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2
3 **ORDINANCE**
4 **NUMBER 2024-4**

5
6 **AN ORDINANCE OF LEVY COUNTY, FLORIDA,**
7 **AMENDING CHAPTER 50 (LAND DEVELOPMENT CODE)**
8 **OF THE COUNTY CODE OF ORDINANCES RELATED TO**
9 **THE DIVISION OF LAND; BY REVISING SEC. 50-600**
10 **TITLED “GENERAL REQUIREMENTS” FOR LOT SPLITS;**
11 **PROVIDING FOR INCLUSION IN THE CODE; PROVIDING**
12 **A SEVERABILITY CLAUSE; PROVIDING A REPEALING**
13 **CLAUSE; PROVIDING DIRECTIONS TO THE CLERK AND**
14 **AN EFFECTIVE DATE.**

15
16 **WHEREAS**, Section 1, Article VIII of the Florida Constitution and Chapter 125,
17 Florida Statutes, vests the Board of County Commissioners of Levy County, Florida (the
18 “Board”) with the authority to adopt county ordinances that are not inconsistent with state
19 general or special law and provide the required procedures to adopt such ordinances;
20

21 **WHEREAS**, in 1990, the Board adopted the Levy County Comprehensive Plan
22 pursuant to the provisions of Chapter 163, Florida Statutes, which Comprehensive Plan
23 has been amended through adoption of subsequent ordinances (the “Comprehensive
24 Plan”);
25

26 **WHEREAS**, in 1991, the Board adopted the Levy County Land Development
27 Regulations, which have been subsequently amended and are now codified as Chapter
28 50 of the Code of Ordinances of Levy County (the “Land Development Code”);
29

30 **WHEREAS**, on April 2, 2024, the Board adopted Ordinance Number 2024-1 to
31 create a lot split process for the one time split of parent parcels, the creation of right-of-
32 way lots, the creation of public utility lots, and the creation of family homestead lots to
33 implement Policy 1.13 of the Future Land Use Element in the Comprehensive Plan;
34

35 **WHEREAS**, at the June 18, 2024 Regular Meeting, the Board discussed revisions
36 to the lot split process and directed County staff to review the requirements with a goal of
37 further simplifying the lot split process;
38

39 **WHEREAS**, County staff did so and prepared this ordinance;
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41 **WHEREAS**, as required by Part II of Chapter 163, Florida Statutes and Section
42 50-55 of the Land Development Code, this proposed ordinance has been reviewed by the

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

1 County Planning Commission for consistency with the Comprehensive Plan and the
2 Planning Commission recommendation has been forwarded to the Board; and
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4 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a
5 newspaper of general circulation notifying the public of this proposed ordinance and of a
6 public hearing in the Levy County Government Center in Bronson, Florida.
7

8 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners
9 of Levy County, Florida, that:
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11 **Section 1.** Sec. 50-600 titled "General Requirements" is amended as set forth below.
12

13 **Chapter 50. Land Development Code**
14 **Article XI. Subdivisions and Lot Splits**
15 **Division 4. – Lot Splits**
16

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

18 The division of land by lot split does not require platting; but must comply with the
19 requirements set forth in this division.
20

21 (a) *General requirements.* Each lot split must:
22

23 (1) Comply with the specific requirements in sec. 50-601 applicable to the type of
24 split requested;
25

26 (2) Provide legal access to the new lot and the remnant lot by: (a) direct connection
27 to an existing public road, or (b) direct connection to a recorded private road or
28 recorded easement that connects directly to an existing public road. The recorded
29 private road or recorded easement must be located outside of a flood hazard area
30 and must be a minimum of 30 feet in width to allow for access and utilities. ~~, at least~~
31 ~~18 feet of which must be cleared and stabilized sufficiently to provide a firm and~~
32 ~~unyielding surface that is passable during inclement weather conditions by its~~
33 ~~anticipated users, all as reviewed by the development review committee and~~
34 ~~approved by the zoning official. The development review committee may require~~
35 additional width based on site specific conditions. The access must be physically
36 constructed to meet the requirements of a fire apparatus access road in accordance
37 with Chapter 18 of the Florida Fire Prevention Code (NFPA 1) prior to issuance of a
38 certificate of occupancy or a certificate of completion. The county may require that
39 the legal access be conveyed to the county for public right-of-way. Any required
40 driveway connection to a public road must be approved by the appropriate
41 jurisdiction;

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2 (3) Identify whether the remnant lot meets all lot requirements, such as minimum lot
3 size, width, depth and setbacks and lot coverage (as to any existing improvements)
4 and will therefore be deemed a legal lot of record; or does not meet all such lot
5 requirements and will therefore be deemed an unlawful lot of record; and
6

7 (4) Comply with other applicable requirements in this code.
8

9 (b) *Process*.

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

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

16 ~~a. *Proof of ownership*. A current (dated within 1 month of the date the~~
17 ~~application is submitted) ownership and encumbrance report prepared by a~~
18 ~~title company or attorney for the lot being split (the original lot) and the legal~~
19 ~~access (if provided by private road or easement). The property owner,~~
20 ~~outstanding mortgagees and holders of other interests in the lot or legal~~
21 ~~access must join or consent to the application.~~

22 ~~b~~ a. *Sketch or Boundary Survey and Legal Descriptions*. A sketch (if the
23 land is vacant) or boundary and location survey (if the land has
24 improvements that appear to be located near required setbacks) prepared
25 by a Florida licensed surveyor that depicts: the original lot, the proposed
26 split (the new lot and the remnant of the original lot), existing and/or
27 proposed access, above ground utilities, existing structures and flood
28 hazard areas (if any). Legal descriptions must be provided for each lot
29 created by the split (the new lot and the remnant of the original lot).

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

33 ~~d~~ c. *Additional information*. Any other information required by other
34 provisions of this code or which the zoning official deems necessary in order
35 to process the application.

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1 (3) *Review; denial or approval.* Upon receipt, the zoning official or designee will
2 review the application for completeness. If additional information is needed, the
3 zoning official or designee will inform the applicant and allow a reasonable time for
4 the applicant to provide the additional information. Upon finding the application is
5 complete, the zoning official or designee will review the application for compliance
6 and will issue a written denial (with a brief statement of reasons) or approval in the
7 section of the application reserved for that purpose.

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

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

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

24
25 **Section 2.** The provisions of Section 1 of this Ordinance shall become and be made a
26 part of the Levy County Code, and the sections of this Ordinance may be renumbered or
27 relettered and the word “ordinance” may be changed to “section,” “article,” “regulation,”
28 or other appropriate word or phrase in order to accomplish the codification.

29
30 **Section 3.** It is declared to be the intent of the Board that if any section, subsection,
31 sentence, clause, phrase, portion or provision of this Ordinance is for any reason declared
32 or held invalid or unconstitutional by any court of competent jurisdiction, such section,
33 subsection, sentence, clause, phrase, portion or provision shall be deemed a separate,
34 distinct and independent provision, and the remainder of this Ordinance shall be not
35 affected by such declaration or holding.

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

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

PASSED AND ADOPTED on August 6, 2024.

BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA

Desiree Mills, Chair

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

Danny J. Shipp, Clerk

Approved as to form and legal sufficiency

Nicolle M. Shalley, County Attorney

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