structures and flood hazard areas (if any).

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1 Legal descriptions must be provided for each lot created by the split (the
2 new lot and the remnant of the original lot).

3 c. *Acknowledgement.* A statement by the applicant(s) that the lot split meets
4 or will meet all limitations, requirements, criteria, and standards for approval
5 set forth in this code.

6 d. *Additional information.* Any other information required by other provisions
7 of this code or which the zoning official deems necessary in order to process
8 the application.

9 (3) *Review; denial or approval.* Upon receipt, the zoning official or designee will
10 review the application for completeness. If additional information is needed, the
11 zoning official or designee will inform the applicant and allow a reasonable time for
12 the applicant to provide the additional information. Upon finding the application is
13 complete, the zoning official or designee will review the application for compliance
14 and will issue a written denial (with a brief statement of reasons) or approval in the
15 section of the application reserved for that purpose.

16 (4) *Lot split certificate.* If the application is approved, the zoning official or designee
17 will issue a lot split certificate that, at a minimum, identifies the new lot authorized
18 to be created by deed, identifies the remnant lot and provides notice of applicable
19 limitations and conditions. Upon signature of the property owner, the zoning official
20 or designee will record the lot split certificate in the public records of the county.

21 ~~(5) *Deed; failure to record; approval void.* Within one year of the recording date of~~
22 ~~the lot split certificate, the applicant must record a fully executed deed for the new~~
23 ~~lot in the public records of the county to complete the lot split process. Failure to~~
24 ~~timely record a deed for the new lot automatically voids the approval for that lot.~~

25 (c) *Application deemed withdrawn.* In the event an applicant requests to pause its
26 application at any stage in the process, the applicant will have a maximum of six months
27 from date the application was submitted to the county to request its application be fully
28 processed. In the event the applicant does not contact the zoning official to proceed with
29 fully processing the application during this six month period, the application is deemed
30 withdrawn and the applicant will be required to submit a new application and fee if they
31 wish to pursue a lot split.

32 **Section 2.** The provisions of Section 1 of this Ordinance shall become and be made a
33 part of the Levy County Code, and the sections of this Ordinance may be renumbered or

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1 relettered and the word "ordinance" may be changed to "section," "article," "regulation,"
2 or other appropriate word or phrase in order to accomplish the codification.

3
4 **Section 3.** It is declared to be the intent of the Board that if any section, subsection,
5 sentence, clause, phrase, portion or provision of this Ordinance is for any reason declared
6 or held invalid or unconstitutional by any court of competent jurisdiction, such section,
7 subsection, sentence, clause, phrase, portion or provision shall be deemed a separate,
8 distinct and independent provision, and the remainder of this Ordinance shall be not
9 affected by such declaration or holding.

10
11 **Section 4.** All ordinances or parts of ordinances and all resolutions or parts of
12 resolutions of Levy County in conflict herewith are hereby repealed to the extent of such
13 conflict

14
15 **Section 5.** In accordance with Section 125.66, Florida Statutes, the Clerk to the Board
16 of County Commissioners is directed to file this Ordinance with the Florida Department of
17 State within 10 days after adoption and upon such filing, this Ordinance shall become
18 effective.

19
20 PASSED AND ADOPTED on October 22, 2024.

21 BOARD OF COUNTY COMMISSIONERS
22 OF LEVY COUNTY, FLORIDA

23
24
25 _____
26 Desiree Mills, Chair

27 ATTEST: Clerk of the Circuit Court
28 and Ex-Officio Clerk to the Board of
29 County Commissioners

30 _____
31 Danny J. Shipp, Clerk

32 Approved as to form and legal sufficiency

33
34 _____
35 Nicolle M. Shalley, County Attorney

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