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**ORDINANCE
NUMBER 2023-6**

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**AN ORDINANCE OF LEVY COUNTY, FLORIDA,
AMENDING CHAPTER 50 (THE LAND DEVELOPMENT
CODE) AND APPENDIX B (SCHEDULE OF FEES, RATES
AND CHARGES) OF THE COUNTY CODE OF
ORDINANCES; BY CREATING A PROCESS,
REQUIREMENTS AND FEES FOR UNITY OF TITLE AND
RELEASE OF UNITY OF TITLE; PROVIDING FOR
INCLUSION IN THE CODE; PROVIDING A SEVERABILITY
CLAUSE; PROVIDING A REPEALING CLAUSE;
PROVIDING DIRECTIONS TO THE CLERK AND AN
EFFECTIVE DATE.**

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

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

WHEREAS, in 1991, the Board adopted the Levy County Land Development Regulations, now codified as Chapter 50 titled “Land Development Code” of the Code of Ordinances of Levy County to implement the Comprehensive Plan and to provide regulations governing the development of land within the County;

WHEREAS, for some time, by unwritten, informal process, the County has allowed a property owner to combine two or more contiguous lots into one lot in order to meet certain County development requirements; however, this process is not well understood and has caused confusion and uncertainty for property owners;

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

1 **WHEREAS**, this proposed ordinance creates a process, requirements and fees
2 for both unity of title and release of unity of title;

3 **WHEREAS**, as required by Part II of Chapter 163, Florida Statutes and Section
4 50-55 of the Land Development Code, this proposed ordinance has been reviewed by
5 the County Planning Commission for consistency with the Comprehensive Plan and the
6 Planning Commission recommendation has been forwarded to the Board;

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

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11 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners
12 of Levy County, Florida, that:

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14 **Section 1.** A new Section 50-776 is created to read as set forth below.

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16 ARTICLE XIII. ZONING
17 DIVISION 4. PERMITS AND NONCONFORMITIES
18 Subdivision I. Permits and Certificates

19
20 **Sec. 50-776 - Unity of title; release; fees.**

21
22 (a) Purpose. The unity of title process is created to recognize the unification of two
23 or more contiguous lots that are under common ownership into one lot in order to
24 meeting certain county development requirements. Unity of title may be used
25 (although not in all circumstances) to meet minimum area or dimensions required
26 by this code; to ensure that a planned or phased development is maintained as a
27 unified project; to allow accessory uses or structures; to allow structures within
28 setback areas; to provide access and to meet other applicable requirements in
29 this code. No land which is submerged or unbuildable under this land
30 development code, or state or federal law, may be unified for the purposes of
31 determining lot area, depth or width or density of the development. This process
32 is not an alternative to platting or replatting.

33
34 (b) Process for Unity of Title. In order to be processed, a complete application
35 packet for unity of title must be submitted to the planning and zoning department.
36 A complete application includes all required information, all required attachments
37 and payment of the fee set forth in appendix B. All lots being combined must be
38 under common ownership and property taxes must be paid with no delinquent
39 amounts owed or tax certificates outstanding. Upon receipt, the planning and
40 zoning department will review the application for completeness and determine
41 whether unity of title is necessary and appropriate to meet the specific

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1 development requirement(s). If approved by the zoning official or designee, the
2 county will provide a declaration of unity of title document and upon proper
3 signature by all property owners, the county will record the declaration in the
4 public records and return a copy to the applicant.

5
6 (c) Legal effect. Upon recording, a declaration of unity of title constitutes a legal
7 covenant that creates a single, indivisible building site for the applicable county
8 code purposes. The declaration runs with the land and is binding upon the
9 property owner(s), their heirs, successors and assigns, until such time as the
10 declaration is released, in writing, by the county.

11
12 (d) Process for Release of Unity of Title. In order to be processed, the property
13 owner(s) must submit a complete application packet for release of unity of title to
14 the planning and zoning department. A complete application includes all
15 required information, all required attachments and payment of the fee set forth in
16 appendix B. All property taxes must be paid with no delinquent amounts owed or
17 tax certificates outstanding. The applicant must describe why the need for the
18 unity of title no longer exists. Upon receipt, the planning and zoning department
19 will review the application for completeness and for a determination that the
20 conditions that necessitated unity of title no longer exist and that no further public
21 purpose is served by the unity of title remaining in effect. The zoning official, or
22 designee, may conduct a site visit and/or require the property owner provide
23 documentary evidence as proof that the conditions no longer exist. If approved,
24 the zoning official is authorized to execute a release of unity of title document on
25 behalf of the county. The county will record the release in the public records and
26 return a copy to the applicant.

27
28 **Section 2.** The following County Planning and Zoning Department Fees are added to
29 Appendix B titled "Schedule of Fees, Rates and Charges."
30

APPENDIX B – SCHEDULE OF FEES, RATES AND CHARGES PLANNING AND ZONING DEPARTMENT	
<u>14. Unity of Title</u>	
<u>a) Application for Unity of Title</u>	<u>\$75.00</u>
<u>b) Application for Release of Unity of Title</u>	<u>\$150.00</u>

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

1 **Section 3. Inclusion in the Code.** The provisions of Sections 1 and 2 of this ordinance
2 shall become and be made a part of the Levy County Code, and the sections of this
3 ordinance may be renumbered or relettered and the word “ordinance” may be changed
4 to “section,” “article,” “regulation,” or other appropriate word or phrase in order to
5 accomplish the codification.

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

13
14 **Section 5. Repealing Clause.** All ordinances or parts of ordinances and all resolutions
15 or parts of resolutions of Levy County in conflict herewith are hereby repealed to the
16 extent of such conflict

17
18 **Section 6. Effective Date.** In accordance with Section 125.66, Florida Statutes, the
19 Clerk to the Board of County Commissioners is directed to file this ordinance with the
20 Florida Department of State within 10 days after adoption and upon such filing, this
21 ordinance shall become effective.

22
23 Adopted this 11th day of April, 2023.

24 BOARD OF COUNTY COMMISSIONERS
25 OF LEVY COUNTY, FLORIDA

26
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28 _____
29 Matt Brooks, Chairman

30 ATTEST: Danny J. Shipp, Clerk of
31 the Circuit Court and Ex-Officio Clerk
32 to the Board of County Commissioners

33
34 _____
35 Danny J. Shipp

36 Approved as to form and legal sufficiency

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38 _____
39 Nicolle M. Shalley, County Attorney

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